groups under investigation. Party members in this country number many thousands and fellow travelers many, many thousands more.

Obviously, the Committee on Un-American Activities, in the course of each year, can investigate no more than a very small fraction of the activities of these groups and individuals.

This means that for the most part, as far as governmental agencies are concerned, most of the Communist Party's most dangerous operations are completely unimpeded.

Let me give you one example of how fateful these operations can be.

A new nationwide Communist front is set up. It establishes branches in many cities and towns. Its members start passing out propaganda and hold public meetings and rallies at which pro-Communist and concealed Communist speakers are featured. By a concerted campaign of deceptive propaganda and agitation, it induces many citizens in many communities to accept a position on some vital national question—such as that of nuclear weapons testing—which follows exactly the line of the Communist Party and of Moscow. It succeeds in getting many of these people to promote this position in letters to Members of Congress, the White House and the Department of State—and to sell their friends the idea that the United States should sign an agreement with the Soviet Union banning nuclear tests, even though Moscow will not permit adequate inspection of its territory so that we can be sure it is living up to the agreement.

Concerted nationwide activity along these lines—if not fought and exposed—could have disastrous effects, not only on our country's testing policy but, through it, on our very survival.

The Communist Party's extensive activity of this type, designed to gradually bring about Communist conquest of America, must be fought on the community level by Mr. and Mrs. America. It must be fought by businessmen, educators, clergymen, municipal officials, the press—people in every walk of life.

How can you fight it? Through letters to local newspapers; by countermeetings and rallies at which persons well-informed on Communist activities, strategy, and tactics are featured as speakers; by the issuance of effective counterpropaganda; by the exposure of the backgrounds of the Communist and pro-Communist agitators doing the conspiracy's work.

Because it is so difficult to obtain documentary evidence of Communist Party membership today—there has been no such thing as a card-carrying Communist since 1948—those who would fight the Communists must be better informed on national and international issues than ever before. When you cannot destroy the effectiveness of the Communist propagandist by revealing his subversive ties, you must then be able to meet and defeat him on the facts and issues of each case.

Communist front organizations are not the only danger. There are many other types of Communist-serving activity which the American people must fight:

A Hollywood producer hires a person who is a Communist to write the script of a film admirably suited to promotion of the Communist Party line. He may do so openly or in a sneaky, under-the-table manner, with the writer's true name concealed;

A respectable publishing firm releases a party-line book on some foreign country or on a vital foreign policy matter which is written by a man who is a member of the Communist Party and has extensive affiliations, over a period of many, many years, with Communist front organizations.

Again, there is nothing illegal about any of these activities. The FBI can do nothing about them and, in most cases, neither can the Committee on Un-American Activities. Yet each incident such as these—and there are many of them taking place all the time—is a battle or engagement in the continuing internal conflict the Communists are waging against the United States to weaken and destroy it as a free nation.

What are now the main goals of the Communist Party? What are the issues on which you must be particularly well-informed today if you want to be effective in fighting communism?

On January 20 the Communist Party's national secretary, Gus Hall, addressed a meeting of its national executive committee in New York City. He told the leaders of the conspiracy that, to promote world Communist victory, the new administration must be pressed to act in the following directions:

"1. To begin immediately to dismantle the whole system of camps.

"2. To end all squabbling and obstruction by our representatives and to reach agreement to abolish all nuclear testing now.

"3. To put an end to all policies of brinkmanship and the fomenting of increased world tensions. To * * * accept as our policy the outlook of peaceful coexistence."

(By this he means, of course, the abandonment of any resistance to Soviet aggression—such as in Laos.)

"4. To take up seriously the task of disarmament and to plan now for the use of the billions being squandered on arms for houses, hospitals, schools, roads, and other social service and social welfare needs.

"5. To end the Dulles-Eisenhower era of war alliances and war pacts * * *."

(In other words, disband NATO, SEATO, and all other international, mutual defense agreements.)

After outlining these five key Communist goals, Hall said that the Communist fight for general, universal disarmament was "of special importance" and that the movement to ban nuclear tests and outlaw nuclear weapons was "of the most immediate importance" to the Kremlin and "must be pressed with the greatest vigor."

So here are the keys, immediate goals of the Kremlin and its fifth column in the United States. Not every one who believes in these goals is a Communist. But I would say that anyone who agrees with all or most of them had better do some rethinking and studying the facts and issues involved.

They may sound fine on the surface but you can be sure there is a joker in them somewhere. If not, Communists in all parts of the world, under Moscow's orders, would not be working day and night for them.

As you can readily see, neither the FBI nor the Committee on Un-American Activities can determine whether or not the United States will sign a nuclear test ban with the Soviet Union, and if so, what the provisions of that pact will be. They cannot decide whether this country will adopt a policy of universal disarmament, or whether it will begin dismantling its oversea bases. The vital question of U.S. policy in the face of Soviet aggression will be decided by neither of these agencies.

The same applies to the question of recognition of Red China, the abolition of compulsory ROTC, repeal of the Smith Act and the Internal Security Act, the abolition of the Committee on Un-American Activities and the Senate Internal Security Subcommittee and numerous other matters which are the openly stated goals of the U.S. Communist Party and, therefore, of the Kremlin.

Each one of these questions—and they are all significant issues as far as the outcome of our battle for survival is concerned—will be decided largely by the average citizen and the views on them he makes known to the Congress, the White House, to the press and his fellow citizens.

The key battles in this war are being fought in the towns and villages of this country, in our schools and colleges, in the press, and in citizens associations and organizations of all kinds.

The people of this country, on the local level, can meet—and defeat—the traitors and their collaborators who are trying to sell America down the river. Morever, they must do it.

This country has never won any war without the all-out support of the great majority of its people. It is engaged in world war III at this moment. At the present time, within this country, we are in a nonmilitary phase of that war, but it is a war nevertheless, and the all-out support of the American people is needed if we are to win.

Many years ago Lenin wrote: "We must train men and women who will devote to the revolution, not merely their spare evenings, but the whole of their lives."

Communist success in training such men and women is the key reason for the tremendous power they wield today. Members of the various Communist Parties of the world comprise only a little more than 1 percent of the world's population—yet they completely rule one-third of the people of this globe and have extensive influence on millions of others. They have devoted to their cause not merely their spare evenings, but the whole of their lives.

Sixty years ago when Lenin wrote the words I have just quoted, he faced the challenge of converting the world to his philosophy and of destroying ours. Today, we are faced with a similar challenge. If we are to defeat the international Communist conspiracy so that our own way of life may endure, we must devote ourselves to our cause as wholly as the Communists have devoted themselves to theirs. There is no other way.

The Communists have thrown a challenge to the members of the Sertoma Clubs—as they have to all Americans. It is a challenge to your good citizenship, your loyalty and devotion to your country—and your true devotion to mankind. It is also a challenge which, I am sure, all of you will accept and on which you will not give ground until it has been totally defeated.

SENATE

WEDNESDAY, APRIL 19, 1961

The Senate met at 11 o'clock a.m., and was called to order by the Vice President.

Rev. John Prescott Robertson, D.D., minister, Glen Ridge Congregational Church, Glen Ridge, N.J., offered the following prayer:

O Lord, our Lord, how excellent is Thy name in all the earth. Before the mountains were brought forth or ever Thou hadst formed the earth and the world, even from everlasting to everlasting, Thy name shall be praised.

Gracious God, Heavenly Father, we would pause reverently, thoughtfully, gratefully in this mystic moment at this sacred shrine of prayer to give wings to our thoughts of Thee. All glory, praise, majesty, honor, wonder, and power be unto Thee, O Lord, most high. From the rising of the sun to its going down, Thy name shall be praised. Infinite Spirit, we would begin nothing without first turning to Thee, the Alpha and the Omega, the beginning and the ending,

from whom we come, and unto whom our spirits return, the Author and Finisher of our faith, and humbly approach Thy throne of grace to express our thanksgiving unto Thee, and to invoke Thy divine blessing upon all who are dedicated to do Thy holy will, more especially upon the Members of the Senate of the United States as they meet in this historic Chamber today. May they so work, legislate, decree, plan, and pray, in humble submission, that the treasured heritage and noble destiny of our land shall be preserved. May these and the unspoken prayers of our hearts ever be found acceptable in Thy sight, O Lord, our strength and our Redeemer. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, April 18, 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. Maurer, one of its reading clerks, announced that the House had passed a bill (H.R. 6345) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1962, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 6345) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1962, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

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.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Patent, Trademarks, and Copyrights Subcommittee of the Committee on the Judiciary and the Antitrust and Monopoly Subcommittee of the Committee on the Judiciary were authorized to meet until 12 o'clock noon during the session of the Senate today.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Government Operations be authorized to meet during the session of the Senate this afternoon.

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 several nominations, which were referred to the Committee on the Judiciary.

(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. ELLENDER, from the Committee on Agriculture and Forestry:

Julian B. Thayer, of Connecticut, and Joe B. Zeug, of Minnesota, to be members of the Federal Farm Credit Board, Farm Credit Administration.

By Mrs. NEUBERGER, from the Committee on Agriculture and Forestry:

Howard Bertsch, of Oregon, to be Administrator of the Farmers Home Administration.

By Mr. MAGNUSON, from the Committee on Commerce:

Orval K. Beall, and sundry other persons, for appointment in the U.S. Coast Guard.

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

GOVERNOR OF GUAM

The Chief Clerk read the nomination of William P. Daniel, of Texas, to be Governor of Guam for a term of 4 years.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed at this point in the RECORD biographical data on this nominee.

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

BIOGRAPHICAL SKETCH OF BILL DANIEL

Place of birth: Dayton, Liberty County, Tex.

Date of birth: November 20, 1915.

Education: Public schools of Liberty and Fort Worth, Tex.; received LL.B. degree from Baylor University.

Marital status: Married; 4 children.

Legal residence: Texas.

Present address: Liberty, Tex.

Experience:

Professional: Practiced civil and criminal law for 22 years in Liberty, Tex.; was associated in law firm with his brother, Gov. Price Daniel until 1947, when the latter became attorney general of Texas; has had his own law firm since 1947; is member of the Texas State Bar Association; American Bar Association; Alaskan Bar Association; and American Judicature Society and is licensed to practice before the Federal courts and the U.S. Supreme Court.

Public service: Served as county attorney of Liberty County; served during World War II in Army; served three terms as member of the House of Representatives Texas Legislature; has served since 1957 as Texas ambassador-at-large representing the State and Gov. Price Daniel on good will trips to Alaska, Hawaii, Mexico, most of the South American countries, Australia, and most of the countries of Europe and Asia; was Democratic appointee in delegation representing President Eisenhower at the inauguration of the President of Nicaragua, Luis Somoza.

Other interests: Owns Plantation Ranch, one of Texas' oldest cattle ranches, on which he conducts annual charity benefits for crippled children and orphans from Texas and Louisiana; Boy Scouts; Marine Corps Reserve; and church and civic organizations; is trustee and steward Liberty Methodist Church; is Bible class teacher; is former president of Beaumont District Board of Missions; is trustee of Methodist Hospital, Houston, and the Methodist Orphans Home, Waco, was chairman of the Speakers Bureau; an active organizer in all of his brother's statewide campaigns; is a lifelong Democrat and consistent supporter of the Democratic ticket, both State and National; was an active worker in the 1960 Kennedy-Johnson campaign.

FEDERAL TRADE COMMISSION

The Chief Clerk read the nomination of Philip Elman, of Maryland, to be a Federal Trade Commissioner for the unexpired term of 7 years from September 26, 1956.

The VICE PRESIDENT. Without objection, the nomination is 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.

POLICY OF GOVERNING OUTLYING TERRITORIES AND POSSESSIONS

Mr. LONG of Hawaii. Mr. President, the distinguished junior Senator from Alaska [Mr. GRUENING], has presented a noteworthy statement to the members of the Interior and Insular Affairs Committee in regard to our Nation's policy of governing outlying territories and possessions. He has traced the development of our policy from the time when such areas were viewed as mere possessions governed under a leadership almost invariably alien to the culture of the people. In many instances an appointed Governor knew nothing about local conditions or social mores.

As time went by, this policy changed, until it is now almost universally acclaimed that governing positions should be held by local people whenever qualified persons are available. President Truman began this in 1950 in the Virgin Islands when he appointed Morris de Castro as Governor. President Eisenhower enlarged the policy. The Kennedy administration has supported this policy in part. It was my honor, for instance, to attend the recent inauguration of the

Honorable Ralphael M. Paiewonsky, a native son, as Governor of the Virgin Islands.

The present administration has departed from the policy of local leadership, however, in the case of Guam. While the Interior and Insular Affairs Committee has approved the confirmation of the Honorable William P. Daniel, of Texas, as Governor of Guam, there is nevertheless regret that another Guamanian could not be appointed to the position. Because of the significance and the importance of the development of the policy of local leadership, I feel that the carefully prepared statement on this subject by the Senator from Alaska should be made a part of the RECORD, and I ask unanimous consent that it be printed in the RECORD at this point.

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

STATEMENT OF SENATOR ERNEST GRUENING ON CONFIRMATION OF WILLIAM DANIEL BEFORE THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS OF THE U.S. SENATE

After something over a half century of venturing into imperialism, which may be roughly equated with colonialism, the United States has reverted to what I think we all agree should be our national policy as far as possible of having no colonies; of having, if possible, no second-class citizens, and constituting ourselves a Nation of citizens, uniform as nearly as possible in their civil rights, all free and equal. It is true that Alaska was acquired 94 years ago, but at the time a specific pledge was made in the treaty of cession of future equalization of rights with all other Americans. In the early part of this century, the Supreme Court, in a series of decisions in what are known as the insular cases, decided that Alaska, and then recently acquired Hawaii, would be considered incorporated territories and hence destined for statehood. Those implicit and more or less explicit pledges were fulfilled when Alaska and Hawaii were admitted to statehood in 1958 and 1959.

In the meanwhile, one of the other acquisitions of our imperial-colonial period, Puerto Rico, 9 years ago, was given precisely the political status that its people wanted and voted for; namely, that of complete political autonomy in an associated free commonwealth. This political emancipation was accompanied by continuation of all the generous economic features that have existed since the earliest days of U.S. association with Puerto Rico; namely, complete freedom from Federal taxation plus reversion to the Puerto Rican treasury of customs duties.

As far as these three major outlying areas are concerned, therefore, the United States has firmly established itself as a noncolonial power and has validated its pledges and professions. There remain, however, three outlying insular areas in which a similar purpose should be realized, insofar as it can be. They are the Virgin Islands in the Caribbean, Guam and Samoa in the Western Pacific. Obviously, these areas cannot become States. Statehood for them is not a possibility in the forseeable future, for a variety of reasons which I need not detail. The question, however, remains how we can best be true to our nationally professed ideals and to an obviously desirable national policy in relation to these three smaller and distant outlying areas to enable them to achieve a maximum of self-government compatible with their desires and their capabilities, and to assist them, likewise, in achieving as great a degree of economic self-sufficiency as may be possible.

A reaffirmation of such purpose was made during the final years of the Eisenhower administration by extending to all three of these areas the practice of appointing as their Governors residents of those islands. In each of these, individuals were appointed who had been born or brought up there, or at least had lived there a greater part of their lives and, besides having the necessary personal qualifications, had a thorough familiarity with the people and problems of each. President Truman established the practice for the Virgin Islands by appointing Morris de Castro Governor in 1950. He was a native Virgin Islander who had lived in the islands all his life, had served as Government Secretary, and was in every way admirably qualified for the position. His administration was correspondingly successful. Following the expiration of his term in 1954, after several unhappy ventures in dispatching Governors from the mainland, President Eisenhower, 2 years ago, appointed John Merwin, who was born on the island of St. Croix, was a substantial businessman, and was well liked in the islands. He has proved to be a good Governor and his appointment both satisfied the desires of the Virgin Islanders and conformed with the basic tenet of moving toward an increasing degree of self-government.

In the case of Samoa, the appointee was Peter Coleman, a Samoan. In the case of Guam, the appointee was Joseph Flores, a Guamanian. Both of them are now serving, and both have acquitted themselves creditably, although not surprisingly, without universal acclaim. Few territorial Governors can expect that, whether native or otherwise.

This principle, of giving local appointments prior consideration, it seems to me, should be a first and essential step in what I firmly believe to be the overall direction in which our national policy should go. I will say that in this area I have been enlisted in the cause of validating what is to me the most basic of American principles—that of government by the consent of the governed—for some 40 years.

As a journalist in the early twenties, I crusaded against the U.S. military occupations of Haiti, of the Dominican Republic, of Nicaragua, our gunboat diplomacy in these and other nations, and our armed interventions in Mexico. Subsequently, I wrote at length on the need of better relations with our southern land neighbor. As a consequence of these journalistic and literary efforts, I was given an official opportunity to carry these policies forward and succeeded in having these policies, to a degree, reversed when I was appointed as an adviser to the U.S. delegation to the Seventh Inter-American Conference in Montevideo in 1933. This was the first venture in the field of hemispheric policy in the Franklin Delano Roosevelt administration. At that Conference, steps were taken to make the Monroe Doctrine multilateral, to make it, in President Roosevelt's words: "a joint concern" of all the American Republics; and to abjure armed intervention into the territory of our neighbors. It was an historically important development and essential to the good name of the United States and the maintenance of amicable relations with our neighbors in the Western Hemisphere.

I continued toward that general objective as the first Director of the newly created Division of Territories and Island Possessions of the Department of the Interior, an agency established by Executive order in 1934. It was an office designed to supervise the Federal relations of our dependent areas and to assist them in other ways. In my additional capacity during that period, as Administrator of the Puerto Rico Reconstruction Administration, I was able, with the assistance of a dedicated staff of Puerto Ricans and continentals, to start the economic rehabilitation of Puerto Rico and to lay the foundation for the following successful steps:

First, the appointment of a Puerto Rican as Governor. Second, the election by the Puerto Ricans of their own Governor. Third, the establishment of the present Commonwealth status which the people of Puerto Rico desired.

Since then, the progress of Puerto Rico has set an example to the Western Hemisphere and indeed to the whole world. Its achievement has been not only material, but cultural and spiritual. To be sure, Puerto Rico's sensational advance has been due in no small part to the wise and enlightened leadership of Gov. Luis Muñoz-Marín. But to an even greater degree it is due to the sound and enlightened policies of the United States in transforming, step by step, a colony suffering many of the ills of colonialism into the showplace of the Caribbean. There it contrasts luminously with its two neighbors in the Greater Antilles—Cuba and Santo Domingo—where tyrannies of the left and of the right and corresponding human misery prevail. Indeed, Puerto Rico has, in a significant way, begun to reciprocate, by furnishing two outstanding individuals to the Foreign Service of the United States, and President Kennedy is to be congratulated for his good judgment in selecting these two highly qualified Puerto Ricans to assist in materializing his proposed alianza para progreso, his new Latin American policy. So I feel that Puerto Rico is a demonstration—still, to be sure, in its earlier stages—of what wise national policy, based on our own basic concepts of liberty, can do. Idealism, translated into action, does produce practical results—beneficial results.

Now, as I have said, we have only these three outlying relatively small insular possessions left (not counting the trust territories, which, although under our administration and responsibility, are a mandate of the United Nations). Several weeks ago, after rather searching and exhaustive hearings, the Senate Interior Committee recommended the confirmation of Ralphael M. Paiewonsky as Governor of the Virgin Islands, and he was confirmed by the Senate. I had the privilege of representing the committee at his inauguration and found, to my satisfaction—and which I am happy to report—that his appointment was enthusiastically acclaimed by the Virgin Islanders and that every indication was given that he would prove a public-spirited, efficient Governor, possessed of full knowledge of the islands' problems. His appointment and confirmation carries out admirably the basic principles which I think should guide us in our attitude toward our three remaining outlying areas.

We may reliably forecast for the Virgin Islands progress corresponding to that of Puerto Rico. Thirty years ago, the Virgin Islands were stigmatized by President Hoover as an effective poorhouse. But if our present policies tending toward the progressive establishment of self-government and toward economic self-sufficiency are maintained, the Virgin Islands likewise may become a thriving example of what American vision and purpose can achieve and to which we may point with pride.

The nomination of William Daniel to be Governor of Guam is, I feel, unfortunately a total departure from the policy of appointing natives or residents as Governors. It is a reversal, in fact, of a policy briefly in effect, and one which I deeply feel the United States should follow or certainly make every effort to follow.

I confess I am not at all happy about having to express myself in opposition to an appointment of President Kennedy. I am an enthusiastic supporter of the present administration. President Kennedy's appoint-

ments to his Cabinet have been excellent and have won almost universal acclaim. With only one or two exceptions, so have his appointments to other Federal positions. In fact, he has surrounded himself with a notable galaxy of highly competent, experienced and dedicated public servants to a degree I feel not matched by any preceding administration. I want the Kennedy administration to succeed—and heaven knows the country desperately requires that it do succeed—and I intend to support it in every way I know how, except when I am required to do something which in good conscience I cannot do. This appointment is a case in point.

Whatever may have been the reasons which motivated the nomination of William Daniel as Governor of Guam, it is my sworn duty, as a Senator of the United States, to advise and consent to Presidential nominations only when in good conscience I am firmly convinced that the nomination will serve the best interests of our country.

In all good conscience, I cannot come to that conclusion with respect to the nomination of William Daniel. I cannot do so on two counts.

In the first place, Mr. Daniel is neither a native Guamanian or one familiarized by residence with the island's people, their problems, their needs and their aspirations. As I have indicated, unless there are compelling reasons for breaching the policy so lately adopted—and no such reason exists with respect to Mr. Daniel—we should appoint as a Governor of Guam a native Guamanian or a resident.

In the second place, Mr. Daniel is, on his own record, totally unfitted to serve as Governor of Guam. Mr. Daniel is completely unprepared, by his past training and experience, to serve in this important post.

The duty reposing in a U.S. Senator to advise and consent to a Presidential appointment is not a duty to be lightly exercised. It is a duty which stands on a par, in importance, with the Presidential appointive authority.

While we must recognize the principle that a President should have full freedom in the selection of those officials who will serve under him in his administration to carry out his policies, we cannot, nevertheless, subscribe to the proposition that the Senate must automatically and blindly "advise and consent" to every Presidential appointment. To take such a position would be to make a nullity of the duty which we, as Senators, have sworn to fulfill.

In writing about the senatorial duty of advising and consenting to Presidential nominations, Alexander Hamilton wrote as follows:

"To what purpose then require the cooperation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though, in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity. In addition to this, it would be an efficacious source of stability in the administration.

"It will readily be comprehended, that a man who had himself the sole disposition of offices, would be governed much more by his private inclinations and interests, than when he was bound to submit the propriety of his choice to the discussion and determination of a different and independent body, and that body an entire branch of the legislature. The possibility of rejection would be a strong motive to care in proposing. The danger to his own reputation, and, in the case of an elective magistrate, to his political existence, from betraying a spirit of favoritism, or an unbecoming pursuit of popularity, to the observation of a body whose opinion would have great weight in forming that of the public, could not fail to operate as a barrier to the one and to the other. He would be both ashamed and afraid to bring forward, for the most distinguished or lucrative stations, candidates who had no other merit than that of coming from the same State to which he particularly belonged, or of being in some way or other personally allied to him, or of possessing the necessary insignificance and pliancy to render them the obsequious instruments of his pleasure."

This appointment is not, in my judgment, an unimportant matter. The United States is trying, in deadly earnest, to project an image of itself before the world. That image, I believe, to be a true and shining one except as we occasionally may lapse in its presentation. Guam is our showcase in the Pacific. It is our westernmost territory—our last area of responsibility before we reach the Orient. We do not enhance—indeed, we greatly diminish—our stature when we depart so flagrantly from sound policy as we do in this appointment. We blur the image we are trying so earnestly to project. And in that effort, it is indeed "later than you think."

There are qualified Guamanians for this position. Apparently no effort was made to find them. But assuming, for the sake of argument, that it might be considered desirable, in the still somewhat early stages of civil self-government in Guam, to select other than a Guamanian, it should then, it seems to me, be someone of special qualifications, peculiarly suited to the type of responsibility that the governorship of this distant Pacific island requires. It could be one who had devoted himself to a study of the ethnology and customs of the people of that region, one who had had experience in administration, one who had shown by past action dedication to public service, one who had a real interest in and zeal for this important responsibility.

In these circumstances, I feel obliged, very regretfully, to cast my vote against the confirmation of Mr. William Daniel and to reserve my position on the floor on this appointment.

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:

REPORT ON RECONSTRUCTION FINANCE CORPORATION LIQUIDATION FUND

A letter from the Acting Secretary of the Treasury, transmitting, pursuant to law, a report on the progress made in liquidating the assets of the former Reconstruction Finance Corporation, covering the quarterly period ended March 31, 1961 (with an accompanying report); to the Committee on Banking and Currency.

REHABILITATION PROGRAM FOR CROW CREEK SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE, SOUTH DAKOTA

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, as a supplement to his letter of January 16, 1961, with respect to the taking of land from the Crow Creek Sioux Tribe and the Lower Brule Sioux Tribe for the construction of the Big Bend Dam and Reservoir project in South Dakota; to the Committee on Interior and Insular Affairs.

AMENDMENTS TO AND REPORT ON RULES OF CIVIL PROCEDURE FOR THE U.S. DISTRICT COURTS

A letter from the Chief Justice of the United States, transmitting, pursuant to law, amendments to the Rules of Civil Procedure for the U.S. District Courts, adopted by the Supreme Court on April 17, 1961, and a report pertaining thereto, submitted by the Judicial Conference of the United States, dated March 1961 (with accompanying documents); to the Committee on the Judiciary.

AMENDMENTS TO AND REPORT ON RULES OF PRACTICE IN ADMIRALTY AND MARITIME CASES

A letter from the Chief Justice of the United States, transmitting, pursuant to law, amendments to the Rules of Practice in Admiralty and Maritime Cases, adopted by the Supreme Court on April 17, 1961, and a report pertaining thereto, submitted by the Judicial Conference of the United States, dated March 1961 (with accompanying documents); to the Committee on the Judiciary.

PETITION

The VICE PRESIDENT laid before the Senate a resolution of the House of Representatives of the State of Missouri, which was referred to the Committee on Finance, as follows:

HOUSE RESOLUTION 63

Resolution memorializing Congress to adjust the tariff laws of the United States for the protection of our domestic industry from the deleterious competition of foreign-made goods

Whereas this State and this Nation are being flooded with an influx of foreign-made goods which are in direct competition with similar products of our domestic manufacturing complex; and

Whereas because foreign-made goods are manufactured at a much lower cost than like American-made products, their sale in this country at lower cost places the American-made products at a competitive disadvantage; and

Whereas the inability of American manufacturers to produce goods as cheaply as they can be produced in foreign countries, results in the curtailment of the business of American manufacturers and the unemployment of thousands of American workers; and

Whereas such products may be and are sold at prices far below those necessarily charged for domestic products by virtue of the reduced business costs in foreign areas where living standards are much lower than those which we enjoy; and

Whereas critical unemployment in Missouri resulting from the curtailment of industry as aforesaid has caused much distress, want, and suffering in this State; and

Whereas the result of this deleterious competition is undue pressure upon and a serious loss of markets available to the citizens of this State and this Nation who have long been engaged in the production of such goods, together with an immediate threat to the immense amount of resources presently invested in such undertakings: Now, therefore, be it

Resolved by the House of Representatives of the State of Missouri, That the Congress of the United States be respectfully memorialized and requested to restrict the importation of foreign-made products into this

country which can be sold at prices that disrupt the American economy; and be it further

Resolved, That our Senators and Representatives in Congress are requested to use their best endeavors to effect the passage of legislation restricting such imports; and be it further

Resolved, That the Congress of the United States strengthen the provisions of existing laws to help bring the existing wage scale and tax laws in line with a realistic course which will allow sufficient expenditures for capital improvement, research, and a fair-margin profit and to enjoin American businesses and industries to realine their capital investments so as to keep such outlay within our borders without restricting freedom of action; and be it further

Resolved, That copies of this resolution be forwarded to the presiding officers of each House of the National Congress in Washington, D.C., and to each of the Senators and Representatives from the State of Missouri.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Agriculture and Forestry, with an amendment:

S. 1372. A bill to authorize the temporary release and reapportionment of pooled acreage allotments (Rept. No. 172).

By Mr. KERR, from the Committee on Aeronautical and Space Sciences, without amendment:

H.R. 6169. An act to amend section 201 of the National Aeronautics and Space Act of 1958 (Rept. No. 174).

REPORT ENTITLED "PROBLEMS OF THE DOMESTIC TEXTILE INDUSTRY"—REPORT OF A COMMITTEE (S. REPT. NO. 173)

Mr. PASTORE. Mr. President, from the Committee on Commerce, pursuant to Senate Resolution 74, 87th Congress, I submit a report entitled "Problems of the Domestic Textile Industry," which I ask to have printed.

The VICE PRESIDENT. The report will be received and printed, as requested by the Senator from Rhode Island.

BILLS INTRODUCED

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

By Mr. HUMPHREY:

S. 1672. A bill for the relief of Ludwik Zurek; and

S. 1673. A bill for the relief of Blagoje Popadich; to the Committee on the Judiciary.

By Mr. BIBLE (by request):

S. 1674. A bill to amend the Mineral Leasing Act for acquired lands (61 Stat. 913) with respect to the leasing of mineral deposits in which the United States owns a partial or future interest;

S. 1675. A bill to revise the boundaries of the Scotts Bluff National Monument, Nebr., and for other purposes; and

S. 1676. A bill to amend section 2 of the Small Tract Act of June 1, 1938, as amended by the act of June 8, 1954 (68 Stat. 239; 43 U.S.C., sec. 682b); to the Committee on Interior and Insular Affairs.

By Mr. EASTLAND:

S. 1677. A bill to amend the Miller Act of August 24, 1935, to provide that persons entitled to protection under State laws relating to mechanic's or materialman's liens who have furnished labor or materials for public works shall have a right to receive payment out of payment bonds furnished by the prime contractor on such public works; to the Committee on the Judiciary.

By Mr. BENNETT:

S. 1678. A bill to extend for 3 years the temporary provisions of Public Laws 815 and 874, 81st Congress, relating to Federal assistance in the construction and operation of schools in areas affected by Federal activities; to the Committee on Labor and Public Welfare.

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

By Mr. PASTORE (for himself and Mr. PELL):

S. 1679. A bill to provide for the establishment of the Roger Williams National Monument; to the Committee on Interior and Insular Affairs.

By Mr. EASTLAND (for himself and Mr. STENNIS):

S. 1680. A bill to authorize the leasing for recreational or park development purposes certain lands in the State of Mississippi heretofore conveyed by the United States; to the Committee on Interior and Insular Affairs.

RESOLUTION

TO PRINT MEMORANDUMS RELATING TO CONSTITUTIONAL ISSUES ON S. 1021 AS A SENATE DOCUMENT

Mr. MORSE submitted a resolution (S. Res. 126) to print memorandums relating to constitutional issues on S. 1021 as a Senate document, which was referred to the Committee on Rules and Administration.

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

EXTENSION OF PUBLIC LAWS 815 AND 874

Mr. BENNETT. Mr. President, I introduce, for appropriate reference, a bill to extend Public Laws 815 and 874 for a period of 3 years without alteration. There is a proposal before Congress submitted by the Kennedy administration to substantially reduce these programs. The recommendations are contained in titles II and III of S. 1021 in the Senate and H.R. 4970 in the House.

The basic intention of these public laws is to compensate school districts in reasonable amounts for the cost of educating schoolchildren whose parents are employed in Federal activities and where unusual local school problems result. Section 1 of Public Law 874 reads as follows:

> In recognition of the responsibility of the United States for the impact which certain Federal activities have on the local educational agencies in the areas in which such activities are carried on, the Congress hereby declares it to be the policy of the United States to provide financial assistance for those local educational agencies upon which the United States has placed financial burdens by reason of the fact that—
>
> (1) the revenues available to such agencies from local sources have been reduced as the result of the acquisition of real property by the United States; or
>
> (2) such agencies provide education for children residing on Federal property; or
>
> (3) such agencies provide education for children whose parents are employed on Federal property; or
>
> (4) there has been a sudden and substantial increase in school attendance as the result of Federal activities.

Public Law 874 provides Federal assistance for the operation and maintenance of public schools. Its companion law, Public Law 815, provides assistance for the construction of school facilities, and the general declaration of policy if similar in both laws.

I am concerned about the fact that the Kennedy administration has linked its Public Law 815–874 recommendations with a general Federal aid to education bill. This is obviously intended to coerce Senators and Representatives into supporting a general Federal aid to education bill in order to continue Public Laws 815 and 874. It is a subtle form of legislative blackmail. We in Congress are told in effect that we either vote for the Kennedy Federal-aid-to-education proposals or there will be no impacted aid program. I think this is unfortunate and unfair. For this reason I am introducing my separate bill to extend Public Laws 815 and 874 and to continue these programs for 3 years.

There is another reason for my approach, and that is the matter of timing. Based on the performance of Congress thus far, it is very possible that a general Federal aid to education bill will not be passed until next year or that it will not be approved at all. Yet, Public Laws 815 and 874 are due to expire on June 30 of this year. In the interest of assuring the extension of these vital laws, which are for the most part noncontroversial, I introduce my bill and urge support for it.

The Federal Government has a definite responsibility in connection with federally affected areas. The Federal Government's responsibility with respect to general aid to education, on the other hand, is a highly controversial matter. I think we had better take action on that part of the problem where there is a clear-cut Federal responsibility, and leave for further debate the questionable area.

It is my hope that Congress will continue Public Laws 815 and 874 as they now stand. The Kennedy administration proposes to make permanent certain provisions, but at the same time would reduce or eliminate others.

The major provision in the Kennedy proposal and the one which affects the greatest number of federally affected areas is the proposed 50 percent reduction in Federal payments under section 3(c)(1)(B) of Public Law 874 and section 5(a)(2) of Public Law 815. This is the section dealing with children of persons who work on Federal property but who live in taxable houses, or, in some cases, who live on Federal property but work off the Federal property.

The reasoning under present law with regard to this section is that one-half of the local revenues for public schools is derived from local real property taxes on residential property and the other half

is derived from taxes on commercial and industrial property. Federal property is classified as industrial or commercial property. Inasmuch as Federal property is tax exempt, while at the same time the activity connected with that Federal property gives rise to stepped-up school needs, it is only just and fair that the Federal Government should compensate the local school district for this impact on its school financing structure.

The Kennedy administration proposal to Congress to reduce this program from a Federal payment per child of 50 percent of the costs to 25 percent of the costs is based on a 1957 report by the Government's Division of the Census Bureau which indicates that on the basis of nationwide averages, only 27.7 percent of the value of locally assessed taxable real property is commercial and industrial property. Though nontaxable, Federal property would be classed with this group. This same report also indicated that the highest percentage of such property value in any State was 37.1 percent, while the lowest was 9.3 percent.

If these figures were correct, or if they told the whole story, I would not feel so strongly about opposing the Kennedy recommendations. But I have reservations as to the reliability of this survey. In the first place it is based on only a 1-percent sample, and that sample is then projected to cover a whole State. But in addition to that, I have obtained figures from the Utah State Tax Commission which contradict this study as far as Utah is concerned. It is obvious that the figures used by President Kennedy apply to locally assessed property. They entirely overlook the local taxes assessed for local benefit by State tax commissions, such as is the case in Utah.

As a matter of fact, the total local taxes paid by commercial and industrial concerns in Utah represent about 60 percent of all taxes collected in the State of Utah. Therefore, not only has Utah failed to be compensated under existing law, but the Kennedy proposal would add insult to injury and would place a most serious strain on several of Utah's school districts which contain Federal military and other activities.

Another recommendation of President Kennedy is that section 5(a)(3) of Public Law 815 and section 4 of Public Law 874 be abolished. Under current law, these sections cover those situations where parents move into school districts to work for Federal contractors, usually in taxable enterprises. To abolish this law is to fail to take into account one of the declarations of policy which I quoted earlier—that relating to sudden and substantial increases in school attendance as the result of Federal activities.

I would like to emphasize that the federally affected areas program is not a handout program. Defense installations are mixed blessings to a community, even in the case of those installations which are privately operated. I have an example of such a situation in Utah. In Box Elder County the Thiokol Chemical Co. has established a testing ground for missile solid fuels. This operation has created a tremendous impact on the entire economy of the area. The strain on the local taxpayers has been almost unbearable. For one thing, local property levies cannot keep pace with the rapid and sudden increases in Government service needs. Adjustments come slowly and ponderously. Not only have the schools in the area been affected but there are problems connected with sewage, roads, and other public services. If Public Laws 815 and 874 funds cannot be made available to this community, I fear the consequences on the school operations for the children living in that area.

There are other provisions in the Kennedy proposal which need further study. I urge that Congress reject the Kennedy suggestion and pass my bill pending further analysis of the facts connected with this program and of the impact of Federal activity on local areas. There is one further problem which the Kennedy proposal fails to take into account, and that is that in the event that a defense installation is closed down or moved elsewhere, the empty school buildings which are left behind serve no real benefit and therefore do not serve as any compensation to the community which has struggled to provide them.

I am particularly concerned about the effect of the Kennedy proposal on my own State. I asked the Office of Education to prepare for me a summary of entitlements for Utah school districts which qualified under Public Laws 815 and 874 over the past 3-year period. I asked for both the actual entitlements and for the estimated entitlements if the Kennedy proposals had been in effect. I ask that this table of information be included in the RECORD. Because of the special nature of the President's proposal in placing restrictions on certain programs, it is alarming to observe that in 1960 Utah's qualified areas received $655,000 under Public Law 815 but under the Kennedy proposal would have received only $145,000.

I would also like to insert in the RECORD at this point an editorial in the Wall Street Journal of April 18 which outlines in a clear manner the Federal responsibility in the impacted area problem. You will note this editorial emphasizes that the impacted areas program is not a handout program and does not imply acceptance of general Federal aid to education as a public policy.

The PRESIDING OFFICER (Mr. KUCHEL in the chair). The bill will be received and appropriately referred; and, without objection, the table and editorial will be printed in the RECORD.

The bill (S. 1678) to extend for 3 years the temporary provisions of Public Laws 815 and 874, 81st Congress, relating to Federal assistance in the construction and operation of schools in areas affected by Federal activities, introduced by Mr. BENNETT, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The table and editorial presented by Mr. BENNETT are as follows:

Actual entitlements in State of Utah and estimated entitlements under the Kennedy amendments proposed in S. 1021 for fiscal years 1958, 1959, and 1960 under Public Law 874, as amended

School district	Actual entitlements			Estimated entitlements under proposed Kennedy amendments		
	1958	1959	1960	1958	1959	1960
Tooele County School District	$173,600	$216,886	$250,476	$81,205	$119,226	$153,400
Weber County School District	219,358	246,636	319,930	82,026	98,541	139,743
Ogden City Board of Education	240,342	251,088	304,089	88,817	97,257	128,951
Box Elder County School District	63,538	78,244	93,475	24,010	39,466	49,324
Davis County School District	417,674	485,624	551,227	173,449	220,923	254,648
Logan City Board of Education	9,163	8,860	9,548			
Grand County School District	40,589	38,095	45,355	15,272	14,786	20,062
Kane County School District	17,265	18,553	15,425	6,536	7,164	6,537
Duchesne County School District	4,510	17,917	21,549		10,245	12,175
Daggett School District	3,309	17,424	28,055	1,238	12,029	21,721
Washington County School District		11,471	12,292			6,053
Total	1,189,348	1,390,798	1,651,421	472,553	619,637	792,614

Maximum entitlement computed for applicant school districts in Utah under Public Law 815, as currently in effect compared with maximum entitlement under the Kennedy amendment proposed in Senate bill 1021, for 1958, 1959, and 1960

School district	Maximum grant	
	Under existing law	Under proposed Kennedy amendment
(1)	(2)	(3)
1958		
Weber County		
Davis County	$549,880.00	$274,940
Grand County	66,080.00	33,040
Daggett County	158,179.00	145,789
Kane County	118,000.00	59,000
Box Elder County		
Total	892,139.00	512,769
1959		
Weber County		
Davis County	114,390.00	57,195
Grand County		
Daggett County	165,865.50	148,953
Kane County		
Box Elder County		
Total	280,255.50	206,148
1960		
Weber County	459,040.50	
Davis County	101,010.00	50,505
Grand County		
Daggett County	94,905.00	94,905
Kane County		
Box Elder County		
Total	654,955.50	145,410

[From the Wall Street Journal, Apr. 18, 1961]

A SPECIAL CASE

There's a new twist to the Department of Health, Education, and Welfare's customary annual report on Federal aid to so-called impacted areas, where defense installations create unusual local school problems. For the first time, the report includes a breakdown of aid payments by congressional districts.

This new information probably will be used in an attempt to embarrass Congressmen who approve of aid to "impacted areas" within their districts while opposing such across-the-board Federal school aid as the Kennedy administration proposes. Supporters of the administration plan may accuse congressional opponents of inconsistency. And there's even talk of using the threat of curtailed aid to impacted areas as a weapon to gain support for the administration's broad education measures.

In view of the fact that 311 of 435 congressional districts contain impacted areas, the threat, if it develops, could be a powerful one. Many communities rely heavily on this Federal subsidy to meet their school budgets. But is such aid a handout, pure and simple? And does acceptance of it also compel acceptance of the principle of Federal aid to education in general?

We think not. The location of military bases and defense plants is determined by the Government to suit its own necessity and convenience. Any community near a defense installation faces mixed blessings. While the Federal payroll boosts local trade, the sudden demand for expanded utilities and school facilities is a heavy burden on local resources.

Whatever one may think of Federal aid, there is at least a measure of practical injustice in the arrangement whereby the Federal Government, which pays no local taxes helps to meet the demands thrust overnight upon the local community. It is also worth considering that the guest who came unbidden, needing more classrooms, may suddenly pull up stakes and go elsewhere, leaving empty schools behind.

Aid to federally impacted areas is, by definition, special aid to communities which find themselves with special problems caused by the Government. Such aid is in no way comparable to proposed Federal aid to education for communities across the country; the one has nothing to do with the other.

Let's have at least that much clarity in the debate over Federal aid to education.

TO PRINT MEMORANDUMS RELATING TO CONSTITUTIONAL ISSUES ON S. 1021 AS A SENATE DOCUMENT

Mr. MORSE. Mr. President, I send to the desk and ask for appropriate referral a resolution to print as a Senate document legal memorandums received by the Education Subcommittee of the Senate Committee on Labor and Public Welfare from the Department of Health, Education, and Welfare. Included with the HEW memorandums are replies received by the subcommittee from such eminent lawyers as Prof. Wilber G. Katz, of the Chicago Law School, Mark de-Wolf Howe and Arthur Sutherland, both of the Harvard Law School, to an invitation extended by the subcommittee to comment upon the constitutional issues being discussed in hearings on S. 1021, the Public School Assistance Act of 1961.

There has been a consistent and heavy demand upon the Education Subcommittee for copies of these documents. This demand is an earnest, in my judgment, of the deep convictions and widespread public interest in an area of our constitutional law which has yet to be defined with precision.

Let me say at this point that many Senators have talked to me about the mail they are receiving asking for information on this subject matter. What I propose to do is to have the material published as a Senate document and made available to Senators, so that they can use it in answering their mail on this subject.

In conclusion, I would say that the materials that I request be preserved in Senate document form are of major historic importance in this context of constitutional law. In my judgment, over the years they will be read and reread by students and scholars in the field.

I sincerely hope that we can have the resolution approved and that the material will be published as a Senate document so that it can be available to Members of the Senate.

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

Mr. MORSE. I yield.

Mr. HRUSKA. May I inquire of the Senator from Oregon whether this is an unanimous-consent request that the resolution be appropriately referred?

Mr. MORSE. It is a request that the resolution be referred.

Mr. HRUSKA. To the Committee on Rules and Administration?

Mr. MORSE. Yes. I assure the Senator that many Senators will welcome the opportunity to have the material made available to them, so they can distribute it.

Mr. HRUSKA. I am sure that is true. Both of us are aware that the policy now, as announced by the majority leader sometime ago, is, rather than asking for unanimous consent for the printing of a Senate document, that the request be in the form of a resolution to be referred to the Committee on Rules and Administration. It is to that point that I have addressed my inquiry of the Senator from Oregon.

Mr. MORSE. I am aware of the rule. Therefore I have put my request in the form of a resolution, to be referred to the Committee on Rules and Administration.

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

The resolution (S. Res. 126), submitted by Mr. MORSE, was referred to the Committee on Rules and Administration, as follows:

Resolved, That there shall be printed as a Senate document the memorandums entitled "The Constitutional Authority of the Congress to Enact S. 1021," "The Impact of the First Amendment to the Constitution Upon Federal Aid to Education," and "Federal Programs Under Which Institutions With Religious Affiliation Receive Federal Funds Through Grants or Loans" submitted on March 28, 1961, by the Secretary of Health, Education, and Welfare to the Subcommittee on Education of the Committee on Labor and Public Welfare, together with the opinions on the questions of the constitutionality of S. 1021 and the constitutionality of a measure which would provide loans for construction purposes to private and parochial schools at both the primary and secondary school levels submitted to the subcommittee by certain professors of law in response to requests by the chairman of the subcommittee.

PRESERVATION OF CERTAIN PORTIONS OF SHORELINE AREAS OF THE UNITED STATES—AMENDMENTS

Mr. FONG (for himself and Mr. LONG of Hawaii) submitted amendments, intended to be proposed by them, jointly, to the bill (S. 543) to promote the preservation, for the public use and benefit, of certain portions of the shoreline areas of the United States, which were referred to the Committee on Interior and Insular Affairs and ordered to be printed.

SELECT COMMITTEE ON CONSUMERS INTERESTS—ADDITIONAL COSPONSORS OF RESOLUTION

Mrs. NEUBERGER. Mr. President, at the next printing of the resolution (S. Res. 115) to establish a Select Committee on Consumers Interests, submitted by me on March 24, 1961, I ask unanimous consent that the name of the Senator from California [Mr. ENGLE] may be added as a cosponsor.

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

EXTENSION OF COVERAGE OF FEDERAL COAL MINE SAFETY ACT OF 1952 TO CERTAIN MINES—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of April 18, 1961, the names of Mr. HARTKE, Mr. CARROLL, and Mr. SCOTT, were added as additional cosponsors of the bill (S. 1666) to amend the Federal Coal Mine Safety Act in order to remove the exemption with respect to certain mines employing no more than 14 individuals, introduced by Mr. CLARK (for himself and other Senators) on April 18, 1961.

NOTICE CONCERNING CERTAIN NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

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

John E. Maguire, Sr., of Florida, to be U.S. marshal, southern district of Florida, term of 4 years, vice Thomas H. Trent;

Cecil F. Poole, of California, to be U.S. attorney, northern district of California, term of 4 years, vice Lynn J. Gillard, resigned;

George E. Hill, of Michigan, to be U.S. attorney, western district of Michigan, term of 4 years, vice Wendell A. Miles, resigned;

Carl W. Feickert, of Illinois, to be U.S. attorney, eastern district of Illinois, term of 4 years, vice Clifford M. Raemer;

James E. Byrne, Jr., of New York, to be U.S. marshal, northern district of New York, term of 4 years, vice J. Bradbury German, Jr.;

Charles B. Bendlage, Jr., of Iowa, to be U.S. marshal, southern district of Iowa, term of 4 years, vice Roland A. Walter; and

William T. Thurman, of Utah, to be U.S. attorney, district of Utah, term of 4 years, vice A. Pratt Kesler.

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 6, 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.

NOTICE OF MEETING OF CONGRESSIONAL INTERPARLIAMENTARY UNION GROUP

Mr. MONRONEY. Mr. President, I desire to announce that the Congressional Interparliamentary Union Group will meet at 9:30 a.m., on Tuesday, April 25, 1961, in room F-82 of the Capitol.

AMERICAN NEWSMEN IMPRISONED IN HAVANA

Mr. MANSFIELD. Mr. President, according to the wire services, two outstanding newspapermen, and others whose names were not included, such men as Henry Raymont, of the United Press International, and Robert Berreliez, of the Associated Press, have been arrested and imprisoned by Premier Castro, in Havana. I believe the attention of the Senate and the attention of the American people should be called to the fact that these newsmen are in Havana at the direction of the wire services which they represent, and others are there in a somewhat similar capacity. These men have been dispatching from Cuba, over the past several months, candid, honest, and factual reports of the situation as it exists in that unhappy and strife-ridden Republic.

I express the hope, and, as a matter of fact, I make a specific request, that our Government make the strongest possible representations in behalf of Henry Raymont, Robert Berreliez, and all other Americans who are in Cuba in a capacity which entitles them to the consideration which is their due, entitles them to every consideration and every representation which our Government and the governments of our neighbor Republics in the Americas can put forth.

I know Henry Raymont personally. He is one of the outstanding journalists on the Latin American scene. He has covered all of Latin America for the United Press International for a good many years, and he has always done an outstanding, honest, and factual job of reporting. He has furnished our country and the service he represents, the United Press International, the type of news which is necessary if we are to understand what goes on in this hemisphere. I do not know Robert Berreliez, the other one mentioned; but I believe that he, too, and all others engaged in the newspaper profession, as is true of all other Americans who are in Cuba on legitimate business, should be given the fullest possible amount of protection, and that the strongest possible representations should be made by the U.S. Government.

Mr. DIRKSEN. Mr. President, I am glad to identify myself with the statement made just now by the distinguished majority leader.

It is a rather singular attribute of dictatorial government that one of the first steps it ever takes is to suppress the news and to suppress the dissemination of truth and fact. That has been characteristic of dictatorships and tyrannical government ever since we can remember; and of course we know from experience, including the experience we have had with our newsmen in the Soviet Union, that that is the typical attitude that is taken.

There is no more irresistible thing than truth; it is the one great weapon with which mankind goes forward. So it is understandable that when there is something to be hidden and concealed, one of the first steps taken is to impound or incarcerate those whose business it is, and who are talented and skilled in that business, to present the facts to people everywhere.

This situation in Cuba obviously begets the interest of people all over the world; and the only way they can follow the matter is to have the facts fully disclosed and courageously presented.

So I share the hope of the majority leader that the steps he suggests will be taken in the interest of the disclosure of the whole situation there by men who have the competence and the talent to do so.

WARSAW GHETTO MEMORIAL

Mr. JAVITS. Mr. President, today marks the 18th anniversary of the tragic revolt of the Warsaw ghetto prisoners against the Nazis. It is a day which will live in the annals of history as a tribute to the indomitable bravery and courage of the embattled Polish Jews who faced the Nazi military might, and their 6 million brethren who perished in the Nazi horror camps. They have written an indelible page in mankind's struggle against tyranny. Throughout the world, men will bare their heads today in a moment of reverence for their memory.

Mr. President, the overtones of this most historic event reverberate today in connection with the Eichmann trial, in Israel. It is not an insignificant event in the history of mankind when the very people whom the Nazis reduced by one-third of their number during that war should today be sitting in judgment upon one of the arch conspirators who brought about that awful holocaust in their ranks; and it is to be remembered today, as I believe the entire world will honor the heroes in the struggle in the Warsaw ghetto for freedom against the Nazi might.

I ask unanimous consent to have printed at this point in the RECORD, in connection with my remarks, a proclamation by the Governor of New York also commemorating this day.

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

PROCLAMATION

April 19 is a day on which the Jewish people throughout the world will commemorate the mass tragedy which befell in Warsaw 18 years ago.

While it is obviously a day of mourning for the people of Israel it should also be a day of extreme and justified pride. The 6 million innocent men, women, and children who perished have become symbols of true heroism.

It is well that we commemorate this day which marked a triumph of the human spirit over tyranny.

Now, therefore, I, Nelson A. Rockefeller, Governor of the State of New York, do hereby proclaim April 19, 1961, as Warsaw Ghetto Day in New York State.

Given under my hand and the privy seal of the State at the capitol in the city of Albany this 6th day of April in the year of our Lord 1961.

NELSON A. ROCKEFELLER.

By the Governor:

WILLIAM J. RONAN,
Secretary to the Governor.

AID TO EDUCATION

Mr. LONG of Hawaii. Mr. President, some opponents of Federal aid to education are using misleading slogans in an apparent effort to frighten people away from such a program. The Honolulu Advertiser recently commented on this situation with the conclusions:

Let's have a debate, but let it be sensible and let us stick to the facts.

I think this is sound advice for all of us, and I therefore ask unanimous consent that the editorial of April 3, 1961, be printed in the RECORD.

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

STEP TO SOCIALISM

An island legislator, arguing against Federal aid to education, declared on the floor of the House the other night:

"It's another step in the eventual socialization of our country."

The first step, we take it, was back in that radical year, 1862, when the bill for Federal land grants to enable States to establish agricultural colleges was passed by Congress.

The Federal Government has been giving aid to education in one form or another ever since, and the precedent for Federal funds for teacher salaries is more than 40 years old.

Curiously, the House debate on a resolution favoring increased Federal aid failed to bring out the fact, certainly well known to all legislators, that Federal grants totaled about 20 percent of the State's public school budget last year, or some $7.1 million.

This figure doesn't include $1 million worth of Government surplus foods made available as part of the school lunch program.

Let's look at exactly what Federal help Hawaii's schools got last year:

For school buildings, $2.3 million, and for teacher salaries and supplies, $3.9 million. Both sums were under the Federal impact program to aid schools in areas where concentrations of Federal employees impose extra burdens.

For workshop training and classroom equipment, to improve instruction in mathematics, science and language (including the new elementary school program in oriental language), $290,528. This is under the National Defense Education Act's matching fund program and includes guidance and administrative salaries.

For vocational instruction and training under the George-Barden Act, $141,376. For agricultural instruction under the Smith-Hughes Act of 1917, $30,000.

For the school lunch-hot meal program, $291,906, and for school milk, $136,267.

At the University of Hawaii, officials estimate Federal grants run about $1.5 million annually—not to mention the East-West Center which is almost 100 percent federally financed.

Further, Congress recently voted $2.5 million to the university, representing a land grant to which the institution was entitled but which it never received.

Although much of the money given the university is for research and the work of the Agricultural Extension Service, some of it goes for instruction. For example, the $75,000 in Morrill-Nelson funds received by the college of engineering.

There is a legitimate debate on the issue of Federal aid. Should there be more at this time for a general construction and salary improvement program? It can be argued two ways.

Is there danger a broad-gage program of this sort would endanger local control of the schools? If so, how can the danger be nullified? Good questions and both can be argued two ways.

But those who would inject scare words and slogans into the debate do the public a disservice. We have yet to hear these lawmakers, when they vote on the State school budget, complain about the Federal aid which lightens an already heavy burden.

Let's have a debate, but let it be sensible and let it stick to the facts.

THE VOICE OF THE CONSUMER IS HEARD AT THE GRASSROOTS

Mrs. NEUBERGER. Mr. President, the editor of the Pendleton (Oreg.) East Oregonian is known for his hard-hitting, factual editorials.

On April 12, Mr. J. W. (Bud) Forrester, Jr., voiced a grassroots opinion which I am pleased to report to my colleagues.

He commended the administration's "considerable concern for the consumer." Elsewhere in his excellent editorial "We Should Know," Editor Forrester notes the need for legislation at the State and national levels to insure truth in lending practices as has been proposed by Senator DOUGLAS.

I should like to quote, in part, from Mr. Forrester's editorial:

> He (Senator DOUGLAS) wanted to protect the consumer. He wanted to be sure that the man who borrowed money and the man who bought on credit terms knew absolutely what he was doing. Senator DOUGLAS has a great amount of evidence to show that many buyers are being deliberately misled when they borrow or buy on credit terms. Senator DOUGLAS' legislation isn't dead but hasn't been passed either. We think it will be with the assistance of an administration that has shown considerable concern for the consumer.

Mr. President, another fine newspaper in my State, the Register-Guard of Eugene, Oreg., commented on the same subject by criticizing the State legislature's failure to report out a bill on consumer protection in this same area. Portions of that editorial follow.

The measure "would tend to protect consumers by requiring that installment buyers know what they are paying for." It "would require that interest rates be stated in simple, annual terms. Many installment contracts now specify an interest rate 'per month.' 'Per year' is something else again."

We grant at once that this is something a purchaser can figure out for himself—if he finds his way among the figures strewn about by a salesman with a sharp pencil.

The credit business is a big business. Often as much money is made from carrying the loan as is made from the profit on the original transaction. We can't object to this, either, if we are to defend the idea that money is a reasonable rental commodity, and we do. Nor can we deplore credit business. Without it our economy would be in a sad way.

At the same time, however, we note the number of bankruptcies. These bankrupts, in most cases, are not businesses. They are individuals so saddled with debt, so overextended in their credit, that they can't get their heads above water. Nobody wins, really, when the tragedy of bankruptcy occurs. Yet, under present laws and business practices, we invite bankruptcies. * * * What is there to fear? Why not say how much credit costs? Why not?

THE 6TH MASSACHUSETTS REGIMENT IN THE CIVIL WAR

Mr. SMITH of Massachusetts. Mr. President 100 years ago today at 5 p.m. the 6th Massachusetts Infantry Regiment arrived in Washington and was quartered in the Senate Chamber.

These men were the first armed troops to reach the Capital in answer to President Lincoln's call for help. The unit also became the first in the war to lose men through hostile action when 4 men of the regiment were killed and 36 were wounded when they were attacked by a mob of southern sympathizers while passing through Baltimore.

President Lincoln while visiting the wounded said:

> I begin to believe that there is no North. * * * You are the only reality.

I would like the unanimous consent of the Senate to enter in the RECORD an account of the calling up of the regiment and its hazardous trip to Washington.

Another Massachusetts soldier was honored last weekend in a ceremony at the Boston Common. He was Col. Robert G. Shaw, commander of the 54th Massachusetts Regiment, the first Negro regiment of the war. He was killed while leading his unit, which was officered entirely by Boston men, in an attack in July 1863 on Fort Wagner in Charleston Harbor. I ask unanimous consent that an article from the Boston Herald on Colonel Shaw be inserted in the RECORD.

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

THE SAGA OF THE 6TH REGIMENT, MASSACHUSETTS VOLUNTEERS

On this date, April 19, 100 years ago, the first soldiers killed in the Civil War were men of the 6th Regiment, Massachusetts Volunteers, as they marched through Baltimore on their way to the defense of Washington.

Immediately after receiving President Lincoln's call for troops, Gov. John A. Andrew issued a special order summoning the Massachusetts 3d, 4th, 6th and 8th Regiments to assemble "in uniform, on Boston Common forthwith in compliance with a requirement made by the President of the United States. The troops are to go to Washington."

Upon receipt of the order, the colonels of the four regiments sent out word to their troops. The 6th Massachusetts Infantry, which has been called the State's one historic regiment, has the undying honor of being the first regiment to reach Washington, fully organized and equipped, after the President's proclamation. It was brought together at Lowell on the 16th of April, the officers of the regiment having held a meeting on January 21, 1861, and offered its services to the Government. The regiment was composed of four companies from Lowell, two from Lawrence, one from Groton, one from Acton, and one from Worcester. At Boston, a Stoneham company and a Boston company were added.

After receiving their colors from Gov. John A. Andrew, the regiment embarked by rail for the Capital. Passing through Boston, New York, and Philadelphia, the regiment was enthusiastically received. But, in Baltimore, a sullen mob had gathered as the railroad cars were drawn through the city from the President Street station to the Camden Street station. A number of the cars were obstructed from passing so the troops debarked, formed ranks, and began to march. As they proceeded, the mob started throwing paving stones and any other missile at hand; a shot rang out and one soldier fell dead. Before the regiment reached its destination, 4 men were killed and 36 wounded.

The regiment continued on to Washington where, through the arrangements of Governor Andrew, they were quartered in the Senate Chamber. There they stayed and served as the main reliance for the defense of the city until the arrival of the 5th and 8th Regiments, Massachusetts, and the 7th Regiment, New York. When their 3 months' term expired, the men of the 6th remained in service at the Governor's request. The House of Representatives passed a vote of thanks to the Massachusetts 6th Regiment for their prompt arrival in Washington that was anticipating attack by the rebels at any moment.

But, a finer compliment was paid to these Massachusetts men when an anxious President Lincoln, visiting those wounded, said, "I begin to believe that there is no North. The 7th Regiment is a myth. Rhode Island is a myth. You are the only reality."

COLONEL SHAW LED INTEGRATED 54TH, HONORED TODAY

(By Fred Brady)

On this spring Sunday at Boston Common they will lay centennial wreaths—wreaths for a hundred years of battle honors remembered—for a Boston gentleman, Col. Robert Gould Shaw, and his integrated regiment.

His regiment was the 54th Massachusetts—the first Negro regiment of the War Between the States, officered by several young gentlemen of Boston and soldiered by Negroes who proved to be, as old historians put it, "the equal of any soldiers in the field."

KILLED IN CHARGE

In this year's nationwide observance of the Civil War, you have read and will read many names of many great generals and many spectacular campaigns.

So you might miss the action by this young Boston colonel in leading the charge

on a Confederate fort, Fort Wagner in Charleston Harbor, on July 18, 1863. That charge killed the colonel.

Now as a good Bostonian, you know his monument on the Beacon Street edge of the Common, across from the State House, where they will place the wreaths today in a ceremony sponsored by the Massachusetts Civil War Centennial Commission.

But in that monument Colonel Shaw and his troops are just figures in a bas-relief. What were the figures like when they were soldiers at $13 a month, what was their colonel like, this young Boston gentleman who some sneered at as a "Boston Brahmin"?

For that matter, why did Gov. John A. Andrew of Massachusetts write to Shaw's father offering the colonelcy to his son?

Governor Andrew wrote that he was raising the first Negro regiment and wished to commission as officers "young men of military experience, of firm antislavery principles, ambitious, superior to a vulgar contempt for color and having faith in the capacity of colored men for service."

STUDIED AT HARVARD

Robert Gould Shaw, once a captain in the 7th New York National Guard, detailed to the relief of Washington, D.C., after the firing on Fort Sumter, accepted the colonelcy.

Who was this colonel that Negroes were asked to volunteer to serve under? In 1863, when he accepted command of the 54th, he was 25 years old. Born in Boston, he entered Harvard College in 1856, studied there for 3 years and then left for a brief career in business before entering the military.

What did he look like? For that, the Herald opens Luis F. Emillio's "History of the 54th Regiment" which says: "Colonel Shaw was of medium height with light hair and fair complexion, of pleasing aspect and composed in his manner. His bearing was graceful, as became a soldier and gentleman."

EVIL IS CAUSED BY GOOD MEN WHO DO NOTHING—ADDRESS BY SENATOR GOLDWATER BEFORE DAUGHTERS OF THE AMERICAN REVOLUTION

Mr. GOLDWATER. Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks the text of an address which I delivered before the 70th Continental Congress, National Society of the Daughters of the American Revolution, at Constitution Hall, in Washington, D.C., on April 17, 1961.

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

The theme of this convention is, as I know, "Evil Is Caused by Good Men Who Do Nothing." Therefore you may think it strange that I address my remarks tonight to the tragic situation in Cuba. However, I suggest that that situation has been created by good men who did nothing and evil men who did something. What that nothing was and the something is, I will endeavor to develop.

Your constant patriotism and your concern for our country prompts me to discuss with you tonight the situation in Cuba, as it exists today and as it existed in the days of tyranny that preceded the Spanish-American War. I want to discuss with you the attitude of the American Government today, as compared with the attitude of our Government when the Cubans were writhing under the boot of Spanish imperialism. With your permission I want to speak with you about the patriotic temper of our people, as it exists today and as it flamed forth in the interest of hemispheric freedom at another time when a European power dominated our doorstep 90 miles off the Florida coast. And, finally, I want to point out the grave risk to ourselves and to the freedom-loving areas of the world which we run through our apathetic and unrealistic attitude toward a Communist plot in the Americas.

Today, freedom is dead in Cuba. The dark night of totalitarianism has descended, cheapening human life, obliterating human dignity, destroying all semblance of human rights. It has levied a reign of terror on our neighbors to the south. It has substituted a harsh, all-powerful Communist state for revolutionary promises of democracy. It has replaced reason with the firing squad. It has ridiculed and persecuted religion. It has abandoned property rights and substituted government confiscation.

In a great many respects, the situation in Cuba today is comparable to the situation which existed when the island was ruled by Spain. At that time, too, tyranny ran riot. The rights and freedoms of the Cuban people were trampled under the dictates of an arrogant, selfish ruler subject to control from Europe.

In the 1800's, the heavy hand of Spain still crushed down on the little island of Cuba with the same tyranny and greed and selfishness which had marked the dons' colonial policy in the Western Hemisphere from the days of Alva, Pizarro, Cortes, and De Soto. The official policy of the Spanish Government had not progressed with the times. It paid no attention to the new spirit which the United States, by its example, was fostering throughout the Americas. It did not recognize the Monroe Doctrine of 1823 as a policy which might apply to its own disreputable rule in Cuba. It paid little heed to the strong cultural and economic ties which were growing up between Cuba and the great Republic to her north. In short, Spain followed a blind policy of calculated cruelty and oppression in the handling of her Cuban colony—ruthlessly suppressing every spark of independence or individualism that ever flickered among the starving, beaten-down population of the island.

Even as it does today, Cuba in the late 1800's presented the United States with a problem and a menace. For 70 years the possession of Cuba by Spain—and Spain's handling of that possession—had been an eyesore to the United States. The methods of the government, the treatment of the people, the continual restlessness and unhappiness of the Cubans, the frequency and annoyance of filibustering schemes—all violated the deep-seated American spirit of fair-play and human decency. Starvation, exploitation, destruction and desolation were ruining one of the fairest islands in the world—an island which, from the time the Spaniards had discovered and occupied it, had never had a chance to develop its resources or lift its people above the ranks of feudalism. And what made it worse was the fact that all this was going on right on our doorstep under the aegis of a foreign power.

The villain of this early Cuban story was another general—a General Weyler who was the Spanish Governor of Cuba and whose name became synonymous with horror to all Americans in the days preceding the turn of the century. It was General Weyler who devised one of the cruelest, most inhumane types of concentration camps in all history. He did this by issuing an order giving all the country residents of Cuba 8 days to move into areas of fortification but denying them the right to transport food. The result was the calculated starvation of hundreds of thousands of Cubans who ordinarily subsisted on what they could raise. Famine and disease rode unchecked throughout all of the areas of Cuba where guerrilla forces had concentrated their opposition to Weyler's tyranny. And the heaviest sufferers were the women and children. Conditions in some of the outlying areas of these internees, or reconcentrados as they were called, taxed the ability of witnesses to describe. Accordingly, in 1897, the vice consul at Sagua La Grande wrote the U.S. State Department as follows:

"It is difficult, it may be said almost impossible, to describe the extension and intensity of such suffering, or such iniquitous, unjust, and sinful imposition, to annihilate thousands of women and children. If this godless combination should be accurately represented it would seem an exaggeration induced by stirred fellow feelings. No history in the world, ancient or modern, can be compared an instant to this frightful, dreadful suffering. Perhaps civilization has not seen the like of it."

When the first effects of what the reconcentrado order of General Weyler actually meant in terms of human lives and suffering dawned on the American people their indignation was instantaneous. There were demands for intervention, for action. But they were ultimately shouted down by a chorus of appeasers who used some familiar arguments—arguments we heard at Munich—arguments we are hearing, too often, today. They said: "This is a foreign matter. It is none of our business what the Spaniards do. If we take any action it might run the risk of war."

Now, it is important to remember that American indignation in those days stemmed almost entirely from humane considerations for the Cuban people. The Spaniards were not insulting and ridiculing the United States after the fashion of Castro today. They were not laying down a gauntlet for us, or conspiring with announced enemies of our way of life and our system of government as is the Castro government in Cuba today. They were not seeking to extend an ideological concept which would subvert American interests throughout the Western Hemisphere. They were just brutally guilty, in their treatment of the Cuban people, of a conduct so inhumane that the United States was finding it difficult not to act in the interests of decency, order and justice.

There was some official procrastination, however. And this perhaps was understandable. America was not a very old nation and not yet fully over the effects of brutal and bloody civil war. Spain was an old hand in the family of nations, smart and experienced in the field of foreign alliances.

Our fighting machine was small and untried. Spain had been a fighting nation for 1,000 years; she was on a continual footing—always ready for assaults, rebellions or defense. Our coastal towns and cities were virtually defenseless. Spain was reputed to have a fleet of 200 warships and 200,000 fighting men, equipped and combat ready, in Cuba and Puerto Rico. There were many good reasons—far more than exist today—to give the United States official pause in the matter of Cuba.

But suddenly, on February 15, 1898, that pause ended in a rending blast of unknown origin which sank the U.S. battleship *Maine* and sent 264 American bluejackets to their death in the waters of Havana Harbor. The sinking of the *Maine* while on a peaceful mission in Spanish waters inflamed the Republic like few things before or since. It provided our young and straining Nation with a rallying point and a battle cry for armed conflict. And the words "Remember the *Maine*" galvanized a peaceful Nation into war and brought the proud Spanish kingdom to disaster, dismemberment and loss.

Great provocation, however, does not overnight transform an unprepared nation into

a mighty military power capable of waging aggressive war on both land and sea. And the United States was no exception. The job ahead was enormous but it was accepted by a young and vigorous Nation fired to a righteous and indignant patriotism that is too often missing in our land today.

Of course, in those days we were geared for unilateral action. We could pursue boldly any course dictated by our national conscience without concern over what such action might do to our prestige in an organization such as the United Nations. Nor were we restrained by an oversensitiveness as to the possible reaction of other powers to actions taken by the United States as a sovereign nation. We certainly weren't the most powerful nation on earth at the turn of the century. Nor were we the richest or most influential. But we were, by the very nature of our convictions and willingness to back them, among the most independent of nations which flourished in those days. It was this independence—strong, virile, and unafraid—that led us to challenge a much mightier Spain and call her to account for the tyranny which she levied against our western hemispheric neighbors. It was this independence which enabled us to overcome a tremendous lead in men, arms, and equipment and go on to administer the coup d'etat to the once proud and always arrogant Spanish Empire in the Americas. It was this independence that taught all the other nations of the world to treat our fledgling country with the respect due her convictions and determination.

Now consider our position in the world today. We possess more power, wealth, and influence than any other nation on earth has ever previously amassed. We have a military capability second to none. We have the productive might to back it up in any circumstances. We have the technology and the resources to do anything—and do it better—than any other nation on the face of the globe. Yes, we have all these things. But what do they mean in terms of international relations? What do they count for when a Communist-oriented and directed upstart like Fidel Castro can challenge and insult the American flag and everything it stands for? What good is all this power and wealth if we are afraid to risk any part of it for the sake of backing up our national conscience and the common welfare of the Western Hemisphere?

Perhaps in this connection you will permit me to paraphrase the Holy Bible and ask you, "What does it profit us, if we gain all these things and lose our own self-respect."

I would also, at this point, like to quote from a wise old king, King Aratus who lived 220 years before Christ, because I think his words sum up pretty well the attitude of those patriotic Americans who challenged Spanish power over conditions in Cuba. Here is what that old king had to say:

"That war is terrible, I grant, but it is not so terrible that we should submit to anything in order to avoid it. Why do we boast of our civic equality and freedom of speech and all that we mean by the word 'liberty,' if nothing is preferable to peace? Peace with justice and honor is the most beautiful and profitable of possessions, but if it is allied with baseness and cowardice nothing is more shameful and disastrous."

As a conservative, I have sometimes been accused of looking backward instead of forward. Perhaps in the case of our relations with Cuba, I should plead guilty to a preoccupation with conditions and attitudes as they existed in the days of President McKinley because of the important and vital bearing they have on present-day conditions and actions. I believe that in considering our national attitude, our national interest and our patriotic temper we do very well to study the past.

Although we were diplomatically geared for unilateral action in the days following the sinking of the *Maine* we were limited by our immediate capability. We had to mobilize men, money, and ships in greater quantities than ever before in the history of the Republic. And we had to move quickly if we were to protect our defenseless shorelines from the ravages of Spanish attack from the sea.

But the Nation's spirit, a thing that flared up and flamed as brightly as it had in the days of 1776, was more than equal to the task.

As a first step, Congress—with the unanimous vote of both Houses—made immediately available to the President $50 million "for the national defense and for each and every purpose connected therewith." Feverish preparations went ahead for full mobilization of the American people for war.

But the voices of appeasement were not yet finished. At this juncture, in April of 1898, they spoke through the diplomatic representatives of Germany, Austria-Hungary, France, Great Britain, Italy and Russia. These men presented a joint communication to President McKinley expressing the hope that affairs between the United States and Spain could be amicably adjusted. The President returned a polite, courteous message which, in effect, told the European powers to mind their own business and let the United States take care of its own problems. That was on April 7. Then 4 days later, on April 11, 1898, he sent a message to Congress reviewing the whole sorry situation of the distressed and fettered island of Cuba and declaring that the hour had come for America to act.

The President explained that the rebellion in Cuba was but one in a continuous series of insurrections against Spain which, for more than 50 years, had kept the island in disturbance and unrest, which had threatened the security, comfort and self-control of the United States while the barbarities of the Spanish Government had "shocked the sensibilities and offended the humane sympathies" of the American people. Neutrality, he said, was ruinous to Cuba's prosperity and dangerous to America.

Congress acted quickly in the wake of the President's message and unanimously adopted a joint resolution committing the United States to a policy of armed interference in the affairs of Spain and Cuba.

Thus did a great and responsible nation follow its destiny against the warnings and pressures of the six European powers who did not want the inconvenience of an armed conflict in the Americas at that particular time.

This, I might remind you, was in an era when the United States went its own way, formulated its own foreign policy, met its own responsibilities in the family of nations. It was before we began to allow the attitude of other nations to weigh heavily in all of our decisions; before we began to fear the reaction of other nations and other blocs of nations in the conduct of our international relations. It was before we had the United Nations providing a forum for anti-American propaganda right in our midst. And it was before we had apologists for foreign ideologies and Red-tinted dictators wielding influence in our newspapers and our Department of State.

Yes, this was a time when our patriotic fervor ran strong and undiluted. It was a time of national pride and absolute faith. It was a time ruled by the spirit of freedom and justice which had made this Nation a beacon of liberty for the world.

And the accomplishments of the American people in these trying days were in keeping with the spirit of enthusiasm which they brought to even the most distasteful of wartime tasks. At the outbreak of war, we had an army of approximately 25,000 men. In addition, National Guard organizations in about 45 States accounted for another 115,000 in various stages of training and preparation. It was necessary to increase our military manpower quickly and, accordingly, President McKinley issued a call for volunteers. The response was immediate and amazing. Although the call was for only 125,000 men, more than 1 million of America's 6 million able-bodied men offered their services. Later, another call—this time for 75,000 men—was quickly subscribed.

The response of the American people to the need for money was equally inspired. They seemed to sense that a corollary to war is duty and they accepted that duty in a fashion which astounded other nations. To support the largely volunteer army of 300,000 men, Congress adopted a War Loan Act which asked the people to put up $200 million on which the Government agreed to pay an annual interest of 3 percent. And I might point out that the Congress wisely made certain that the greatest number of Americans had an opportunity to become a contributing part of the war effort. This was done through a provision which declared that no one was allowed to buy more than $5,000 worth of the war loan bonds. At the same time, $10 bonds were made available for people who couldn't afford more.

The result was startling. So great was the American people's faith in the strength and resources of their government that purchasers rushed to buy the bonds. The $200 million war loan was oversubscribed by five times that amount. The readiness with which the people supplied funds for the sinews of war strengthened the Government and gave confidence to the Nation. And the revelation of the vast resources and internal strength of the United States had another important effect. It led the nations of the world to hesitate and reconsider before giving aid and comfort to the enemies of the great Republic across the seas. One after another, these nations hastened to declare their neutrality in the war over Cuba.

Consequently, a display of American determination and strength went a long way toward the winning of our war with Spain even before the actual commencement of hostilities. I would remind you that this determination and strength was courageously displayed, despite the diplomatic frowning of practically every other important power. It was done boldly and confidently by a patriotic people convinced of the justice and necessity of their action. And it immediately commanded the respect of the world; the kind of respect that our vacillating and uncertain course in foreign affairs fails to command in the present extremely crucial time in our history.

Time will not permit me tonight to deal with the courageous and inspiring performance of our people in the conduct of that war with Spain over Cuba. I will merely tell you that the spirit and determination of a highly patriotic populace overcame tremendous difficulties to win a decisive victory which broke the back of Spanish power in the Western Hemisphere for all time. These difficulties were of a kind that Americans hadn't come into frequent contact with before and the way they met them will stand forever as an important chapter in the story of a nation's fortitude. To adequately tell this story, I would have to take you through the steaming jungles with Lieutenant Rowan of West Point as he delivered his famous "message to Garcia." I would have to describe the historic sea exploits of Admiral Dewey and his capture of Manila, tell you of the courage shown by the U.S. Marines at Guantanamo and of Arizona's Rough Riders and their Bucky O'Neil as they charged up San Juan hill. I would have to explain the heroism and accomplishments of America's

doctors to whom fell the job of overcoming the tropical diseases which assailed our troops. And I would have to dwell on the manner in which the wives and mothers and loved ones of our fighting men met the challenge on the homefront.

What I would impress upon you tonight, though, is that in the days of the Spanish-American War our spirit and patriotism were such that despite our shortcomings and our unpreparedness we took action. We won a great victory and we liberated a people. And it cost us dearly. It cost us thousands of lives and millions of dollars. It cost us sickness, and suffering and sorrow. But, as one historian of the times summed it up:

"All priceless things cost something. Civilization has cost something. Christianity cost something. Let us be done with carping. No war in all history, measured in proportion to its magnificent results—if we could but see them—has cost so little as the Spanish War of 1898."

Yes; the Cuban war of 1898 did cost us something. The people knew it would, but they were ready to meet the price in the name of humanity and freedom in the Western Hemisphere. What's more, our Government knew it, and that knowledge did not deter it one whit from doing what had to be done.

Now what is our position today? I am suggesting that the issue which we must decide is one of freedom or slavery. Unfortunately, the challenge is not presented in such clearly defined and recognizable terms. There are those among us in this Nation who cherish the false notion that by accommodating the totalitarian doctrine of communism we can continue to maintain the uneasy peace we have enjoyed since the end of World War II. There are those among us who, when confronted with the ultimate choice, appear to prefer appeasement and piecemeal surrender of the rights and freedoms of man. And, to our undying national shame, there are those among us who would prefer to crawl on their bellies to Moscow rather than to face the possibility of a war.

This whole approach is one that aims at sustaining the status quo, the uneasy peace, of the cold war. It gives no thought to the overriding necessity—for the good of all mankind—for winning decisively the current struggle with the godless forces of international communism. Our whole approach has been one of reacting to what the other fellow does—providing we can get the acquiescence of the United Nations or our allies. But, even in this, we haven't done enough. For example, we reacted properly to the threat of a Communist takeover in Laos while allowing the actuality of a Communist regime in Cuba to go unchallenged. I fully endorse the action of the Kennedy administration in getting tough on the question of Laos. But I can't ignore the fact that Laos is 10,000 miles from our borders while the Communist Castro regime sits on our very doorstep—just 90 miles off the coast of Florida.

For some reason, we don't seem to realize the enormity of the stakes involved in the Cuban situation. It is a situation made to order for the Russians. It gives them a perfect base for launching and sustaining their ideological offensive throughout the Americas. It gives them an island fortress which they can arm to the teeth for any military eventuality that the future might offer. It gives them a powerful talking point in the world of public opinion which enables them to say, "We are so strong that we were able to establish—without challenge—a showcase for international communism on the southern doorstep of the United States."

This is not only a danger to the United States; it is also a disgrace and an affront which diminishes the respect with which we are held by the rest of the world in direct ratio to the length of time we permit it to go unchallenged. I suggest that if the American people are concerned about this Nation's prestige throughout the world, let them look to Cuba as well as to Laos. Let them ask how our commitments to the United Nations and the Organization of American States make up for the extension of slavery and subversion in the Western Hemisphere. Let them ask whether we still adhere, in any slight degree to the spirit of the Monroe Doctrine, or whether we have surrendered all of our national interests to the collective consideration of other powers.

In the matter of Cuba, we have moved with an astounding timidity and indecision. We have been mesmerized by the intellectual theory of nonintervention while Castro goes on shouting insults, confiscating our property, jailing our citizens and courting the deadliest enemy this world has ever known. Our posture before the world is one of a paralyzed, confused giant who is only vaguely aware of the danger confronting him—a giant possessed of all the strength necessary to meet the danger but unable to decide whether to use it.

In view of this, is it any wonder that many foreign peoples believe the United States is weaker than the Soviet Union? This ignorant estimate, let me emphasize, is not important for its own sake. Only the vain and incurably sentimental among us will lose sleep simply because foreign people are not as impressed by our strength as they ought to be. The thing to lose sleep over is what people, having concluded that we are weaker than we are, are likely to go off and do—namely, by taking steps to join what appears to be the winning side.

This, I submit, is what we are doing in Cuba. By our refusal to act in this important hemispheric crisis, we are practically inviting the undecided peoples of the world to accept Russian claims of invincibility and line up with the Communist bloc in the cold war. Our enemies, you may be sure, are making great capital out of our inability or unwillingness to recognize the true implications of a Communist bastion off our southern coast. It is long past the time when we should have recognized the Communist conquest of Cuba for what it is—the most important Russian victory of the cold war, presaging the immediate establishment of a CSSR (Cuban Soviet Socialistic Republic) and pointing to the early establishment of an LAUSSR (Latin American Union of Soviet Socialist Republics.)

And, we should act accordingly. We should make it absolutely clear, in the most explicit terms, that Communist governments will not be tolerated in the Western Hemisphere—and that the Castro regime, being such a government, will be eliminated. We should make it clear also that we are ready to use our military and economic strength in this defense of freedom. We should be ever mindful of the fact that the only thing the Russians understand is power and that every time we have used power or threatened to use power the Russians have backed down.

Now a declaration of intention such as I propose would immediately free us from our blind and unrealistic acceptance of "nonintervention" for the mere sake of the theory. It would serve notice on the world that we reserve the right to interfere in situations where world freedom, our own security, and the welfare of our neighbors are directly concerned—rather than entrust these concerns solely to the judgment of others. And, I might emphasize, it would go far toward casting the United States in its proper role as the world's leader.

From this beginning, I believe that we should use our position of importance to the economic and political well-being of other American Republics to draw their support. Then I think we should proceed with the relevant and complete economic embargo against Cuba and support it—if necessary—by a military blockade. And as a final step, I would propose that we aid those loyal Cubans who would free their native land.

Such a course of action is the type the world should expect from a nation whose blood and heartaches bought freedom for Cuba in the first place and from a people fully cognizant of the rights and duties that befall the guardians of Western civilization.

And, in my humble opinion, such a course is mandatory—regardless of what we might risk—if we are to live up to our American heritage as the champions of freedom in a world confronted with a conspiracy of slavery. It must be undertaken fearlessly in the full knowledge that our stake is not only a question of national honor but also of national survival. It must be undertaken in the spirit of good men determined to prevent the triumph of evil.

FAIR LABOR STANDARDS AMENDMENTS OF 1961

Mr. JAVITS. Mr. President, if there are no other Senators desiring recognition, I wish to speak for about 5 minutes.

Mr. MANSFIELD. Mr. President, would the Senator allow the morning business to be concluded? Then I will yield some time to him.

Mr. JAVITS. Very well.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded, and, without objection, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of 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.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona [Mr. GOLDWATER].

Mr. MANSFIELD. Mr. President, I yield 5 minutes to the Senator from New York on the bill.

THE CUBAN SITUATION

Mr. JAVITS. Mr. President, I had in mind making a statement on the very serious situation in Cuba, and for the reason that I think the President of the United States has made a most serious commitment in his statement in the message to Premier Khrushchev, in which he said:

> In the event of any military intervention by outside force, we will immediately honor our obligations under the inter-American system to protect this hemisphere against external aggression.

This is a most serious commitment by the United States, because it may mean the use of military force; and Premier Khrushchev, in his message, said this involves the peace of the world.

So I think it is incumbent upon those of us who feel keenly about this matter,

as I do, to express our support of the President of the United States. The President is absolutely right; there is a point at which we have to stand up, and this is it.

This statement is based both upon our determination that the Monroe Doctrine continues to be our policy and upon our obligations under the Rio Pact. That the Monroe Doctrine continues in effect was reasserted very clearly at the very least in the exchange between President Eisenhower and Premier Khrushchev in July 1960. On July 12, 1960, Premier Khrushchev pronounced the Monroe Doctrine dead, but President Eisenhower responded by saying that the United States would not permit the establishment of a regime dominated by international communism in the Western Hemisphere.

President Kennedy has in effect made it clear that "no military intervention by outside force" will be tolerated. What is still left unclear is the carrying out of the responsibility of the other American states under the Rio Pact of 1947 with respect to the disguised aggression, through Communist arms and technicians, like that which now enables Dr. Castro to impose an onerous and brutal tyranny on the Cuban people. Article 6 of the Rio Pact provides as follows:

ARTICLE 6

If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack or by an extracontinental or intracontinental conflict, or by an other fact or situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which might be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent.

Mr. President, this is not a new policy. President Eisenhower made it very clear, in July of 1960, when, in response to Khrushchev's declaration that the Monroe Doctrine was dead, he said that we would not permit the establishment of a regime dominated by international communism in the Western Hemisphere.

Laying aside the cynicism of Premier Khrushchev, the man who ordered tanks to suppress, in the streets of Budapest, in blood, the efforts of the Hungarian people to establish their claim to freedom, and notwithstanding the fact that even Premier Khrushchev does not allege that the United States is doing the same anywhere in Havana, or Cuba, we are not going to let any criminal act be equated with or be a justification for our policy. Our policy is entirely justified by the Monroe Doctrine, which has been in effect now for almost a century and a half, and by the obligation of the Inter-American Treaty, the so-called Rio Pact of 1947. What is not often noted is that the Rio Pact is specific in pledging the United States to resist indirect aggression if it threatens the security of any American nation.

Also it should be made clear that the Alliance for Progress—our great Latin American aid program—will materially help the Cuban people reconstruct their nation once it is free again.

While we back the President, and do not know what will happen in reference to the present action in Cuba, we do know one thing: it is clear that the American people are sympathetic to the Cuban patriots, as was stated by the President, and look with admiration on their efforts on behalf of what the Cuban people are fighting for. We agree that they are trying to make Cuba free, and that Cuba is enslaved today by a dictatorship which is bad for them, and which may, tomorrow, be absolutely catastrophic for the whole hemisphere. This may happen in Cuba, and the patriots of Cuba have demonstrated they feel keenly enough about this matter to risk death, if need be, in order to free themselves from Dr. Castro and the dictatorship he represents. I point out that this is a matter of interest not only to us, under the Rio Pact, but to the other American States. The other American States have a tremendous interest at stake. If this kind of indirect aggression can take place in Cuba, then it can happen in any Latin American country, which jeopardizes the security of any one of them.

Under article 6 of the Rio Pact, the American States have the right to call Cuba, which is a party to the Rio Pact, before them to make an accounting as to whether or not she threatens the peace of the whole Western Hemisphere. The President may not do it tomorrow, but we have a great opportunity to raise our voice in respect to the responsibility of the other American States, and point out that if they are not going to do it, they jeopardize their own security.

We have to meet the issue. The way to do it is to have the American States fulfill their responsibility, as well as the United States. The other States cannot stand aside, and I do not believe they will.

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

Mr. MANSFIELD. I yield 2 minutes on the bill to the Senator from Kentucky.

Mr. COOPER. I associate myself with the statement of the Senator from New York. I think he has made a highly valuable contribution to the problem facing us. The President's action is based not only on the Monroe Doctrine, but also on the Rio Pact. We hope that the other Latin American States will fulfill their obligations under that treaty. Yet, if that should not occur, then the United States has its own responsibility. I think we have made clear that our position under the Monroe Doctrine is at stake. Our prestige and honor are also at stake. It is the responsibility of the President to fulfill this obligation. It is obligatory also for Congress to fulfill its responsibility, and I think Congress will do it. It is obligatory on the people of the United States to support such action. We have reached a test as against the Soviet Union, and I do not think we can afford not to meet that test.

Mr. JAVITS. I am grateful that the Senator from Kentucky has associated himself with me. The role of the United States is clear. The Monroe Doctrine involves U.S. action. The Rio Pact involves inter-American action. I am deeply honored that so able an expert in foreign policy as the Senator from Kentucky should be equally sensitive to these facts and should join with me in this presentation. I thank the Senator.

Mr. DIRKSEN. Mr. President, I yield myself 1 minute from the time on the bill.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

TRIBUTE TO SENATOR CAPEHART

Mr. DIRKSEN. Mr. President, the distinguished Senator from Indiana [Mr. CAPEHART] has the distinction of having served longer in the U.S. Senate than any other Senator in history from his State. It is a testimony to his popularity, but in turn that popularity derives not only from his competence as a legislator but also from his abiding courage and unflinching devotion to sound American doctrine. I am glad this has been appreciated in large measure in his State.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the South Bend Tribune entitled "Typical of Mr. CAPEHART."

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

TYPICAL OF MR. CAPEHART

With the great good sense that has distinguished his service in the U.S. Senate over the last 16 years, HOMER E. CAPEHART, senior Senator from Indiana, has announced that he will be a candidate for reelection in 1962.

We admire the Senator for making up his mind early. The admiration is increased by his forthright public announcement so far in advance of the election that he will seek a fourth term in the Senate.

Senator CAPEHART might have procrastinated, as some officeholders have been known to do in the hope of making it appear that they are yielding to a draft.

Anybody who knows HOMER CAPEHART, however, knows very well that he is not cut out for such shilly-shallying.

It was typical of the Senator in announcing his candidacy so early to say that he was doing so because "I think the people want to know."

Senator CAPEHART attributes his political popularity to a variety of factors. He says "people always know where I stand on every issue and I try to serve all the people, Republicans and Democrats alike." He adds, "And I think I've pretty well represented the feelings of the Hoosiers of Indiana. I haven't been an extremist in any direction."

Most Hoosiers will not take issue with the Senator on any of those points which Mr. CAPEHART feels qualifies him to seek reelection. Even those who disagree with the political philosophy of Mr. CAPEHART must agree that he is not one to hide his views on issues of importance and certainly that he is not an extremist in the loosest use of the word.

Senator CAPEHART currently enjoys the distinction of having served longer in the Senate than any other Senator from Indiana. This has made him the 4th-ranking

Republican in the upper House of Congress and the 14th in point of seniority of all Senators.

Any fair appraisal of Senator CAPEHART would not classify him as a flashy Senator, but certainly as among the hardest working Senators and rate him extremely high as a Senator who enjoys the respect and confidence of his colleagues. These are priceless and hard-won assets that contribute enormously to the effectiveness of a U.S. Senator in the service of his State and Nation.

It would be somewhat naive to suggest that Mr. CAPEHART was not thinking of warding off a convention fight by announcing early. He possibly was, even though a contest doesn't seem to be a probability at the moment. More likely, we suspect Mr. CAPEHART, as a politician, was thinking in terms of an additive that would contribute to solidifying his party.

FAIR LABOR STANDARDS AMENDMENTS OF 1961

The Senate resumed the consideration of 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.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time necessary for the call of the roll not be taken from the agreed upon limitation on time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. METCALF in the chair). Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I yield myself 3 minutes from the time on the bill.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

NEED FOR REGIONAL AMERICAN INSTITUTES OF HEALTH

Mr. HUMPHREY. Mr. President, this coming Saturday, April 22, a group of the Nation's most distinguished authorities on cardiovascular problems and on cancer will be meeting with President John F. Kennedy for the White House Conference on Heart Disease and Cancer.

Last Friday and Saturday, the medical authorities met at the famed National Institutes of Health to prepare recommendations.

Prior to their meeting, I had sent to each of the 24 participants in the Conference a memorandum. It contained a few of my own suggestions for a counterattack against these two leading killing and crippling diseases in our country.

My essential recommendation calls for a "total war against disease." This means sacrifice on the part of our Nation, just as in the case of conducting war against an enemy aggressor.

FORTY-FIVE MILLION POSSIBLE VICTIMS

Nothing less than total war will suffice against an enemy such as cancer, which if present rates continue, may kill no less than 45 million Americans now living.

It is my hope that the 87th Congress will be recorded in history as "The Health Congress." If it is, mankind will have far greater cause for thanksgiving over the health events of 1961–62 than over the news—however great—that man had orbited the planet.

REGIONAL INSTITUTES OF HEALTH

The principal point in my program is a suggestion for authorization of new regional American Institutes of Health for research and training. These would be established at a few of the Nation's leading universities. The Federal Government would provide financial support, but, as in the case of present extramural grants, it would not exercise control, nor would it interfere in university administration of the centers.

The initial basis for such regional institutes would be provided for by the establishment of two types of regional centers; for biomedical instrumentation and for rehabilitation.

I believe that the University of Minnesota would be an ideal location for the two pilot centers. But decision as to site would, of course, be vested entirely in the hands of scientists in accordance with standard procedure for weighing project or institutional grants.

It is my plan to offer an amendment to the 1962 fiscal year appropriation bill for the Department of Health, Education, and Welfare to inaugurate the pilot programs.

PROPOSED ASSISTANT SECRETARY FOR INTERNATIONAL AFFAIRS

Other points on the 10-point program include five major suggestions for strengthening international medical cooperation. These include the proposed establishment of a new post of Assistant Secretary for International Affairs in the Department of Health, Education, and Welfare.

The need for these various actions is documented by evidence which has been compiled during a two-year study conducted by a subcommittee of the Committee on Government Operations of which I am privileged to be chairman. This Subcommittee on Reorganization and International Organizations has been engaged in what is believed to be one of the most intensive collections of views ever gathered from international medical scientists.

LATEST TWO SUBCOMMITTEE PUBLICATIONS

Our study has drawn commendation from the medical profession in all parts of our Nation and the world. The latest of our publications is a set of two exhibit volumes; they contain helpful letters and suggestions from 18 winners of the Nobel Prize, from 36 deans of American medical schools, and from many other distinguished authorities.

The suggestions which I offer today are entirely my own, however. The subcommittee has formal jurisdiction for recommendations as regards issues of Federal organization and budgeting.

By contrast, substantive health legislation and appropriations are the responsibility of the Senate Committees on Labor and Public Welfare and on Appropriations.

There, under the distinguished committee and subcommittee chairmanship of the Senior Senator from Alabama [Mr. HILL], dean of the Senate's health work, medical legislation receives diligent and sympathetic attention.

And so, I know that the suggestions which I am offering today will be most carefully considered.

The 10-point program is designed to help mobilize the resources of our country in an intensified war against major diseases.

REAL ECONOMY—EFFECTIVE ATTACK AGAINST DISEASE

In my judgment, nothing is costlier in a war than merely to conduct a holding action, as we are now doing against disease, in large part. This is the most expensive way to fight disease—to take inadequate action which proves to be too little and too late in countless cases.

The cost is infinitely higher if we try to cure disease after it has struck, than if we prevent it from striking in the first place. Similarly, the costs to society are infinitely higher if we allow a sick human being to remain without real treatment or a disabled human being "to rust on the shelf," rather than rehabilitate him or her.

Earlier our committee has documented the overall amounts of health expenditures by the Federal Government—the first time this has ever been done in such detail by the executive or legislative branches. We did not, however, attempt to interpret whether the amounts now being invested in health are the right amounts; that is the responsibility of the Committee on Appropriations.

I, for one, believe that the investment which the Federal Government is now making is definitely insufficient to counterattack effectively against cancer, heart disease or other sickness—this year, next year or on a systematic, long-term basis. We are not providing the resources of which our society is capable for the most advanced preventive medicine, curative medicine and restorative medicine.

I ask unanimous consent that my memorandum to the participants in the White House Conference on Heart Disease and Cancer be printed at this point in the body of the RECORD.

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

APRIL 11, 1961.

Memorandum from Senator HUBERT H. HUMPHREY.

To participants in White House Conference on Heart Disease and Cancer.

Re 10-point program of individual suggestions submitted to Conference.

A. INTRODUCTION

I convey warmest greetings to the distinguished authorities who are serving with the President's Conference on Heart Disease and Cancer.

The conference will, I know, serve as a milestone, not only in the history of the research effort by our Nation against these two leading killers, but literally, in the history of the worldwide effort.

The purpose of this memorandum is to submit to the Conference—

(a) This introductory statement of background;

(b) Comments on the issue of national policy and Federal appropriations; and

(c) A 10-point program of personal suggestions which I am submitting to the Congress and to the executive branch on possible statutory and administrative actions.

The suggestions are based on information gathered during a study over the past 2 years by a subcommittee of which I am privileged to be chairman.

However, this memorandum represents only my personal views; the subcommittee, itself, does not have jurisdiction for formal suggestions on substantive health legislation or on appropriations.

But as one Senator, I offer these individual recommendations. The proposals are, in turn, only part of a larger list; bearing upon many diseases, other than heart disease and cancer.

B. THE FUNDAMENTAL ISSUE OF NATIONAL POLICY AND OF FEDERAL APPROPRIATIONS

A central issue is a new national policy and national willingness to carry out the policy with adequate men, money, and materiel.

In my personal view, the need for increased appropriations should be faced head-on.

President Kennedy has proven his eagerness to strengthen the Nation's health. His recommendations to the Congress are inspiring and practical.

Now, it is Congress turn to evaluate additional expert views, such as those to be presented by the White House Conference.

So far as appropriations are concerned, I am confident that the expert subcommittees for the Department of Health, Education, and Welfare of the Senate and House Committees on Appropriations—will, as heretofore, give diligent and sympathetic consideration to this issue.

Executive branch request

It is understood that the revised budget estimate for the 1962 fiscal year for the National Cancer and National Heart Institutes, respectively, now contemplates these allocations:

Over recent years, thanks, notably, to leadership by Senator LISTER HILL, Congressman JOHN FOGARTY and others, the appropriations for medical research have increased.

Senate Report 142 which I filed on March 30, 1961, notes that the Federal Government's total research effort—in the physical as well as in the life sciences—is increasing all along the line. The overwhelming share is still being spent for military-space age research. For example, rocketing a man to the moon may cost the United States $30 billion in the next 15 years. But whether or not man gets to the Moon, there will remain here on Earth millions of our fellow citizens suffering, dying prematurely, losing loved ones because of these two killers—heart disease and cancer.

Senate Report 142 notes evidence that, from a fiscal standpoint alone, research pays dividends manifold to the Federal Treasury, e.g., by protecting the Nation's earning power which might otherwise be lost from the Federal tax "base."

Disease and disability (according to observers quoted in the report), cost the Nation not less than $35 billion a year in fiscal terms.

Why is it, I ask, that this Nation has enough money to suffer such vast losses to killing and crippling diseases, but according to some people, "does not have enough money" to fight back adequately against these diseases?

The human budget

The fact, moreover, is that neither Senate Report 142 nor any other fiscal-type accounting can come to terms with America's "human budget." As the report indicates, no dollar value can be set on the suffering of a child dying from leukemia, or of a family whose breadwinner has been struck by coronary thrombosis, or of any human being felled by avoidable disease and disability.

As to how much should be spent, I should like to recall comments by Dr. Rashi Fein,[1] in a recent monumental study in a different field, mental health:

"Our economy can afford to spend whatever it desires to spend. What society can spend (and ultimately what society should spend) depends on the value system that society holds to. It is obvious that society can spend much more on mental illness (or on anything) than it presently is doing. Whether or not it chooses to do so is another question."

[Millions of dollars]

Grants	Heart	Cancer
Research	66.1	55.2
Fellowship	3.1	2.4
Training	9.6	7.0
State control program	3.5	3.5
Community demonstration project		2.0
Total	82.3	70.1
Direct operations: Research	9.9	14.7

Our society should in my view choose to spend more against heart disease and cancer. Specifically, it can, in my view, afford to spend more on preventive medicine, curative medicine, and restorative medicine. The Federal Government will be fulfilling its responsibility by increasing its investment in our greatest resource—our people. Simultaneously, the Federal Government should do everything possible to encourage and stimulate increased nongovernmental efforts, notably those sponsored by the two outstanding voluntary organization—the American Cancer Society and the American Heart Association.

C. SPECIFIC RECOMMENDATIONS

1. Mobilize funds to apply knowledge already available: No authority needs to be reminded of the disappointing gap between (a) knowledge of means to control cancer and heart disease; (b) actual application of such knowledge among the masses of potential beneficiaries. It is essential that this gap be narrowed to an absolute minimum.

This requires adequate funds for all the units of the Public Health Service which are involved in training, demostrations, and health education of the public as well as the fullest cooperation of State and county authorities and nongovernmental sources and media. With Federal funds mobilized, we should be able to: (a) find the most modern methods of overcoming those obstacles which prevent application of knowledge, (b) put these methods to work.

[1] Originally stated in monograph by Joint Commission Against Mental Illness, "Economics of Mental Illness," 1958, p. 137, quoted in "Action for Mental Health." Basic Books, 1961, p. 282.

2. Strengthen research on documentation control and communications: What has been characterized as the publications explosion must be faced resolutely. Clues of incalculable value may be buried now within tens of thousands of present and past medical articles, monographs, published proceedings and books. A broader gaged effort must be made for the improved management of information in cancer and cardiovascular literature throughout the world. Advanced methodology has long since been demonstrated in effective management of information on cardiovascular and cancer chemotherapy agents. Such advances must be followed up by a more coordinated program of Federal-private cooperation.

This requires not only interagency coordination (e.g., NIH, National Library of Medicine, National Science Foundation, etc.), but further use of the excellent resources and potentialities of the National Academy of Sciences, National Research Council.

The program should include refinement of the most modern electronic and other methods of indexing, abstracting, storage, retrieval, dissemination, and utilization. The problem is international; researchers throughout the world should be enabled to obtain reliably and with a minimum of effort, the data they need and want—when they need it and want it, so as to increase their scientific efficiency.

Through the Science Information Exchange and other means, efforts should likewise be made for improved management and utilization of unpublished information, including data on experiments which have failed and which may never be orally presented or published.

3. Organize the Federal agencies for increased international medical and related cooperation: Our subcommittee has shown the commendable growth of international interest and activity by Federal departments.

Yet, at present, the Federal Government is not organized in the most efficient way for coordinated, intra-agency and interagency international effort.

That is why I have been pleased to recommend to the able Secretary of Health, Education, and Welfare, the Honorable Abraham Ribicoff—establishment of a new post of Assistant Secretary for International Affairs.

The new office would be the means for coordination of international medical as well as nonmedical efforts by all HEW components, e.g., the Office of Education, the Public Health Service, the Children's Bureau, the Food and Drug Administration, etc.

In medical affairs, the new office would cooperate closely with the Secretary's Special Assistant for Health and Medical Activities and with the National Institutes of Health Office of International Research. The latter Office would continue to be a headquarters of U.S.-sponsored international cooperation in medical research.

Simultaneously, because of the crucial role of nutrition and diet, there should in my judgment be established an Assistant Secretary of Agriculture for International Affairs. From that post, there would be carried on close cooperation with the Food for Peace Administrator.

4. Assure more adequate international travel funds and exchange support: There is no substitute for personal, on-the-scene communication between scientists. More adequate funds—in U.S. dollars and U.S.-owned foreign currencies—should be made available for attendance at international seminars, symposia and congresses and for exchange visits in U.S. and foreign laboratories. Intraregional travels and exchange, within Europe, Asia, Africa, Latin America should be fostered by U.S. and foreign governments.

The green light should be given to Federal agencies to administer the program with a minimum of redtape and a maximum of flexibility.

In particular, I personally believe (as I stated to Premier Khrushchev in Moscow on December 1, 1958), that every effort should be made to remove political, financial and other impediments to freer scientific exchanges between the Free World and the Sino-Soviet bloc.

5. Strengthen international professional organizations: Intergovernmental and international professional organizations are the indispensable channels for strengthened collaboration against cancer and heart disease. An application already approved by the National Cancer Institute for Federal support of a research counseling service by the International Union Against Cancer, should be favorably and finally acted upon. Later, if results warrant, as I believe they will, the International Counseling Service should be strengthened.

The World Health Organization's program for international cardiovascular cooperation should be strengthened.

In our own hemisphere, the scientists of Latin America should be enabled through the Pan American Health Organization, as well as through private professional organizations, to make a fuller contribution to international heart and cancer research through expanded epidemiological and other studies.

The fullest support by lay philanthropies and voluntary groups for international profession societies should be encouraged by the United States and foreign governments.

6. Study possibility of international medical audiovisual exchange program: The Surgeon General of the U.S. Public Health Service should be enabled by an amendment to the 1962 appropriations bill for the Department of Health, Education, and Welfare to appoint a consultative study group. It would explore the possibility of an international medical audiovisual exchange program. The study would examine the possibility of strengthening the two-way exchange of the latest medical motion pictures (e.g., on heart surgery), film strips, slides, and exhibits.

Simultaneously, the study group should explore the opportunities of improved cataloging, distribution, etc., of medical audiovisuals within the United States—through a more coordinated complex.

To be represented on the consultative group—which would report to the Congress by early 1962—should be Federal agencies, the American Medical Association, the pharmaceutical industry, medical schools, institutes, and other leading sources.

7. Encourage regional pilot centers for research in Europe and other areas: Through the World Health Organization, the U.S. Government should encourage European and other areas to develop regional research centers. The successful experience in the physical sciences of CERN—for nuclear research—should be regarded as a prototype for comparable efforts in medical science which individual foreign countries might not otherwise be able to afford. The U.S. Government should do its part to help foster one or more pilot centers which could serve on an experimental basis as a center of excellence in heart disease or cancer, or specialized phases thereof. Western Europe—long a fountainhead of scientific progress—would serve as a logical starting point, but ultimately, all areas of the world should have such centers for medical education and research.

8. Strengthen development of biomedical instrumentation: The tremendous challenge for strengthening interdisciplinary advances in medical instrumentation should be met by a bold, long-range program of Federal intramural and extramural support.

Electronic instrumentation is a case in point—including analog and digital computers, in addition to a broad array of infrared, ultrasonic and other devices, e.g., the cytoanalyzer.

Already the Federal Government is spending over $1¾ billion for research, development, testing, and evaluation of military space-age electronics, including microminiaturized telemetering devices. By comparison, the U.S. Government has been spending a little over $1¾ million to support comparable medical electronic research and development. No systematic program exists to exploit for civilian medical science Defense-NASA-sponsored breakthroughs, although there have been numerous effective adaptations.

For example, for purposes of intracardiac phonocardiography, NHI grantees adapted acoustic techniques which had been originally developed by the U.S. Navy for undersea warfare.

Enlarged extramural support should include authorization of funds to establish, at least on a pilot basis, regional biomedical instrumentation centers in the United States.

9. Fund U.S. pilot projects in regional rehabilitation centers: The National Health Survey reports more than 3 million Americans limited in activity by cardiovascular ailments (not to mention the millions of others afflicted with diseases of the heart and circulation who are less restricted in work). Two-hundred and sixteen thousand Americans are, the Survey estimates, limited by malignant neoplasms and another 216,000 by benign and unspecified neoplasms. But these figures do not begin to tell the story of the challenges in rehabilitation research and demonstration. Accordingly, one of the many steps the Federal Government should take is to provide support for regional rehabilitation centers; these should become centers of excellence in restorative medicine. There, techniques could be developed whereby nurses and homemakers, among others, could be trained to help cope with the rising numbers of the aged and others, requiring rehabilitation service.

10. Authorize regional American Institutes of Health: The conclusion of my recommendations to the Congress, to the executive branch, and to our Nation is this general, then, a specific point.

This Nation should, in effect, declare war against disease. It should invite all other nations to do so.

Mere continuation of the present level of effort is not good enough; mere lipservice to a larger effort will not eliminate a single virus or a blood clot or solve a single mystery of DNA and its code of life.

Expanded action is necessary; reinforcements are necessary.

Nothing less than total war will suffice against these killers. In cancer alone, we face an enemy which will, if present rates continue during our lifetime, kill 45 million Americans now living.

To wage total war requires a willingness and eagerness to sacrifice. Fortunately, at least part of the Nation has long since eagerly committed itself to this conflict. Throughout the United States and the world are uncounted numbers of men and women who have dedicated their lives to research and to the healing of man. In our own country are physicians, members of allied professions and of paramedical groups, biologists, physicists, chemists, who give of themselves unstintingly to this cause.

In addition, there are vast numbers of laymen who selflessly devote countless hours to the battle.

But a far greater national effort is necessary. In my judgment, the President of the United States might well say to the American public—paraphrasing the magnificent remarks of his inaugural address:

"Ask not alone what the healing arts can do for you; ask what you can do for the healing arts so as to enable them to serve our people, and through research to serve all mankind."

What we can do is assure to biological and medical science the resources which they need now, next year, 5 and 10 years from now, in a systematic program of growth and development. It means giving them our confidence as well. That includes providing fullest support to basic research, assuring long-term institutional and career grants and avoidance of restrictions on scientific freedom and curiosity.

It means recruiting the cream of the Nation's manpower and womanpower to the health sciences and assuring adequate career incentives.

It is a paradox that apparently enough money is available to make possible reams of advertisements, recruiting scientists and engineers to serve military-space age purposes. But there isn't a fraction of such funds available to recruit for the health sciences or to put the recruits to work in "the front lines" against disease and disability.

Fortunately, we Americans do have superb assets with which to launch an enlarged effort. We have a medical profession second to none. Vigilantly guarding the Nation's health is a great instrumentality with a noble tradition, the Public Health Service. Within PHS, we have in the National Institutes of Health an arm of service which enjoys the highest confidence of the biomedical world. We have other able Federal organizations as well. Throughout the States, counties, and cities are dedicated grassroots leaders in the health sciences. And no nation is more blessed with a wider array of skills—and in greater depth—in its universities, its colleges of medicine, dentistry, pharmacy, veterinary science, its schools of nursing, its teaching hospitals, institutes and private laboratories.

But hundreds of letters to this subcommittee confirm the financial plight of many of the public and private medical institutions, shortages of faculty and other personnel, obsolescence and inadequacy of plant and equipment and other problems.

So, we need to break through to a higher level of support for the health sciences.

Will this be expensive? No, not if we really value human life as we say we do.

The fact moreover is this, as was indicated briefly in the fiscal setting of Senate Report 142, the costliest approach to disease is do too little and too late. To conduct a mere holding operation against the ravages of disease does not make sense, particularly if it is possible not merely to hold, but to reduce, even eradicate, a given disease. Similarly, to fail to rehabilitate a disabled citizen is the costliest, most wasteful approach (in addition to being the most callous).

To hold appropriations to a given level simply because "they have risen recently" is mere arbitrariness; it is neither logical nor practical in view of the dynamic needs of preventive, curative and restorative medicine.

If then, it may be agreed that a total war against disease should be inaugurated, how should it be manifest?

My final suggestion is this:

Independence of regional institues to be assured: Specifically, we need to launch an overall program for Regional Centers of Biomedical Research at several of the Nation's leading universities. Such centers should serve—in intra-mural research and retraining—for their respective regions, as, in effect, NIH now serves for the Nation.

The centers would, it should be clearly understood, continue to enjoy their prized independence, as at present. Freedom from outside control is, of course, indispensable to universities and to science. But, so far as goals are concerned, the centers would be in effect, Regional American Institutes of Health.

The foundations could be laid by the Regional Instrumentation and Rehabilitation Centers, mentioned earlier.

I cite the University of Minnesota as illustration of a great institution which, as I am sure, the scientific world would agree, could serve as one such center.

Citizen-professional teamwork necessary: In the war against disease, teamwork will win; but a sense of urgency is essential. This is not a cold war; it is a hot war, involving all the agony of the battlefield. A half minute ago, some American died of heart disease; 2 minutes ago, someone died from cancer. The heat of enemy fire beats down constantly upon Americans and upon Russians, Chinese, Cubans, and everyone else throughout the world. We had all best be allies, for pain and death are our common foes.

The time has come to seize the offensive and to win—not skirmishes, but battles.

As long as man lives, the war will continue against disease and disability. We can, and should, strive to conquer those enemies which it may be within our power to reduce or wipe out in our time.

D. REFERENCE TO SUBCOMMITTEE PUBLICATIONS

The following is a list of handy references to the subcommittee's publications which might be of interest to conferees.

All 10 of the subcommittee's committee prints to date contain references to heart disease and cancer. However, only the two prints with major references are included in the following list:

"Cancer: A Worldwide Menace," July 17, 1959, Committee Print No. 5, entire contents.

"Patterns of Incidence of Certain Diseases Throughout the World," November 9, 1959, Committee Print No. 6, page 15, cancer; page 18, Heart Disease.

Hearing, "The U.S. Government and the Future of International Medical Research":

Part I, page 4, Heart Disease; pages 61, 293, Cancer.

Part II ———.

Part III, page 821, Heart Disease; page 793, 881, Cancer.

Hearing: "Coordination of Activities of Federal Agencies in Biomedical Research," pages 44, 210, Charts; pages 57, 230, Heart Disease; pages 62, 224, Cancer.

S. Report 142: "Coordination of Federal Agencies' Programs in Biomedical Research and in Other Scientific Areas," part I: page 90, Inflation and Research Costs; page 96, January 1961 budget request; page 100, Projections of 1965–70 Research Expenditures; page 132, National Institutes of Health; page 236, DHEW Research Personnel; page 305, January 1961 Public Health Service Statement on U.S. Health Objectives.

ADMISSION OF RED CHINA TO UNITED NATIONS

Mr. DOUGLAS. Mr. President, will the Senator yield? I do not wish to speak on the pending bill, but to ask that a certain statement be printed in the RECORD.

Mr. HUMPHREY. I yield whatever time the Senator desires from the time for consideration of the bill itself.

Mr. DOUGLAS. Mr. President, one of the most vital matters confronting the security of our Nation and that of the free world is the threat posed by continuing efforts to gain admission for Red China to the United Nations and diplomatic recognition by the United States. I have long felt deep concern over these efforts because were they to succeed, they would strike a severe and perhaps disastrous blow to the morale and determination of uncommitted and anti-Communist peoples and nations throughout the world. This is one of the reasons why I have, together with citizens from every facet of our national life, joined the Committee cf One Million in opposing such recognition of Red China.

One of the most persistent arguments in favor of rewarding the Red Chinese aggressors with acceptance into the community of nations is the argument that Red China is so large and so potentially powerful that such recognition is a practical requirement. I have never believed that the magnitude of wrongdoing justifies the crime.

One of the most concise, sound and persuasive arguments why such recognition should not be accorded to Red China recently appeared in the authoritative and widely read V.F.W. American Security Reporter, published monthly by the Veterans of Foreign Wars of the United States, under the direction of Mr. Ted C. Connell of Killeen, Tex., national commander-in-chief of the V.F.W. The lead article of the February issue, by Brig. Gen. J. D. Hittle, USMC, retired, director of national security and foreign affairs of the V.F.W., is entitled "England, Red China, and the U.N." In this article General Hittle discusses some very pertinent background factors relating to England's Far Eastern interests which in turn could provide motivation for the recent statement of England's Foreign Secretary, Lord Home, advocating the admission of Red China to the U.N. because such action, he said, is required by the facts of international life.

Those who refuse to accept such a thesis as that set forth by Lord Home will be encouraged by the analysis in General Hittle's article in the V.F.W. publication as to the fallacy of the British position. This article deserves the thoughtful attention of every citizen. It is another example of the constructive manner in which the Veterans of Foreign Wars are demonstrating their leadership in helping keep our Nation alert and strong.

I hope that all Members of the Senate will give the article their thoughtful attention. I ask unanimous consent that this article from the V.F.W. American Security Reporter be printed at this point in the RECORD.

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

ENGLAND, RED CHINA, AND THE U.N.

(By Brig. Gen. J. D. Hittle, USMC (retired))

When Britain's Foreign Secretary, the Earl of Home, recently stated that the facts of international life require the entry of Red China into the United Nations, a disruptive factor was injected into British-United States relations. Supporters of a policy of resolute opposition to communism were encouraged by the quick reaction of the Kennedy administration. On the day following Lord Home's blunt advocacy of Communist China's admission to the U.N. a spokesman for the U.S. Department of State expressed official exception to the British view.

While Great Britain historically has followed a relatively soft line toward Chinese communism, this latest support of Red China's admittance raises an interesting question as to its timing. Obviously, more than just admission of Red China to the U.N. is involved.

Perhaps one of the leading facts of international life which inspired Lord Home's statement to the House of Commons concerns Hong Kong and the fact that England's lease to the new territories portion of that fabulously wealthly crown colony is approaching the time when Red China will be talking about terminating the lease and England will be seeking renewal. The 99-year lease by which England holds this portion of the colony was obtained from China in 1898. Thus the lease has 36 years to run. This is a very short time in terms of national policy and the tremendous British capital investments which continue to be made in Hong Kong. Consequently, the British attitude may be described as "be kind to the landlord." Unfortunately, the landlord in this instance is a bandit nation intent on the ultimate destruction of the tenant.

United States—and much of the free world's—opposition to Red China's admission to the United Nations is not based upon so-called facts of life, but rather upon demonstrative and haunting facts of death—death of religious tolerance and dignity of the individual in China; death of peace in the Asian world; death of the independence of Tibet; death of thousands of U.S. soldiers, sailors, marines, and airmen in resisting Red China's aggression in Korea; death and torture of U.S. citizens in Red China's prisons; and death—wherever Red Chinese influence exists—of man's hope for international morality and peace.

The case against Red China's recognition by the United States and admission to the United Nations is based upon a very simple, but inescapable principle: Evil, immorality, and tyranny are not legitimized by being king sized.

FAIR LABOR STANDARDS AMENDMENTS OF 1961

The Senate resumed the consideration of 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 for other employers engaged in commerce or in production of goods for commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. MANSFIELD. Mr. President, I call for the regular order.

Mr. GOLDWATER. Mr. President, I believe that under the unanimous-consent agreement last evening I have the right to the floor so that I may complete presentation of my amendment.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HUMPHREY. Am I correct in stating that the Senator from Arizona had used the 30 minutes allotted on his amendment, but that additional time

will be granted as the result of an understanding last evening?

The PRESIDING OFFICER. The Senator is correct. The time is allowed by Senators who control the time on the bill.

Mr. HUMPHREY. How much additional time does the Senator from Arizona wish?

Mr. GOLDWATER. The understanding with the majority leader last evening was that the Senator from Arizona would be allowed at least 10 minutes.

Mr. HUMPHREY. I believe we can start with at least 10 minutes, and then perhaps grant a little more.

Mr. GOLDWATER. Knowing the generosity of my friend from Minnesota, a little more could mean much more, and I assure him that I do not need a great deal more time.

Mr. HUMPHREY. I thank the Senator for any consideration that he will give. I yield 10 minutes on the bill.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. Must the 10 minutes come out of any controlled time, since the majority leader allowed the time to me last evening?

Mr. MANSFIELD. The time must come from the time on the bill.

The PRESIDING OFFICER. The Chair understands that the time must come from the time allowed on the bill under the unanimous-consent agreement.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. How much time remains on the bill?

The PRESIDING OFFICER. On the bill the proponents have 78 minutes remaining and the opponents have 66 minutes remaining.

Mr. GOLDWATER. I thank the Chair.

Mr. President, in order that Senators who were not present yesterday evening may know to what my amendment pertains, I shall give the explanation that I gave last night because I see some of my friends present who have industrial troubles in their States from foreign competition.

The committee bill contains a provision authorizing the Secretary of Labor, when he has reason to believe that foreign competition has resulted or may result in unemployment in the United States, to make an investigation of the matter, and if he determines that such unemployment has resulted or may result, to report his findings to the President and Congress.

Merely to make such findings and to report them to the President is not a guarantee of action. The Tariff Commission is today charged with the responsibility of performing this same type of investigation, including hearing interested and affected parties, and making a recommendation to the President. The investigation usually stops at that point.

My amendment is substantially the same as the committee bill up to that point, but it then goes further. It provides that the Secretary of Labor shall report his findings and recommendations to the President, and then the President may by proclamation make effective the Secretary's recommendations, and the Secretary of the Treasury will then carry through on the necessary quotas, tariffs, et cetera, to bring about the desired result.

I believe the committee bill makes an approach to the problem, but it is a very weak approach that would not bring relief to the affected areas. I am thinking particularly of the dilemma in which the textile industry in this country finds itself today. Three hundred thousand workers in that industry are out of work as a result of foreign competition. I wish to repeat to my friends, as I reminded them before, that one out of eight persons employed in industry in this country is employed in textiles or related industries.

Mr. COTTON. Mr. President, will the Senator yield for 10 seconds?

Mr. GOLDWATER. I am happy to yield.

Mr. COTTON. I commend the Senator from Arizona for offering his amendment. As the Senator knows, under the leadership of the able Senator from Rhode Island [Mr. PASTORE], the Senator from New Hampshire served and is serving on a special committee dealing with the textile situation.

During the last two Congresses we have been fighting desperately to save our textile jobs. We have run up against a blank wall. I believe that the amendment of the Senator from Arizona is needed. It offers affirmative relief to the hard-pressed textile industry. I recall that only a few days ago in this Chamber Senator after Senator rose and spoke eloquently and pointedly about the textile problem.

I earnestly hope that the Senator from Arizona will obtain a rollcall vote on his amendment. I shall support him.

Mr. GOLDWATER. I certainly appreciate the offer of help from the Senator from New Hampshire. He knows full well the impact of foreign products on the textile industry of this country. It is not only in the textile field that we find this difficulty. We are finding it also with respect to automobiles, steel, and many of our basic industries where we never believed a few years ago that the foreign markets would ever compete with American industry. Yet as we continue in Congress and in the different administrations—and I am not putting the blame on any one administration—in effect to tinker with the natural operation of our economic system, we will be faced with more and more necessity for legislating to protect our industries. As we unnaturally raise wages, we unnaturally raise costs. One result is increased prices. As we bring about increased prices, we open the door wider and wider to foreign competition.

I might call the attention of Senators to an action that was taken recently which will affect the textile industry. Surplus cotton is being sold in foreign markets at eight and a half cents below the domestic market price. It was 6 cents last year. This will add to the difficulties the textile industry is experiencing.

Mr. President, American labor is not blind to all of this. I am surprised that the labor movement has not more openly insisted on an amendment such as I am offering, which has some real meaning to it. Perhaps if someone else offered it, it might be better received. However, I believe that statements by labor leaders indicate they know of the problem and are anxious to have something done about it.

For instance, Mr. Arnold Beichman, editor of the Electrical Union World, published by the International Brotherhood of Electrical Workers, in a statement published in the Industrial Bulletin of the New York State Department of Labor has this to say:

> American labor has put the world's free trade unions on notice that international trade competition based on low wages must be controlled.

This statement comes from one of the leaders of labor in an industry which is being drastically affected by foreign competition, namely, the electrical and electronic industry.

I ask unanimous consent that the entire article written by Mr. Arnold Beichman be printed in the RECORD at this point.

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

[From the Industrial Bulletin, December 1960]

LABOR CONCERNED OVER IMPORTS FROM ABROAD—U.S. LABOR OFFICIALS SEEK FAIR STANDARDS FOR INTERNATIONAL TRADE

(By Arnold Beichman)

American labor has put the world's free trade unions on notice that international trade competition based on low wages must be controlled. If not, a spirit of economic isolationism, in the form of high tariffs and import quotas, may gain support in the United States with the aim of banning from our domestic market goods which today threaten the jobs of millions of American workers, including thousands in New York State.

This message was presented by American labor spokesmen at a recent meeting of the International Confederation of Free Trade Unions, which include the labor organizations of Europe, Australia, Asia, Africa, and North and South America.

Since World War II, foreign labor leaders were told by Walter P. Reuther, president of the United Auto Workers, American labor has supported freer international trade as one way of strengthening the free world.

"But we must understand," he said, "that good will and noble sentiments are an inadequate answer to a worker losing his job because another worker is making the same product with the same tools, but getting half the wage of the American worker.

"Pressure is building up in America which will lead to economic isolationism and be a blow to the free world. If we don't solve this problem, it will not be possible to tell the American worker much longer, 'You can't protect yourself.' Economic isolationism may become necessary as a matter of survival and that would fragmentize the

free world's economy, and the free world can't survive that way."

The UAW leader pointed out that the same technology is being used by industrial countries throughout the world in manufacturing the same products. For example, an auto plant in Germany making the Volkswagen uses the same tools, machinery and techniques used by a General Motors or Chrysler parts plant in New York State.

"If the foreign worker getting one-tenth of the American worker's wages," said Mr. Reuther, "were using an undeveloped, primitive technology, the wage differential wouldn't be serious. But the technology today is identical in France, Germany, Italy, Britain, Japan, or Canada. The technology is universal but the wages are different, yet they are all competing for the same market."

This situation is particularly notable in the transistor radio industry, where the American worker's wages and benefits are anywhere from 3 to 10 times greater than the wages of workers in Japan, where also more than 120 million pieces of flatware are produced to compete with similar American-made products. (New York State has several communities whose economy depends upon the production of these items.) The AFL–CIO official pointed out that merely raising tariff walls wouldn't change the situation very much because if a 10-percent penalty were imposed, for example, on imported transistor sets, wages in the exporting country would be cut 10 percent.

"Nobody can win a negative contest," he said, "based on who can depress wages the most."

The first step which foreign industry must take—and particularly in Japan—is "to meet its basic social obligation to its workers," namely to raise wages so as to reduce the incredible disparity between Japanese and American wage levels. If foreign industrialists refuse to raise wages, only then would high tariff penalties be placed on exports.

"We know that as a practical matter," said Mr. Reuther, "we can't equalize wages in all areas of the world, but we can minimize the differential so that we can live with them."

This conflict threatens to grow more acute as more and more countries, former colonies of European nations, win their independence and begin to industrialize. Each of these countries must obtain foreign aid, in the form of financial and technical loans and support, for survival in the 20th century. Their products must find foreign outlets in order to establish credits to purchase essential materials to be used in expanding manufactures.

Labor leaders from foreign countries argue that wages in their countries will remain low, as compared to wages in the United States, so long as industrialized countries pay low prices for imports of primary commodities—tin, copper, copra, sisal, coffee, tea, for example—which for some countries in Asia represent their major hard-currency earner. If countries like Britain, the United States or Germany, which import these primary commodities, would pay higher prices for them, it would make wage increases possible, they argue.

There is another wage depressant, said an Indian labor official. That is the necessity for underdeveloped countries to devote a higher proportion of their gross national output to reinvestment. Whereas in already industrialized countries like the United States, a large part of gross national product can go to paying high wages, in those countries just beginning to industrialize and under internal pressure to achieve industrialization in a few years, raising wages to U.S. levels would mean retardation of industrialization.

A Swedish labor leader pointed to the illogicality of ladling out huge amounts of financial aid to underdeveloped countries to industrialize and then when they begin to manufacture exports for world markets to establish trade restrictions blocking their entry into these markets.

This is the debate which world labor is now engaged in and it resembles the old problem of the immovable object meeting the irresistible force. The ICFTU has undertaken to establish a formula for international fair labor standards for inclusion in some kind of an international agreement.

The first ICFTU suggestion is that the General Agreement on Tariffs and Trade (GATT) and the International Labor Organization (ILO) together examine the question of fair labor standards, a highly technical, complicated matter.

As an example of how complicated a matter comparison of labor costs between difference countries can be, it is necessary to take account of output per man-hour in order to show labor costs per unit produced. International comparisons of productivity are, however, rare and are indeed difficult to undertake. However, with the increasing use of similar technology by similar industries in different countries, man-hour productivity measurement in the future will be somewhat simpler than before.

ICFTU economists have proposed these criteria for determining fair labor standards on an international level:

(a) Average labor costs would be determined for the manufacture of a given export by producers in a foreign country. If one manufacturer fell below this industry average, he would not be allowed to export to the United States pending investigation as to why his labor costs were lower than his competitors.

(b) The relationship of wages in a country's exporting industry to wages in the country as a whole, and of wages in the importing country's industry to wages in the country as a whole. For example, if wages in the cotton textile industry of an exporting country were 30 percent below average labor costs of manufacturing industries in that same country, but average labor costs in the cotton textile industry of the importing country were only 10 percent below the average of labor costs of manufacturing industries in the importing country, wages in the cotton textile industry of the exporting country would be considered substandard and action taken accordingly.

(c) The third criterion applies to the situation where average unit labor costs in producing an export item are far below those prevailing in similar production sectors in the importing country. This criterion would take productivity into account by relating total average hourly labor costs to manhours to produce a single unit basing itself not on money wages but real wages based on national consumption patterns.

However, the ICFTU agrees that unions in importing countries should press governments to adopt policies looking to expansion of gross national income, maintenance of high levels of demand, assistance to depressed areas, compensation and retraining for displaced workers before seeking adoption of protectionist measures.

The ICFTU also holds that unions in exporting countries should urge their governments to raise living standards of workers, thus broadening the domestic market, and to preserve and extend trade union rights so as to insure that a booming export trade is not merely the result of excessively low wage rates. In this connection, another criterion for determining whether an exporting country is pursuing fair standards is how free are workers to organize, to conduct strikes, and generally to make themselves felt in the development of national economic policies. Obviously, a country where workers lack genuine freedom of association and free trade unions, might very well enjoy an unfair market advantage over countries respecting such democratic rights.

Mr. GOLDWATER. Mr. President, Mr. Jacob Potofsky has certainly been a leader in the garment industry of this country. He is responsible for higher standards of work in that industry. He says:

The apparel industry of the United States, for example, is threatened by a mounting tide of low labor cost imports from the Orient.

He says, also:

We do not view the international fair labor standards program as a method of dealing with the complex and pressing problems of market disruption and industrial dislocation resulting from the recent increase in international competition based on low labor costs. If the reciprocal trade program is to be preserved, more immediate and comprehensive action will have to be taken to meet these problems.

Mr. President, I ask unanimous consent that the entire article by Mr. Potofsky be printed in the RECORD at this point in my remarks.

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

[From Industrial Bulletin, December 1960]

STATEMENT OF JACOB S. POTOFSKY [1]

The effort to achieve fair labor standards on an international level is a natural outgrowth of the traditional opposition of the labor movement to competition based on the exploitation of labor. We strongly support this effort as a long-range approach to assuring workers everywhere of a just share of their national product and of full participation in the fruits of industrial progress.

We do not view the international fair labor standards program as a method of dealing with the complex and pressing problems of market disruption and industrial dislocation resulting from the recent increase in international competition based on low labor costs. If the reciprocal trade program is to be preserved, more immediate and comprehensive action will have to be taken to meet these problems.

The apparel industry of the United States, for example, is threatened by a mounting tide of low labor cost imports from the Orient.

To forestall the destructive political, economic and social consequences of an intensification of unfair competition in the industry, prompt action is required, preferably on a multilateral basis, to safeguard historic levels of apparel production. At the same time, underdeveloped nations seeking to expand their garment industries to meet the apparel needs of their people should receive the necessary economic and technical assistance.

Mr. GOLDWATER. Mr. President, the president of the United Hat, Cap & Millinery Workers Union, Mr. Alex Rose, who is also the head of the Liberal Party in New York State, has recognized this growing problem. I shall not read from Mr. Rose's remarks, but I ask unanimous consent that his entire ar-

[1] Jacob S. Potofsky has been president of the Amalgamated Clothing Workers of America for nearly 15 years and has been concerned with the problem of men's clothing competition from Asia. He is a vice president of the AFL–CIO executive council.

ticle, also published in the Industrial Bulletin of the New York State Department of Labor be printed in the RECORD at this point in my remarks.

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

[From Industrial Bulletin, December 1960]

STATEMENT OF ALEX ROSE, PRESIDENT OF HAT WORKERS UNION, AFL–CIO, AND HEAD OF LIBERAL PARTY, NEW YORK STATE

The doctrine of free trade, like that of laissez faire upon which it is based, dies hard. Sooner or later, though, our policymakers must recognize that we no longer live in a laissez-faire world, that the concept of the free market is as outdated as mercantilism.

No matter where hats are manufactured—in Italy, France, or the United States—workers must use the same machinery, must get their raw materials from the same sources. The one constant, crucial variable is wages. Today, no nation can expect to keep its work force going and its economy thriving by paying sweatshop wages. As the world of nations emerges from colonialism, competition becomes fiercer and fiercer; Japan is now bitterly moaning over the pressure from India, and India moans over the pressure from Hong Kong and Pakistan. Before long, the newly independent nations of Africa, armed with their Singer sewing machines, and paying even less wages, will be striving to sell men's suits, caps, and dresses to the American market.

Let us imagine for the moment that the free trade doctrine were extended to the outermost limits of logic and that all textile and apparel tariffs were eliminated. According to the figures of Howard Piquet, in "Aid, Trade, and the Tariff," this would sacrifice the jobs of some 200,000 American workers. But India, with a population of more than 400 million people and a work force of between 130 and 150 million would gain nothing by this drastic expedient, nor would any of the other newly emerging powers; the only ones to profit would be foreign sweatshop owners and operators.

If we were to rely solely upon the slow, natural evolution of free trade, the underdeveloped nations would have to wait some three centuries before their economies reached the point long since reached by Western Europe and the United States. In terms of simple humanity, in face of the Communist economic drive, the free world cannot, dare not permit them to wait so long.

Not trade, but substantial and sustained doses of aid are needed and needed now.

With technologies of the highest order, Western Europe and Japan can no longer justify low wages by citing the need to industrialize. Here are some 400 million potential customers for refrigerators, automobiles, television sets—and even hats. Our prime task is to increase their earning power. To that end, we should be lowering our tariffs where and when European manufacturers raise wages. We might well adopt the Federal Government's technique in 1936, when it stipulated, via the Walsh-Healey Act, that contractors and suppliers wishing to do business with the Government must pay a set minimum wage—40 cents an hour, at a time when the prevailing industry wage fell between 20 and 25 cents an hour.

This will not and need not happen overnight. Back in 1953, for example, Puerto Rico's minimum wage for our industry was 22 cents an hour; today it has climbed to 75 cents an hour. We might apply the same "escalator" scale to European and Japanese manufacturers seeking business with the United States. They could set up two basic minimum wage standards—one paid to those workers producing for the American market, the second to those who produce for other markets. Our high standards could serve as an incentive, spurring Europe and Japan to raise themselves in the same "bootstrap" fashion as did Puerto Rico.

Mr. GOLDWATER. Mr. President, I do not believe there is much more that I can say on this subject. It is proposed artificially to raise wages and raise costs and raise prices. Certainly by this time we should be able to recognize the fact that there are evils which can come from all this. We have the possible evil of unemployment. Secretary of Labor Mitchell made his report in 1960 to the effect that the passage of the last minimum wage increase did have an effect upon unemployment. He indicated that it would have been a greater effect had we not been in a rising point in our economy. We have the possible danger of inflation. I say possible because I will not say positively that it would happen. However, when we increase costs, the chances of increased inflation are always present. Then of course there is the constant and growing threat from foreign markets. We should adequately protect ourselves against that threat by including in the language of the bill a stronger statement than is contained in section 3(e) of the proposed act.

I have offered my amendment, which goes a step further, by requiring the Secretary of Labor to transmit his findings of investigations and his recommendations to the President; then I provide that the President may by proclamation make effective the Secretary's recommendations, and so forth. There is a safety feature included, in case people are worried about the effect of the amendment upon reciprocal trade agreements or other agreements with foreign countries relative to trade. In other words, we give the President the power to do it or not to do it. He may do it. However, when he does make up his mind, then his recommendation shall be carried through by the Secretary of the Treasury.

I hope that the Senator from Michigan [Mr. MCNAMARA] will accept the amendment, to avoid the necessity of a yea-and-nay vote.

The PRESIDING OFFICER. The time of the Senator from Arizona has expired.

Mr. GOLDWATER. I ask for 1 more minute.

Mr. HUMPHREY. I yield 1 more minute to the Senator from Arizona.

Mr. GOLDWATER. I know my colleagues have appointments later in the day and this evening, and would like to get away early. I have an appointment also, and I would like to get away. Therefore I will not delay any longer in my explanation of the amendment. I do not see the Senator from Michigan on the floor. I would like to know what his disposition is with respect to the amendment before I ask for the yeas and nays.

Mr. HUMPHREY. Mr. President, the Senator from Michigan has discussed the amendment with the acting majority leader. The Senator from Michigan is not in favor of the amendment and urges it be not adopted. Prior to any vote on the amendment I shall make a brief statement in behalf of the Senator from Michigan and myself and the majority of the committee, in support of the bill as reported by the committee.

Mr. GOLDWATER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HUMPHREY. Mr. President, I yield myself whatever time is required to make a brief statement on the amendment.

The PRESIDING OFFICER. The Senator from Minnesota has 20 minutes remaining.

Mr. HUMPHREY. Mr. President, the amendment which has been discussed in considerable detail by the Senator from Arizona should not be adopted. There is a provision in the committee bill which would accomplish the same purposes that the amendment is designed to accomplish. I call attention to the bill under section 4, subsection "e," which reads as follows:

(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.

This amendment is far different from the language I have just read. It is vastly different from any of the other proposals relating to quotas and tariffs. The committee bill simply authorizes the Secretary of Labor to study the employment effects of the import and export trade in industries covered by the act and to report such studies to the President and to Congress.

The amendment of the Senator from Arizona would change the tariff procedures and shift the whole philosophy of the Trade Agreements Act. It would not only expand the Secretary's responsibility so as to include recommendations with respect to excluding articles from entry into the United States or admitting them subject to specific terms and conditions and import duties, but would require investigations and findings of labor conditions particularly in terms of our own laws and standards. It would require public hearings, provide for import duties and import quotas, provide for Presidential proclamation, prescribe the duties of the Secretary of the Treasury and customs officers, and duplicate, alter, and confuse existing tariff procedures.

I might add that there now are procedures known as the peril point and

escape clause. The U.S. Tariff Commission exists. There are ways and means of at least bringing these economic injustices to the attention of the appropriate authority established by Congress, namely, the Tariff Commission, which, in turn, may report to the President, and the President, under existing law, may take remedial action without violating the existing trade agreements.

This is not a proposal which should be adopted on the Senate floor. It requires careful committee consideration by committees other than the Committee on Labor and Public Welfare. For example, it requires the very careful consideration of the Committee on Finance, which has jurisdiction of tariff matters. The amendment relates to powers exercised by the President and by other agencies in the executive branch.

Speaking in behalf of the majority of the committee which handled the bill, it is requested that the amendment not be adopted.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. PASTORE. Mr. President, will the Senator from Minnesota yield me 2 minutes?

Mr. HUMPHREY. I yield to the Senator from Rhode Island such time as he may desire.

Mr. PASTORE. Mr. President, I have much sympathy with the tone, spirit, and objective of the amendment. However, I quite agree with the Senator from Minnesota that what is being presented is a brandnew proposal which might be rather cumbersome and might tend to defeat the very objective which we are seeking to accomplish.

I am much aggrieved by the fact that these comments have been made about the amendment, because I would not want to see the objective which the Senator from Arizona seeks to accomplish weakened by any vote which might be taken on the amendment. I repeat: I am much in sympathy with what the Senator from Arizona seeks to accomplish.

This is a brandnew procedure. It is true that there are already the procedures of the peril point and escape clause; but I remind the Senator from Minnesota that in many instances those procedures, too, have been so cumbersome and protracted that sometimes domestic industries have been allowed to die before any relief was afforded.

However, I fear that what is being suggested in this particular amendment will not help at all in that direction. I hope that the Senator from Arizona will, at the proper time, renew his proposal in another form, possibly in another bill, which could be referred to the Committee on Finance, and that he will not seek action on the proposal today on the floor of the Senate. It would be regrettable if the amendment were defeated by, say, a vote of 60 to 30, because, as I have said many times before, if the New Frontier offers any challenge at all, it is the challenge of imports and exports and their effect on American industry. We must begin to consider this problem realistically and judiciously. I fear that it will not be possible to accomplish such an objective on the floor of the Senate this morning through the medium of this amendment. I hope the Senator from Arizona will see fit to withdraw it, or at least to withdraw his request for the yeas and nays.

Mr. KEATING. Mr. President, will the Senator from Minnesota yield time to me?

Mr. HUMPHREY. First, I wish to make a clarification; then I shall yield time to the Senator from New York. I yield myself 1 minute.

The distinguished Senator from Rhode Island has done much effective work in the area of foreign trade development and the solving of the problem of imports with respect to domestic industry. I do not want him to think for a moment that I am fully satisfied with the procedures available under existing law.

Mr. PASTORE. I realize that.

Mr. HUMPHREY. I find myself in considerable sympathy with some of the objectives which the Senator from Arizona seeks. I read his amendment very carefully. I also compliment the Senator from Arizona upon his discussion relating to the amendment. However, it is my considered view that this matter requires very careful attention. I think there is considerable sympathy for the objective which the Senator seeks. I myself was hopeful that it would not be necessary to follow the procedure of a yea-and-nay vote, to be frank, because it seems to me that the floor of the Senate is not an appropriate place to legislate on a question which has not yet been fully considered in committee.

Mr. GOLDWATER. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield on this item.

Mr. GOLDWATER. I am not deaf to the arguments that the floor of the Senate may perhaps not be the appropriate place to solve this problem, but I suggest that the bill itself raises the question. So long as section 3, which amends section 4 of the act, remains in the bill, then my argument is: Let us make it effective, because either we must have effective language to accomplish the purpose, or we will admit that we are fooling the people of the country. My amendment would merely add a little language to the language already contained in the bill, in order to give it some meaning. My reason for proposing the amendment here, instead of trying to do it through another avenue, is that the act will increase the cost of goods in this country. I do not think we can argue successfully that it will not. Therefore, the President should be given more power and the Secretary of the Treasury should be given more power to alleviate the troubles which the bill is bound to cause.

If the language is completely stricken from the bill, then we shall be back where we are now, which is before the Tariff Commission. I have gone through 8 years of beating my brains against a brick wall. I recall one proposal upon which they acted. It was in the field of lead and zinc.

As the Senator from Rhode Island points out, business after business in this country is folding up because of foreign competition. Either we mean what we say or infer in the amendment, or we do not. I do not like to be privy to any action which will fool the American worker or the American public. That is why I offered the amendment at this point.

I believe there are other measures relating to this subject which are before committees. I think three or four bills have been proposed. One introduced by the distinguished Senator from New York [Mr. KEATING], who has long been interested in this subject, will be given very thorough and devoted study. His bill is directed toward accomplishing the same purpose.

The committee majority recognized that something should be done to alleviate the situation, so I have merely offered an amendment which will put some teeth into the language.

Mr. HUMPHREY. Mr. President, I yield 4 minutes to the Senator from New York.

Mr. KEATING. Mr. President, I find myself very much in the position in which the distinguished Senator from Rhode Island finds himself. He and I have discussed this general subject many times on the floor of the Senate. He is a sponsor, with me, of proposed legislation which seeks to attack the problem with which we are faced.

Under this bill, appeals would be submitted to the Secretary of Labor, who could, if he chooses, call upon the Tariff Commission for relevant trade and international economic data. In much the same manner as under the escape clause—section 7 of the Trade Agreements Act—the Secretary would then make an investigation and recommend to the President what action should be taken in those cases in which he finds that, because of the wage-cost differential, some measure of tariff, quota, or tariff-quota relief is warranted.

Mr. President, I have been impressed with the able presentation of the distinguished Senator from Arizona. The language of his amendment closely approximates the language of a bill (S. 675) which I introduced and which the distinguished Senator from Rhode Island cosponsored with a number of other Senators, including the Senator from Maryland [Mr. BEALL], the senior Senator from New Hampshire [Mr. BRIDGES], the junior Senator from New Hampshire [Mr. COTTON], the senior Senator from Connecticut [Mr. BUSH], the junior Senator from Connecticut [Mr. DODD], the Senator from Vermont [Mr. PROUTY], and the Senator from Wisconsin [Mr. WILEY].

I do not believe that the present machinery is adequate to deal with the problem of heavy increases in certain types of low-wage-produced imports. It is not. However, there are many ramifications on both sides of the pending amendment.

I think it should be passed at the appropriate time, but not included in this manner in a wages-and-hours bill.

There is a historic precedent in this case. When the Fair Labor Standards Act was first passed by the other body, an amendment similar to the present Goldwater amendment was ruled not germane. The ruling stated that this is actually tariff or revenue legislation and should be considered as such. I am afraid that there is too much substance to this argument for us in the Senate to vote today to adopt an amendment on which there have been no hearings or Senate committee consideration and which is certain to be stricken in conference.

If it is stricken in conference, then, I fear we shall be jeopardizing the fate of moderate trade proposals of this nature which can and should receive serious congressional consideration on their own merits.

I share the fear, which the Senator from Rhode Island expressed, about a resounding vote against this amendment. Let me say here that it is with the utmost reluctance that I shall have to vote against the amendment.

Probably there is no one, unless it is the Senator from Rhode Island, who has said more on this floor than I have said about the need to do something in this area. I am much concerned that our action here today will be interpreted in many quarters, and perhaps by the new administration—which is not too friendly toward this approach; neither was the preceding administration—as meaning that on its merits the Senate is opposed to taking action of this kind.

If the amendment of the Senator from Arizona or an amendment close to it were before the Senate as a separate and independent bill, I believe it would be voted for by a majority of the Senate.

However, many of us who have a deep interest in this field will be compelled to vote against this measure, as an amendment to the minimum wage bill. I hope the Senator from Arizona, who has done so much on the amendment and has made so fine a presentation in regard to it, will feel that it is not essential to press for a vote on this amendment.

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

Mr. HUMPHREY. I yield.

Mr. PASTORE. The position the Senator from New York takes in regard to the amendment is precisely the position I take in regard to this matter. I repeat that I am in sympathy with the objective of the amendment and what is sought to be accomplished in that connection. But the amendment would give overall authority to the Secretary of Labor. We know that international trade is a little more complex than that, and many other considerations must be taken into account.

So I believe that many of us who approve of its objective will have to vote against this amendment, although I shall do so with reluctance.

Therefore, I hope the Senator from Arizona will withdraw the amendment until later, when I believe the amendment will be much, much more acceptable and successful.

Mr. COTTON. Mr. President, will the Senator from Minnesota yield to me?

Mr. HUMPHREY. I yield.

Mr. COTTON. Mr. President, I can appreciate and understand the arguments which have been presented by the Senator from Rhode Island and the Senator from New York. I know they are completely sincere and are dedicated to defending the textile industry. But I learned from long and bitter experience, never to vote today against something in which I believe, on the promise that I shall have a chance to vote for it tomorrow. I remember when the Senator from Arkansas [Mr. FULBRIGHT] offered an amendment to a tax bill; and the leadership on this side of the aisle, including the Senator from California, said:

> Do not tie that amendment to this bill; it will come in later, and should be handled separately.

But if we had waited for that to happen, we would never have had a chance to handle it separately.

Mr. President, let us not kid ourselves. We shall have whiskers reaching to the floor before we have another chance to vote on this affirmative proposition. So I shall not only vote for the amendment, I shall speak in favor of it and fight for its adoption.

Mr. PASTORE. Mr. President, will the Senator from Minnesota yield again to me?

Mr. HUMPHREY. I yield.

Mr. PASTORE. Let me ask whether the Senator from New Hampshire will admit that if there is a vote of 60 to 30 on the amendment, that will not be a true reflection of the feeling of the Senate on this particular proposition.

Mr. COTTON. I am not prepared to admit that there will be a vote of 60 to 30 on the amendment. I believe there are many Members of the Senate who are willing to vote for the amendment. I would be greatly surprised if they did not.

Mr. PASTORE. Of course the proof of the pudding is in the eating. So let us wait and see who is correct as to the vote.

Mr. KUCHEL. Mr. President, will the Senator from Minnesota yield to me?

Mr. HUMPHREY. I yield 3 minutes to the Senator from California.

Mr. KUCHEL. Mr. President, the way to prevent overwhelming disapproval of the amendment of the distinguished Senator from Arizona [Mr. GOLDWATER] is, on a yea-and-nay vote, for Senators to cast an overwhelming vote in favor of the amendment. That is the way to demonstrate, clearly and unmistakably, the position of the Senate.

Next year the Congress will sit in judgment on reciprocal trade legislation. I have supported reciprocal trade legislation, and I intend to support it again. But reciprocal trade is a two-way street. It ought to be mutually profitable to the nations participating in the program. It ought not to help one while hurting the other. Over the last 8 years, I have sat in innumerable sessions in which the executive branch of the Government has been represented; all of them were called for the single purpose of trying to give assistance to American manufacturers and American industry and American agriculture endeavoring to compete in their historic fashion in the markets of free nations abroad. But all too often our free friends abroad have seen fit to impose restrictions and delays upon American manufacturers and American industry and American agriculture, and have frustrated and sometimes prevented our fellow Americans from enjoying their historic place in the foreign market, which they enjoyed over the years.

Here, today, is an opportunity for the Senate to demonstrate that it does not favor that sort of thing. Here today the Senate can clearly indicate that good trade relations work both ways. Today we have an opportunity—although perhaps not entirely clothed with all the legislative and parliamentary niceties which some would like to see adorn it; the Senator from Arizona gives us now an opportunity to assert that we believe American industry and American labor ought to be treated fairly and squarely. We ought not to apologize for being Americans. We represent America. The way to demonstrate that is for Senators to vote overwhelmingly in favor of the amendment of the Senator from Arizona. I congratulate him, and I hope the Senate will approve the amendment.

The PRESIDING OFFICER. The time yielded to the Senator from California has expired.

Mr. HUMPHREY. Mr. President, I am prepared to yield back the remainder of the time available to those who are in opposition to the amendment. All time available to the other side has been used, I believe.

Let me ask whether time is now available for a quorum call.

The PRESIDING OFFICER. One minute remains.

Mr. KUCHEL. Mr. President, we are willing to stipulate.

The PRESIDING OFFICER. The Senator has a right to suggest the absence of a quorum.

Mr. HUMPHREY. Very well, Mr. President. In that event, I yield back the remainder of the time available to this side; and I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. 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. HUMPHREY. Mr. President, on this question, have the yeas and nays been ordered?

The PRESIDING OFFICER. Yes, the yeas and nays have been ordered; and all remaining time has been yielded back.

The question is on agreeing to the amendment of the Senator from Arizona; and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. Mr. President, we have been requested by the chairman of

the Committee on Interior and Insular Affairs, the Senator from New Mexico [Mr. ANDERSON], and one of the members of the committee, the Senator from Colorado [Mr. ALLOTT], to state, for the benefit of the Senate, that they are unavoidably detained.

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Alaska [Mr. BARTLETT], and the Senator from Idaho [Mr. CHURCH] are absent on official business.

I also announce that the Senator from Virginia [Mr. ROBERTSON] is absent because of illness.

I further announce that, if present and voting, the Senator from Virginia [Mr. ROBERTSON] would vote "nay."

On this vote, the Senator from New Mexico [Mr. ANDERSON] is paired with the Senator from Colorado [Mr. ALLOTT]. If present and voting, the Senator from New Mexico would vote "nay," and the Senator from Colorado would vote "yea."

Mr. KUCHEL. I announce that the Senator from Wisconsin [Mr. WILEY] is absent because of the death of his brother.

The Senator from Colorado [Mr. ALLOTT] is detained on official committee business, and on this vote is paired with the Senator from New Mexico [Mr. ANDERSON].

If present and voting, the Senator from Colorado would vote "yea" and the Senator from New Mexico would vote "nay."

The result was announced—yeas 39, nays 55, as follows:

[No. 32]

YEAS—39

Beall	Dirksen	McClellan
Bennett	Dworshak	Miller
Blakley	Eastland	Mundt
Boggs	Ellender	Prouty
Bridges	Ervin	Randolph
Bush	Goldwater	Russell
Butler	Gruening	Schoeppel
Byrd, W. Va.	Hickenlooper	Smith, Maine
Capehart	Holland	Stennis
Carlson	Hruska	Talmadge
Case, S. Dak.	Jordan	Thurmond
Cotton	Kuchel	Williams, Del.
Curtis	Long, La.	Young, N. Dak.

NAYS—55

Aiken	Hickey	Morse
Bible	Hill	Morton
Burdick	Humphrey	Moss
Byrd, Va.	Jackson	Muskie
Cannon	Javits	Neuberger
Carroll	Johnston	Pastore
Case, N.J.	Keating	Pell
Chavez	Kefauver	Proxmire
Clark	Kerr	Saltonstall
Cooper	Lausche	Scott
Dodd	Long, Mo.	Smathers
Douglas	Long, Hawaii	Smith, Mass.
Engle	Magnuson	Sparkman
Fong	Mansfield	Symington
Fulbright	McCarthy	Williams, N.J.
Gore	McGee	Yarborough
Hart	McNamara	Young, Ohio
Hartke	Metcalf	
Hayden	Monroney	

NOT VOTING—6

Allott	Bartlett	Robertson
Anderson	Church	Wiley

So Mr. GOLDWATER'S amendment was rejected.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. MONRONEY. Mr. President, I call up my amendments "4–13–61—C," which are at the desk, and ask unanimous consent that the amendments may be printed in the RECORD without being read.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oklahoma? The Chair hears none, and it is so ordered.

The amendments ordered to be printed in the RECORD are as follows:

On page 14, strike out lines 5 to 25, inclusive, and insert in lieu thereof the following:

"(s) 'Enterprise engaged in commerce or in the production of goods for commerce' means:

"(1) any enterprise which operates retail or service establishments in two or more States;

"(2) any enterprise which is engaged in the business of construction or reconstruction, or both, and which engages in such business in two or more States;".

On page 15, line 9, strike out the semicolon and insert in lieu thereof a colon.

On page 15, strike out lines 10 to 17, inclusive.

On page 18, line 18, strike out "(3), or (5)" and insert in lieu thereof "or (3)".

On page 18, lines 19 and 20, strike out "or (6)".

On page 24, line 19, strike out "(1), (2), or (5)" and insert in lieu thereof "(1) or (2)".

On page 29, line 24, strike out "3(s)(2)" and insert in lieu thereof "3(s)(1)".

Mr. MONRONEY. Mr. President, I wish to discuss my proposed amendment very briefly. Because of the limited time, I ask the Members of the Senate to permit me to complete this brief statement, and then I shall be glad to yield for any questions or discussion for which there is time.

This amendment is similar to one which I offered last year and which received the support of 48 Members of the Senate. I am somewhat surprised at the vigor of the attack on this amendment since I announced my intention to offer it again when the minimum wage bill came before the Senate this year. The amendment is a simple one and is concerned solely with the extent to which we shall increase the coverage of the act. It will have no effect whatever on the proposal to increase the minimum wage rate to $1.25 per hour.

My amendment defines an enterprise engaged in commerce, whose employees would be made subject to the act, as one operating establishments in two or more States. This same test, rather than the dollar volume of their business, is applied to laundries, gasoline service stations, and construction companies. The amendment would make no other changes in the committee bill. All the hardship or special interest exemptions which have been written in by the committee would stand as they have been written in.

As Senators know, the present Fair Labor Standards Act regulates the wages and the hours of work of employees "engaged in commerce or in the production of goods for commerce." "Commerce" is defined as "trade, commerce, transportation, transmission, or communication among the several States or between any State and any place outside thereof." The committee bill before us would throw this time-honored constitutional limitation on Federal power in the ashcan.

The committee bill, both last year and this year, introduces a new concept of interstate commerce into the act and represents a significant expansion of Federal regulation of local business activity. The new bill proposes to apply the act not only to employees engaged in commerce, but to employees of a new animal called "an enterprise engaged in commerce." This was defined last year to mean, among other things, a retail or service enterprise having total sales in excess of $1 million.

I count this definition as one of the great non sequiturs which has come to my attention in the course of my public service. If commerce means trade between the States, a business may or may not be engaged in commerce, regardless of its gross volume of sales.

I turned to the committee report of last year in an effort to determine the reason which led the committee to adopt this definition in order to bring retail and service establishments under the act. I found a perfectly simple explanation with which I had great sympathy. The committee report stated:

> The underlying rationale for excluding retail trade from the Fair Labor Standards Act rests on the concept that retailing is purely local in nature. This belief is contrary to the structure of present-day retail trade in the United States and is based on a nostalgia for the simple agrarian economy of our early days as a nation, when the general store was a social center as well as a place to purchase goods. Retailing is now dominated by giant chains with outlets spread throughout the 50 States.

I felt that it was perfectly proper therefore to extend the coverage of the act to those giant chains which the committee rightly observed are now dominating retail business. They are not local in character. They are interstate, and they are, I felt, the proper subject of Federal regulation. I therefore proposed an amendment which would have defined an enterprise engaged in commerce, whose employees were subject to the act, not as one doing a million dollars of business solely, but as one which operates establishments in two or more States. This would have covered the interstate chains, which appeared to concern the committee, without extending regulation to purely local business.

I was encouraged in this approach by the fact that it was similar to the one adopted by the House of Representatives, in whose collective wisdom I perhaps have more confidence than do some of my colleagues who have not served there. I was also encouraged in this approach because the controversy over any extension of coverage made me believe that unless some such formula were adopted by the Senate in lieu of that in

the committee bill, no bill would be enacted. For this prediction, I claim some gift of prophecy.

The committee bill this year has a similar provision, with some changes which I will discuss in a few moments, but the justification in the committee report now seems to be that the employees of retail and service establishments have been engaged all along in interstate commerce as defined by the act, and would have been subject to its wage and hour provisions except for the specific exemption of employees of retail and service establishments.

If this argument of the committee is valid, then its proposed amendments to existing law are unnecessarily complicated. If the local grocery clerk is already engaged in interstate commerce, as it is defined in the present act, then all that would be necessary to make him subject to the act would be to repeal the present exemption of employees of retail or service establishments, and the new creature of the committee, the "enterprise engaged in commerce," is unnecessary.

The fact is that the employee of the local independent grocer has not been regarded as being engaged in interstate commerce as that term is now defined in this act. It is for this reason that they have, first, extended coverage to the employees of an "enterprise engaged in commerce"; and, second, defined that term to mean a retail store. Under the committee bill the "interstate commerce" in which an employee is engaged still means the same thing, but the "interstate commerce" in which an enterprise—the business he works for—is engaged means something different. The proponents have gone all around the barn to change the definition of interstate commerce. I do not believe that this is a pure accident of drafting. I think it is intentional.

The committee can take the view of Humpty-Dumpty in "Alice in Wonderland" that "when I use a word, it means just what I choose it to mean—neither more nor less", but the original sponsors of this act did not agree.

I do not believe that anyone will challenge the liberality of the views of President Franklin D. Roosevelt, who, when he submitted his message to Congress proposing the Fair Labor Standards Act, recognized that interstate commerce had a substantive meaning. Discussing the proposed act at that time he said:

> Although a goodly portion of the goods of American industry move in interstate commerce and will be covered by the legislation which we recommend, there are many purely local pursuits and services which no Federal legislation can effectively cover. No State is justified in sitting idly by and expecting the Federal Government to meet State responsibility for those labor conditions with which the State may effectively deal without fear of unneighborly competition from sister States.

His principal spokesman in the Senate and sponsor of the original bill was the then Senator Hugo Black, now Justice Black, who is certainly no reactionary or conservative. Senator Hugo Black stated:

> Businesses of a purely local type which serve a particular local community, and which do not send their products into the streams of interstate commerce, can be better regulated by the laws of the communities and of the States in which the business units operate.

The House committee, which was certainly no reactionary committee, agreed. In its report on the bill it assured the House that—

> The bill carefully excludes from its scope business in the several States that is of a purely local nature. It applies only to the industrial and business activities of the Nation insofar as they utilize the channels of interstate commerce, or seriously and substantially burden or harass such commerce. It leaves to State and local communities their own responsibilities concerning those local service and other business trades that do not substantially influence the stream of interstate commerce.

Those men were liberals. Perhaps they would not be welcome today in the liberal marching society, but those were their words, and this was the genesis of the act which wiped out the sweatshops.

I point out that the dollar test would now make interstate commerce a fluctuating item from year to year. A store or an enterprise that does a business of $1 million and 1 in the year 1961 would be declared to be in interstate commerce. If that store should do $999,999 of business the following year, it would be removed from interstate commerce. Thus we have the clear Humpty-Dumpty definition that we are expected to act upon to change what has been the historic concept of how far the long arm of Government powers can reach.

The proponents of the bill have argued that my criticism of the new definition of interstate commerce is no longer justified, because it has been changed in the committee bill this year. Let me discuss these changes. An enterprise engaged in commerce is now defined as an enterprise which has one or more retail or service establishments. If the annual gross volume of sales is not less than $1 million—a semantic absurdity which I will not discuss further—and if such enterprise purchases or receives goods for resale that have moved across a State line which amount in total annual volume to $250,000. The committee report makes clear that the dollar amount is only a device to continue a more limited exemption than the general one now applicable to retail and service establishments.

The basis of classifying a business as being in interstate commerce is clearly indicated to be: If what a man sells or uses has moved in interstate commerce, he is engaged in interstate commerce.

I submit that the end result of this argument is to say: "Interstate commerce means 'the production, distribution, or sale of goods or services.' It simply means 'commerce,' nothing more, nothing less. The regulation of all business is the prerogative of the Federal Government." I am not prepared to substitute the dollar sign for the constitutional limitation on Federal power. I agree with Mr. Justice Frankfurter that—

> The interpenetrations of modern society have not wiped out State lines. It is not for us to make inroads upon our Federal system either by indifference to its maintenance or excessive regard for the unifying forces of modern technology. Scholastic reasoning may prove that no activity is isolated within the boundaries of a single State, but that cannot justify absorption of the legislative power by the United States over every activity.

An effort has been made on the floor and in the committee report to prove that the provisions of the McNamara bill are constitutional. Let me try to make my position clear. I apologize to the lawyers in the Senate if I sometimes use the term "constitutional" with the carelessness of the layman. I have no expert knowledge of past cases in which the Court has discussed the commerce clause. I do not know whether, if the bill in its present form were enacted into law, the Court would hold it to be in excess of Congress' power to legislate. However, I do not believe that the proper test of what Senators should do today is whether the Supreme Court will let us get away with it." This is not justified by the oath we took to support the Constitution of the United States. We, too, are the judges of whether the power that we exercise is within the constitutional limits of the powers of Congress to regulate commerce between the several States.

I think that the framers of the Constitution attempted to make a division between those matters which are more appropriately the concern of the National Legislature and those which are more appropriately the concern of the State legislatures. I think the Fair Labor Standards Act was drawn in this spirit. I have voted in the past for measures which some of my colleagues in the Senate have felt stretched the bounds of Federal authority, and I will probably do so again, but whatever our judgments on a particular measure, I believe that there are limits to that which it is appropriate or necessary for the Federal Government to regulate.

There has been considerable talk about the number of additional people which would be covered by the committee bill. I fail to see that the fact that they are covered is a positive good or an end in itself. Coverage buys no groceries. I assume we are trying to raise the level of wages. Today there are effective minimum wage laws giving at least a dollar an hour to employees of retail stores in Alaska, California, Connecticut, Hawaii, Maine, Massachusetts, Nevada, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Utah, Vermont, and Washington. A few days ago the Senator from Michigan placed in the record a table showing 39 large retail firms which would not be covered under my amendment.

Senators will recall the table of horrors. It showed the horrible examples of the giant stores which would escape wage-hour legislation if my vicious amendment were adopted. Well,

Mr. President, we did a little research, and found that 18 of these horrible examples, which do more than 60 percent of the total volume of business of the 39 firms listed, are companies which do business in States which already have at least a $1 minimum wage for retail employees.

Everyone knows that the States which have these laws started out parallel with the Federal Government. These progressive States, determined upon improving conditions, have consistently followed increases in the Federal minimum. I have no doubt that they will do so again.

Of the 4 million additional persons covered by the bill, the committee now acknowledges that only 728,000 are paid less than $1 an hour. In the retail trade, the committee bill would extend the coverage of the act to 583,000 employees who now receive less than $1 an hour. The Labor Department advises me that my amendment would extend coverage of the act of 400,000 of the 583,000 employees who now receive, according to the committee, less than $1 an hour. We are talking, therefore, about 183,000 people who would be affected by this drastic revolutionary change in our historic concept of interstate commerce.

Even for employees in retail stores who are not covered by State minimum wage laws, we are not making a decision as to whether to raise their wages, but only whether to raise them immediately. The ultimate effect of the increase in the minimum wage is to raise all wages. This is one fact on which the proponents and opponents of the bill appear to be in complete agreement. An increase in the wages paid by Safeway or Sears, Roebuck or Montgomery Ward does increase the level of wages paid by an independent grocer in the same town. The question is solely whether this should be done directly by Federal intervention or indirectly as a result of Federal regulation of those who are actually engaged in interstate commerce.

The escalation of the wage over the years to the present wage of a dollar an hour proves that the Wage and Hour Act has raised the wages not only of the 24 million people who were covered by the act, but also of other wage earners. By looking at the wage scales throughout the country we see that the raise in wages has gone through all of our Nation's business.

If we extend the coverage of the Fair Labor Standards Act to those employees in the retail and service industries who work in enterprises operating establishments in more than one State, we will ultimately accomplish the same thing as would the committee bill, and we will do so without the necessity of asserting that every business activity is the proper province of Federal regulation.

On the other hand, what risks do we run by resorting to a Humpty-Dumpty definition of interstate commerce, by junking any rational view of its meaning, by asserting that the right of the Federal Government to regulate business is unlimited? In an effort to legislate directly in behalf of less than 183,000 people, I believe we seriously jeopardize increasing the minimum wage to $1.25 for the 24 million people now covered.

The House bill provides for an increase to $1.15. I believe the chances of the Senate conferees to maintain the $1.25 rate in the final bill will be infinitely better if the provisions for new coverage accord with our traditional concepts of the limit of Federal power.

If the Senate again persists in the committee bill, as it did last year, I am convinced it will put in jeopardy the whole proposed legislation. Members of the House, who are in a leading position, tell me that there would be little difficulty in coming to an agreement on a compromise, such as my amendment presents.

I therefore suggest to Senators that the Monroney amendment is not only more sound constitutionally, but is also a practical recognition of the situation which we confront with the House.

Mr. GORE. Mr. President, will the Senator from Oklahoma yield?

Mr. MONRONEY. I yield.

Mr. GORE. Am I correct in concluding that the Senator favors increasing the minimum wage to $1.25 an hour for all who are covered under the present law?

Mr. MONRONEY. That is correct—the 24 million now covered.

Mr. GORE. He also favors, does he not, increasing the coverage to some considerable extent beyond what it presently is?

Mr. MONRONEY. That is absolutely correct. I have voted against other amendments which would provide for total exemptions in the retail trade, while my amendment covers retail employees in interstate businesses, that is, if in an enterprise which operates in two or more States.

Mr. GORE. Do I correctly understand that the Senator favors increasing the minimum wage from $1 an hour to $1.25 an hour for all persons who are presently covered by the minimum wage law plus approximately 3 million additional people.

Mr. MONRONEY. That is the approximate figure.

Mr. GORE. The Senator feels that if the bill goes to the full extent now proposed by the committee bill, it may jeopardize the opportunity of obtaining in conference the increase to $1.25 an hour for all those who are presently covered plus those whom the Senator is willing to bring under coverage?

Mr. MONRONEY. That is absolutely correct. Furthermore, the Senator knows the rules of the conference. If we go to conference from the Senate with the committee definitions, including the dollar test only on interstate commerce, meeting the highest provisions, there will be no room for compromise, because there will be no language in between which can be adjusted. Either the Senate must prevail in its definition, or the House must prevail. Our experience last year should be a warning for those who want to see the minimum wage raised to $1.25 and we should try to provide some language on which the House will agree. I have talked to enough Members of the House to realize that my position will afford a greater opportunity, by far, to get legislation, instead of taking futile action in the Senate on this definition.

Mr. GORE. I earnestly favor increasing the minimum wage from $1 to $1.25 an hour in the steps proposed in the committee bill. I favor some increase in coverage, wherever it appears practical and justified; but I must say that I am impressed with the argument which the distinguished junior Senator from Oklahoma makes.

Mr. MONRONEY. I thank the Senator for his comment, because we attempt to cover every person who we feel can be covered under the traditional concept of interstate commerce. Nobody in that category is left out.

Mr. LAUSCHE and Mr. McNAMARA addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield; and, if so, to whom?

Mr. MONRONEY. If the Senator from Michigan will permit me to yield on my own time to the Senator from Ohio, I should like to yield next to the Senator from Michigan on his time, because I have very little time left.

Mr. LAUSCHE. It is my understanding that the Senator's amendment embodies the same scale of wages that is contained in the committee bill.

Mr. MONRONEY. Exactly; there is no change in the wages whatsoever.

Mr. LAUSCHE. However, the amendment of the Senator from Oklahoma contemplates a preservation of the historic and constitutional proposition that the Federal Government shall deal only in interstate commerce, and allow the States to determine for themselves what shall be done in intrastate commerce.

Mr. MONRONEY. The Senator is exactly correct. It is not proposed by the amendment to wipe out State lines with a dollar sign. It is as simple as that.

Mr. LAUSCHE. What is the opinion of the Senator from Oklahoma concerning the position which interstate commerce will occupy if the committee's version of the bill is adopted, and all commerce comes to rest and no longer is in transit, and becomes subject to Federal control and not State control?

Mr. MONRONEY. If the present definition is approved today by the Senate, it will be a short step to control over the man who mows a lawn, using a lawnmower made in Detroit.

Mr. LAUSCHE. Every working person in the country—the bookmaker, the candlestick maker, the shoemaker—will be covered and will be subject to Federal legislation unless he is specifically exempted under the provisions of the bill.

Mr. MONRONEY. They may be specifically exempted for the time being. But the definition wipes out State lines and substitutes a dollar sign, so any succeeding Congress can fluctuate the dollar figure up or down, so that a man who does not do a million-dollar volume may be covered a year later. The bill was introduced with the figure of $500,000 a

year and then raised to $1 million. It can undulate like a wave. Furthermore, coverage can vary from year to year in the case of any business, depending on whether the volume of business exceeds or goes below $1 million.

Mr. LAUSCHE. The committee bill, by using the dollar criterion alone in defining interstate commerce, makes it a simple matter to reduce the dollar figures in a few years, thus furthering federalizing control.

Mr. MONRONEY. Was that in the committee report? I did not see that.

Mr. LAUSCHE. No; that is my own statement.

Mr. MONRONEY. I agree with the Senator's statement, because any coverage will be within the reach of the Committee on Labor and Public Welfare or the Department of Labor or the Senate and House.

Mr. LAUSCHE. I am in accord with the Senator's views.

Mr. MONRONEY. I thank the Senator from Ohio.

Mr. McNAMARA. Mr. President, will the Senator tell me how the bookmaker is covered?

Mr. MONRONEY. If he grosses a million dollars a year in his business, and receives $250,000 worth of tips from out of the State, he might be considered to be under the commerce clause.

Mr. LAUSCHE. This is a facetious remark, but the fact is that everybody is covered unless exempt; when the exemption is possible, the strong are exempt, and the weak are shackled.

Oh; the Senator is talking about the bookmakers at the racetrack.

Mr. MONRONEY. The bookmaker; not the bookkeeper. The bookkeeper will be covered; and all the businesses will be, no matter how legal, if their books show $1 million a year in gross volume. They may not make a net profit, but if they make a $1 million a year gross, they will be covered.

Mr. LAUSCHE. I do not speak with vanity, but when I spoke of bookmakers, my mind did not descend to the racetrack.

Mr. McNAMARA. Mr. President, will the distinguished majority leader yield 2 minutes to me for a short colloquy?

Mr. MANSFIELD. I am glad to yield to the distinguished Senator from Michigan the time he may require.

Mr. McNAMARA. I think the Senator's proposal is the novel approach rather than the standard approach. To support that statement, I may say that I do not think the Senator can cite one law under which his two-State proposal for coverage would be upheld. I do not think he can cite one court decision which is based on the coverage which he proposes in his language.

The language of the committee bill has been accepted by the courts and the National Labor Relations Board with respect to the dollar limitation. I do not think there is any question about the constitutionality of the committee language. We think there are decisions to justify our position, and we are glad to let the language rest as it is in our bill.

Mr. MONRONEY. The committee's theory could not have been tested, because the retail trade has been exempt by specific provision of the law up to now. There cannot be any test to say that this is constitutional. The Senator can borrow from the Wagner Act and say that something was held by the court to affect interstate commerce. One court case held that a man who washed windows on a bank building in New York came under the act because the bank was engaged in interstate commerce. We get some strange birds, but I do not presume to know what the court will do. I say that we have no right to say we will do it if the court will let us get away with it. That is not the test I think we should apply.

Mr. McNAMARA. I am talking about employees in the retail trade, wholly covered by Federal law and NLRB regulations. Those in the retail trade are covered.

Mr. MONRONEY. But that is because they affect interstate commerce. For example, goods which are moving by truck or by rail are often stopped by picket lines. We provided that under $500,000, they were exempt but that did not purport to be a definition of interstate commerce. The Senator knows, as well as I know, that there has never been a court case that passed on Federal regulation of purely interstate retail trade, because we have always had the good judgment and policy not to attempt to include them under the act. There will be a great case, some day, involving this question. I do not know what the Supreme Court will rule. But I know that under the Constitution, I am charged with voting only for laws which I believe conform to the Constitution and do not do violence to it.

Mr. McNAMARA. I am sure the Senator from Oklahoma is conscious that all of us take that position.

Mr. MONRONEY. Of course; and each of us must make his own interpretation of his duty and his responsibility. Certainly I cannot quarrel with a Senator whose judgment is different from mine.

Mr. McNAMARA. We have had able lawyers pass on this constitutional question; and we do not know of any case in which it has been held that a two-State standard must be used.

Mr. HOLLAND. Mr. President, will the Senator from Oklahoma yield to me?

The PRESIDING OFFICER (Mr. BURDICK in the chair). Does the Senator from Oklahoma yield to the Senator from Florida?

Mr. MONRONEY. I yield to my distinguished friend. As I have said, I am not a lawyer.

Mr. HOLLAND. Mr. President, the distinguished Senator from Michigan is technically correct, because the present definition of retail businesses which are excluded does not refer merely to two-State businesses, but states that if a majority of the business is done wholly within a State and if the minority is done as between the State of residence and other States—not only two, but many—the business is exempt, whereas unless the majority of the business is done within the State lines, the business is included under the coverage.

So my distinguished friend, the Senator from Michigan, is completely mistaken when he says this concept has not applied under present law or under present interpretations by the court.

The only point on which the Senator from Michigan is technically correct is that in the prior law there has been no such confining of the question to a two-State basis, as is proposed by this amendment. The prior law has distinguished between the State of location and other States in general; and it would be completely incorrect to say that the matter of location and the matter of the amount of business done within the particular State have not been taken into consideration under present law and under the interpretations of it.

Mr. MONRONEY. I thank the distinguished Senator from Florida.

Mr. McNAMARA. Mr. President, I shall leave the record as it is, in this manner: I am completely wrong, but I am technically correct.

Mr. MONRONEY. Mr. President, I cannot conceive that a court would have much trouble in finding that a business that operates in 40, 45, or 50 States is engaged in interstate commerce. But I would have very great doubt that the average court would find that a purely retail business which chooses to operate in only one State is itself engaged in interstate commerce.

The PRESIDING OFFICER. The time yielded to the Senator from Oklahoma has expired.

Mr. MANSFIELD. Mr. President, does the Senator from Oklahoma wish to have more time?

Mr. LAUSCHE. Mr. President——

Mr. MONRONEY. Mr. President, if the Senator from Ohio wishes to have some time, I shall be glad to have time on the bill yielded.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Ohio 4 minutes on the bill, in order to permit the colloquy to be continued.

Mr. LAUSCHE. I wish to make a brief statement.

Mr. MANSFIELD. I yield 4 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 4 minutes.

Mr. LAUSCHE. Mr. President, I support the amendment of the Senator from Oklahoma because it contemplates preserving for the people of the United States the historic principle that the Congress can deal only with interstate matters, not with intrastate matters.

I have set forth six reasons for my support of the amendment. They are as follows:

First. The State legislatures know better than the Congress what minimum wage bills dealing with commerce within the States are in the best interest of the separate States.

Second. The bill now about to be passed is the mere beginning of a complete federalization by way of control of the wages and working conditions that shall apply in practically every employer and employee relationship in our country.

Third. By the passage of the bill in its present form, the constitutional distinction between intrastate commerce and interstate commerce will forever be destroyed, and there no longer will be existent in the States the power to deal individually with conditions that apply particularly to the States.

Fourth. The sponsors of the bill by using the dollar criteria alone in defining interstate commerce know and intend that it will be a simple matter in election years to reduce the figures, thus furthering federalized control.

Fifth. The Federal Government under the Constitution has no power over intrastate commerce. People least governed are best governed, and excessive centralization and federalization will lead to an autocratic destruction of our freedoms.

Sixth. The States are fully vested with the authority to pass legislation governing minimum wages in their separate States; and when economic facts justify the enactment of minimum wage laws covering intrastate commerce, it can be assumed that the States will enact them.

I cannot subscribe to the idea that 50 State legislatures do not know what is good for their people. I cannot subscribe to the idea that the U.S. Congress possesses infallible judgment, surpassing that of the State legislatures, and that therefore the U.S. Congress knows what ought to be done, whereas the States do not know.

Let me ask the proponents of the bill: By what process of reasoning, by what magic wand, does the Congress say it knows, and that the States do not know? By what thinking can we argue that inasmuch as the States have not acted, the Congress of the United States should act.

The PRESIDING OFFICER. The time yielded to the Senator from Ohio has expired.

Mr. LAUSCHE. May I have 2 more minutes?

Mr. MANSFIELD. I yield 1 additional minute to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 1 more minute.

Mr. LAUSCHE. Mr. President, I humbly submit that it is arrogance of the worst type for us to say that 50 State legislatures, chosen by a sovereign people, do not know what they are doing, and that the Congress of the United States should say, "Only we are the possessors of knowledge." I submit respectfully to my colleagues that that would be the beginning of a monolithic, centralized, dictatorial government which in the end would destroy the very liberties under which we have reached such high social and economic standards.

Mr. MANSFIELD. Mr. President, I yield 10 minutes to the Senator from Oregon [Mr. MORSE].

The PRESIDING OFFICER. The Senator from Oregon is recognized for 10 minutes.

Mr. MORSE. Mr. President, I rise to address myself to the constitutional aspects of the debate in which we are now engaged.

The opponents of the committee bill suggest that the principal issue before the Senate is whether there will be a novel, far-reaching, and unconscionable extension of the Federal power into local enterprise.

In fact, this argument was settled 25 years ago, when the social legislation of the thirties was being debated and passed, and was then upheld by the Supreme Court, as a proper exercise of the Federal power under the commerce clause.

Mr. President, I believe it is important to make absolutely clear at this time that an extension of the coverage of the Fair Labor Standards Act to employees of retail or service enterprises is within the power of Congress under the interstate commerce clause of the Constitution, and therefore it represents nothing more than a choice of policy for the Congress to set a boundary upon the extent of that coverage.

The pending bill, which I strongly support, extends coverage to employees of retail or service enterprises engaged in commerce or the production of goods for commerce.

I repeat that phrase, Mr. President, "or the production of goods for commerce."

As a matter of legal definition, the retail or service enterprise:

First. Must be engaged in interstate commerce or in the production of goods for interstate commerce.

Second. At least $250,000 in goods must have been moved across State lines to the enterprise each year.

In other words, $250,000 in goods must come into the enterprise across State lines, directly or indirectly.

Third. The enterprise must have at least $1 million in annual gross volume of sales.

I would have my colleagues keep those two criteria clearly in mind. There must be $250,000 in goods coming into an enterprise which have crossed State lines. There must be $1 million in gross sales.

And, finally, even if a particular retail or service establishment were located in an enterprise which met these criteria, it would still not come under the act unless it individually had an annual dollar volume of sales of $250,000 or more.

When the Wage-Hour Act was originally adopted in 1938, the full reach of the commerce clause was then but partially unfolded. This act was the first cautious step by the Congress in a new area of legislation. The elimination from industries in commerce of wages too low to provide the minimum needs for food, clothing, shelter, and health of American workers. This first venture under the commerce clause was upheld by the courts in the case of U.S. against Darby, and in numerous decisions since then.

But, at that time, it was only a matter of recent determination—*Jones & Laughlin* (301 U.S.) a 1937 case—that goods mined, processed, or manufactured prior to their movement in commerce would be regulated. And Congress therefore went no further. Congress in 1938 decided to exempt the retail industry from the Wage-Hour Act—not on the basis that Congress did not have jurisdiction, not on the basis that retail establishments were not subject to jurisdiction under the interstate commerce clause of the Constitution; but as a matter of policy in 1938. I think this distinction must be kept clearly in mind in the course of the debate. The question is whether we should extend the full coverage of the act under the commerce clause to workers who are working in interstate commerce and who do not now get what is considered to be a fair and decent wage. That is the issue before the Senate—not a constitutional question at all, because, I respectfully submit, there is no question with regard to the constitutionality of the bill which the Senator from Michigan [Mr. MCNAMARA] is today asking that we support.

It should be noted, however, that even the narrow coverage language used in 1938 was sufficient to cover some employees in retailing, and therefore a specific exemption from the coverage provisions had to be put into the act to exclude retailing.

The hesitancy of Congress to apply the act stemmed from the view of retail and service outlets as "local business." True, many retail and service establishments remain small business units that affect the local community only, and such business would be exempt from coverage under the provision in the pending bill.

But, it is the new type of retail enterprise which our Nation's ever-growing mercantile system has produced that this bill is designed to cover. It is to protect those employees working in establishments, clearly within the gambit of the commerce clause, that we say it is now our policy to protect.

The large department store, the chainstore, the supermarket, whether operated in a single State or in several States, have replaced and supplemented local "corner" shops; and the trend toward this modern type of retail distribution continues. Although such outlets may serve a limited area, they are often not controlled with the local community, not locally financed, and do not maintain a locally determined personnel, managerial, and purchasing policy. They sell nationally advertised products and take part in nationally inspired promotion programs.

It has now become clear that the commerce clause includes the distribution of goods following their crossing of a State line, and is as significant to their flow in commerce as is the movement of these goods prior to their crossing of the State line.

To put it differently: Though the present act extends to a whole complex of activities which precede commerce, it does not extend to the many other activities which follow commerce and which are of equally vital concern to the commerce of the Nation.

While Congress up to now chose not to apply the Wage-Hour Act to retail enterprises, it has shown no reluctance whatever to include such enterprises

within the coverage of other Federal statutes.

I make this plea for legislative consistency today. I make the plea that it is just as important to protect workers under the Wage and Hour Act as it is to protect employers and employees from unfair labor practices under the Labor-Management Relations Act.

The most useful example of coverage under other Federal statutes is the National Labor Relations Act, since it, like the Wage-Hour Act, regulates conditions governing labor. Fair labor practices compared to fair labor standards.

The whole jurisdiction of Congress over labor relations flows from the interstate commerce clause of the Constitution. If that clause were not in the Constitution, the Congress would be without jurisdiction over labor problems.

Two cases under the National Labor Relations Act in which the Supreme Court has approved the assertion of Federal jurisdiction over retail concerns are the following: First, *Meatcutters* v. *Fairlawn* (353 U.S. 20), a 1957 case—which is the case I discussed at some length in the Senate last year, when I also opposed the amendment at that time—involving three retail meat markets, all of whose sales were made within the State, but whose annual out-of-State purchases totaled slightly more than $100,000 out of gross purchases of $900,000; second, *San Diego Unions* v. *Carmon* (353 U.S. 26)—another 1957 case—where the impact on commerce of two retail lumber yards resulted from the purchase of $250,000 worth of out-of-State material for resale.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. May I have 5 more minutes?

Mr. MUSKIE. Mr. President, I am happy to yield 5 more minutes to the Senator from Oregon.

Mr. MORSE. Mr. President, *NLRB* v. *Surburban Lumber Company* (121 F. 2d 829 (1941)), involved a retail lumber dealer, 99 percent of whose sales were intrastate, but who purchased about $150,000 worth of lumber from other parts of the country. In dismissing the appeal in this case, the Court of Appeals for the Third Circuit stated:

> Our courts have been addressed by the constant contention that the National Labor Relations Board lacks jurisdiction. This is the more remarkable in view of its complete lack of success. Locusts destroy but appeals against regulation by the National Labor Relations Board of business on the ground that it is intrastate are harmless insects indeed. (We know of only one case in which any court has dismissed the Board's petition for that reason. There the business sought to be controlled was a California gold mining company and the only interstate elements were the purchase of supplies manufactured outside the State and the shipment of some gold to a mint in Colorado.)

Exactly 2 years ago in this very Chamber, the Senate considered very substantial amendments to the National Labor Relations Act. We heard strongly held views that certain powerful unions were conducting blackmail picketing against small employers—and many of the examples cited were meatmarkets, department stores, and hardware merchants. Nobody on this floor suggested that regulation of such conduct was an unconstitutional extension of Federal power. Indeed, we said, in effect, that the Board might not even exercise its discretion to refuse jurisdiction over an unfair labor practice which affected a retail store having annual gross sales of $500,000.

We told the Board it had to take these cases and that it could not refuse them. Today we are arguing about a boundary line of $1 million—twice the figure of 2 years ago.

Where were the cries 2 years ago about attaching a dollar sign to the Constitution? Where were the qualms of conscience about Federal power regulating employee activity?

What is the significance of what I have said here today? Clearly there is no constitutional reason for continuing the exclusion of retail enterprises which engage in interstate commerce even though they sell their goods wholly within one State. Congress itself has demonstrated its own rejection of this principle and it has been universally upheld by the courts. The retail industry has itself developed into a nationwide system of distribution. Nothing is left then but a matter of policy—a matter for the exercise of the congressional will.

It is this context—one of choice for the Congress—which presents us with a choice between the committee bill and that sponsored by the Senator from Oklahoma.

I am in favor of a bill which will draw a boundary between large enterprises and small ones, and I am against a bill which will discriminate against a small chain in favor of a large department store because the former has stores in two States and the latter does not. Both do business interstate—yes, even with foreign countries.

I am in favor of a bill which is designed to bring within the Wage-Hour Act's coverage only those enterprises whose operations have a significant impact on commerce.

I believe that a minimum of $250,000 goods from out of the State and a $1 million sales test represents a policy determination by the Congress which is moderate and practical. This is the approach of the committee bill.

Mr. President, I ask unanimous consent that a legal memorandum in support of my views, in which I discuss case after case dealing with the major premises I have laid down in my brief speech, be printed in the RECORD at this point.

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

LEGAL AND CONSTITUTIONAL IMPLICATIONS OF THE BILL REPORTED BY THE SENATE LABOR COMMITTEE AND THE MONRONEY AMENDMENT AS THEY WOULD AFFECT COVERAGE UNDER THE FAIR LABOR STANDARDS ACT

PROVISIONS INVOLVED

Pertinent provisions of the proposed amendment in the committee bill to the Fair Labor Standards Act, as amended (29 U.S.C. 201 et seq.) are contained in section 3(s) which would be added to the act by the bill. The section defines "Enterprise [1] engaged in commerce or in the production of goods for commerce" to mean—

"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 million, 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 selling establishment) which amount in total annual volume to $250,000 or more; [2]

"(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 million, 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 $250,000;

"(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."

A proviso to this definition insures that the so-called "mom and pop" stores will not be considered to be, or to be part of, an enterprise within the meaning of the definition.

The effect of the Monroney amendment would be to limit most of the quoted provisions in section 3(a) of the committee bill so that they would apply only to enterprises operating establishments in two or more States.

ISSUES INVOLVED

The issues presented are:

(1) Do the new coverage provisions in the committee bill particularly as they relate to retail or service enterprises go beyond the constitutional authority of Congress to regulate interstate commerce; and

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[1] Enterprise is defined in the committee bill as meaning related activities performed by any person for a common business purpose. It would include all such activities whether performed in one or more establishments or by one or more corporate or other organizational units. However, local retail or service establishments which are under independent ownership and control would not be considered other than separate enterprises simply because they have franchise, licensing, exclusive dealership or group purchasing arrangements.

[2] Even though a particular establishment is part of an enterprise which comes under the coverage provisions of the bill, an amendment to section 13(a)(2) of the act would provide a minimum wage and overtime exemption for such establishment if it does not itself have gross annual sales of at least $250,000.

(2) Does the proposed Monroney amendment to the bill provide a basis for expanding the act's coverage which is more consonant with well established principles with regard to exercising the Federal commerce power.

ACT'S PRESENT BASIS OF COVERAGE

The application of the present act is restricted to those particular employees who are "engaged in commerce or in the production of goods for commerce" as those terms are broadly defined in section 3 of the act, provided they do not come within one of the exemptions in the act.

"Produced" is defined in section 3(j) to include manufacturing, mining, and all of the usual operations which the term ordinarily suggests. The definition also includes "'any closely related process or occupation directly essential to the production," which is effective in bringing the benefits of the act to employees not personally engaged in production, such as clerical, maintenance, and custodial workers,[3] and the employees of independent contractors supplying essential services to the producer, such as tools, dies, water, and electric power he uses in production.[4]

Section 3(1) defines "goods" broadly to include "any part or ingredient thereof," so that even a producer who distributes his product locally must comply with the act if he has reason to believe that some of it is regularly used as parts or ingredients of other goods produced for interstate shipment.[5] The definition also extends to "articles or subjects of commerce of any character" so as to include the Western Union Co.'s production of telegrams,[6] and the issuance of bonds, stocks, and the like.[7]

Section 3(b) defines "commerce" to include interstate or foreign commerce in the constitutional sense, so that it extends to the farthest reaches of such commerce, bringing within the basic coverage of the act all employees in it or so clearly related to it as to be, in legal contemplation, a part of it.[8] This includes not only the employees who move the goods, but also those who write the letters and keep the books relating to the interstate movement,[9] and those who maintain the instrumentalities by which the commerce is carried on.[10]

In keeping with these broad statutory definitions of the coverage language used in the present act, the courts have repeatedly expressed the view that this language should receive a liberal interpretation consonant with the definitions, with the purpose of the act, and with its character as remedial and humanitarian legislation.[11] Thus, the undefined word "for" in the phrase "production for commerce" has not been restricted to production for shipment in commerce, but has been applied to bring within the protection of the act production for local use in facilitating interstate commerce in other goods, such as the production of rock and paving material for local use by others in maintaining river revetments, roads, railways, and airport runways used in the interstate movement of other goods.[12] Similarly, the phrase as a whole has been applied to cover all of the production of goods for a stockpile, only a relatively small part of which is regularly selected for interstate shipment,[13] and to cover all of an employee's hours of work in a workweek if any substantial part of it is covered work.[14]

CONSTITUTIONALITY OF BASIS OF COVERAGE PROPOSED IN THE COMMITTEE BILL

The constitutional authority of the Congress, in the exercise of the commerce power, to extend the act's coverage on the basis provided in the bill reported by the Senate Labor Committee is abundantly clear.

Present basis of coverage does not reach many vital activities within scope of Federal commerce power.

The constitutionality of the application of the present act to employees engaged in commerce or in the production of goods for commerce has been upheld by the U.S. Supreme Court.[15] The Court has also emphasized in numerous cases under the act that the Congress in providing this coverage stopped considerably short of the full reach of its constitutional power under the commerce clause.[16] Though the present act extends to a whole complex of activities which precede commerce, it does not extend to the many other activities which follow commerce, and which are of equally vital concern to the commerce of the Nation.

The operations of large retail enterprises which would be made subject to the act by the committee bill come within this latter category of activities. Under the act's present basis of coverage, the relation between the production of goods, before any movement is begun, and their subsequent movement in commerce, is recognized as an appropriate basis for Federal regulation authorized by the commerce clause. However, the relation between interstate commerce and distribution to the consumer of these same goods is ignored. The effect on commerce of labor conditions in production of the article which subsequently moves in commerce is recognized, though the effect on commerce of labor conditions in the distribution of the article is not. The obvious economic fact that demand for a product causes its interstate movement quite as surely as does production, is not recognized in the present act.

Similarly, the present act, adopting as its standard for basic coverage, the relationship between each individual employee's work and interstate commerce or production denies protection to other employees without regard to the fact that the enterprise and industries in which they are employed are substantially engaged in commerce or in the production of goods for commerce. Because of this approach to coverage, the act presently does not extend to large areas of employment which Congress could appropriately regulate and which also come within the broad purpose of the act.

Use of "enterprise" basis for extended coverage is sound.

The new basis of coverage proposed in the committee bill under which all employees of an enterprise "engaged in commerce or the production of goods for commerce" will be covered is realistic in concept and practical, yet moderate, in its approach.

There is no question of the power of Congress to extend the act's protection to all employees of an enterprise as is proposed in this bill. That the activities of employees of an enterprise may determine whether or not it is engaged in commerce or in the production of goods for commerce was settled by the Supreme Court in the Kirschbaum case when it held that "to the extent that his employees are 'engaged in commerce or in the production of goods for commerce,' the employer is so engaged."[17] As previously noted, the bill requires that the enterprise have employees engaged in commerce or the production of goods for commerce, "including employees handling, selling, or otherwise working on goods that have been moved in or produced for commerce by any person." In addition, such enterprise must purchase or receive goods for resale that move or have moved across State lines (not in deliveries from the selling establishment) which amount in total annual volume to $250,000 or more. Thus, these provisions insure the interstate character of enterprises qualifying for coverage.

Retailing and other businesses covered by the committee bill need not be multistate operation to come within scope of Federal commerce power

It has long been settled by the Supreme Court that "the power of Congress to regulate interstate commerce extends to the regulation through legislative action of activities intrastate which have a substantial effect on the commerce or the exercise of the congressional power over it."[18]

It is equally settled that the question of whether "the conduct of an enterprise affects commerce among the States is a matter of practical judgment," and that the "exercise of this practical judgment the Constitution entrusts primarily and very largely to the Congress."[19]

Under these principles, there is no question that a practical judgment by the Congress that the retail and other enterprises covered by the bill have a substantial impact on commerce would be upheld by the courts.

The congressional findings in section 2 of the present act state that "the existence, in industries engaged in commerce or in the production of goods for commerce, of labor conditions detrimental to the maintenance of the minimum standard of living necessary for health, efficiency, and general well-being of workers" among other things "burdens commerce and the free flow of goods in commerce" and "leads to labor disputes burdening and obstructing commerce and the free

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[3] House managers report, 95 CONGRESSIONAL RECORD 14928, 14929; majority of Senate conference, 95 CONGRESSIONAL RECORD 14874, 14875; *Union National Bank* v. *Durkin*, 207 F. 2d 848 (C.A. 8, 1953), *Mitchell* v. *Realty*, 211 F. 2d 198 (C.A. 2, 1954), certiorari denied, 348 U.S. 823 (1954).

[4] House managers report, 95 CONGRESSIONAL RECORD 14929; majority of Senate conference, 95 CONGRESSIONAL RECORD 14875; *Mitchell* v. *Mercer Water Co.*, 208 F. 2d 900 (C.A. 3, 1953).

[5] *Tobin* v. *Colery City Printing Co.*, 197 F. 2d 228 (C.A. 5, 1952).

[6] *Western Union Telegraph Co.* v. *Lanroot*, 323 U.S. 490 (1945); the holding that Western Union might employ oppressive child labor because it was engaged in interstate commerce rather than production therefor is no longer the law in view of section 12(c) supplied by the Fair Labor Standards Amendments of 1949.

[7] *Union National Bank* v. *Darkin, supra.*

[8] *Overstreet* v. *North Shore Corp.*, 318 U.S. 125 (1943); *Pedersen* v. *J. F. Fitzgerald Construction Co.*, 318 U.S. 740 (1945); *McLeod* v. *Threlkeld*, 319 U.S. 491 (1943); *Walling* v. *Jacksonville Paper Co.*, 317 U.S. 564.

[9] *Walling* v. *Jacksonville Paper Co.*, 128 F. 2d 395 (C.A. 5, 1942), affirmed on this point, 317 U.S. 564 (1943).

[10] *Overstreet* v. *North Shore Corp., supra; Pedersen* v. *J. F. Fitzgerald Construction Co., supra.*

[11] *Phillips, Inc.* v. *Walling*, 324 U.S. 490 (1945); *U.S. Cartridge Co.* v. *Powell*, 339 U.S. 497 (1950); *Roland Electrical Co.* v. *Walling*, 326 U.S. 657 (1946).

[12] *Alstate Construction Co.* v. *Durkin*, 345 U.S. 13 (1953); *Thomas* v. *Nempt Bros.*, 345 U.S. 19 (1953).

[13] *United States* v. *Darby*, 312 U.S. 100 (1941); *Mabee* v. *White Plains Pub. Co.*, 327 U.S. 178 (1946).

[14] *Walling* v. *Jacksonville Paper Co., supra.*

[15] *United States* v. *Darby, supra.*

[16] *Kirschbaum* v. *Walling*, 316 U.S. 517 (1942); *Higgins* v. *Carr Bros.*, 317 U.S. 572 (1943); *Walling* v. *Jacksonville Paper Co., supra; Mitchell* v. *Zachary Co.*, 362 U.S. 310 (1960).

[17] *Kirschbaum* v. *Walling, supra.*

[18] *United States* v. *Darby, supra.*

[19] *Polish National Alliance* v. *N.L.R.B.*, 322 U.S. 643, 650 (1944).

flow of goods in commerce" as well as "interferes with the orderly and fair marketing of goods in commerce."

That the retailing, laundry, construction, and other industries affected by the committee bill are industries engaged in commerce to which these findings are applicable should be beyond question. With respect to retailing, for example, it is upon the sales made and the orders placed by the enterprises in this industry that the production for commerce and the continuing flow across State lines of consumer goods depends. The retail sales of goods by our large enterprises do not involve a purely local activity. Rather, they represent the terminal activity of a complex and huge interstate distribution and movement of goods to the ultimate consumer. Such local coloration has been overemphasized at the expense of the relation of retailing to interstate commerce, and desirable or necessary regulation. As stated in the report of the Committee on Labor and Public Welfare on proposed amendments to the act during the 86th Congress: [20]

"Retailing can be considered as local in character only if it is viewed from a narrow technical approach limited to the fact that sales of an individual store are generally restricted to a given locality. But a realistic approach must also consider the origin of the goods and the structure of retailing used to sell the goods. There is nothing local about retailing which purchases goods from various States of the Union and from foreign markets."

A recent report of the Committee on Education and Labor of the House of Representatives also stated: [21]

"Retailing today is no longer essentially local in nature. It has become a vital and indeed indispensable part of the interstate stream of commerce through which flows the huge volume of consumer goods produced, shipped, and distributed to meet the individual and family demands of our Nation's population. The efficiency with which the country's retail enterprises perform their function of getting these goods to consumers directly affects the vitality and growth of these segments of American industry which produce, handle, and transport through the arteries of interstate commerce from every corner of the land the commodities which supply our citizens in all the 50 States."

The exercise of Federal authority under the commerce clause with respect to employment in retailing and with respect to goods which have moved across State lines and are held for local disposition is not novel. Prior to the so-called "no-man's land" amendment to the National Labor Relations Act, made by the Labor-Management Reporting and Disclosure Act of 1959, the National Labor Relations Act was repeatedly held to provide exclusive procedures, and to bar State action, with respect to labor relations problems of retailers handling goods that had moved across State lines, even though all or most of their sales were within the State of location.[22] The constitutional power of Congress under the commerce clause to exercise authority with respect to "articles that have completed an interstate shipment and are being held for future sales in purely local or interstate commerce" is also settled. For example, in the case of *United States* v. *Sullivan*,[23] a druggist was convicted of failure to comply with labelling requirements for sulfathiasole which was sold to customers after it had moved in commerce. A recent exercise by the Congress of this authority is the legislation (Public Law 85–506) requiring certain information for prospective purchasers to be kept posted on new automobiles prior to their sale to the ultimate consumer and providing penalties for any willful removal or alteration of the label containing the required information.

Use of $1 million sales test in establishing coverage is constitutional.

By limiting coverage to retail enterprises having a gross annual sales volume of at least $1 million.[24] The committee bill would provide even greater assurance that only enterprises with substantial impact upon commerce would be reached than did the enactment by the last Congress of legislation under which the National Labor Relations Board may not decline to assert jurisdiction in the case of a retail enterprise having annual gross sales of $500,000 or more.[25] When the Board adopted the $500,000 figure for its jurisdictional standard in such cases, it determined that this would "reasonably insure that jurisdiction will be asserted over all labor disputes involving retail enterprises which tend to exert a pronounced impact upon commerce." [26] The enactment of Public Law 86–257 indicates that the 86th Congress also concluded that retail enterprises with this volume of business have sufficient impact upon commerce to justify a continuance of conclusively Federal regulation of labor-management relations. It would obviously be fatuous now to assert that the National Labor Relations Board, an administrative agency, may lawfully prescribe jurisdictional standards on a volume-of-business basis, but that such authority is constitutionally denied the Congress.

The million-dollar limitation undoubtedly provides a coverage which falls far short of exercising the constitutional power to its fullest extent. It is now well settled by decisions of the Supreme Court that the constitutional power extends to activities affecting interstate commerce in any amount or volume not so minimal and sporadic as to invoke the legal doctrine of de minimis non curat lex. As stated by the Supreme Court in a case involving the National Labor Relations Act, "The power of Congress to regulate interstate commerce is plenary and extends to all such commerce be it great or small," since "commerce may be affected in the same manner and to the same extent in proportion to its volume, whether it be great or small." [27]

Thus in *Guso* v. *Utah Labor Relations Board*,[28] the Supreme Court held that manufacturing operations involving the inflow from out-of-State sources of less than $50,000 of supplies sufficiently affected interstate commerce to invoke coverage of the National Labor Relations Act and to oust State jurisdiction even though the National Labor Relations Board has declined to assert jurisdiction. And in *N.L.R.B.* v. *Stoller*,[29] the National Labor Relations Act was held applicable to a local drycleaner who purchased $12,000 worth of supplies from outside the State, the court holding that that amount "was not so insignificant as to come within the rule de minimis non curat lex."

The impact on interstate commerce of a retail enterprise having gross sales of a million dollars or more a year will be more, rather than less, than that of those retail enterprises now covered by the National Labor Relations Act which have annual gross sales of only half a million dollars. Since the Congress and the courts have approved the National Labor Relations Act coverage as a proper exercise of Federal authority under the commerce power, there is no question that this moderate exercise of congressional power in the committee bill would be upheld as constitutional.

MONRONEY AMENDMENT WOULD IMPEDE, NOT PROTECT, INTERSTATE COMMERCE

The Monroney amendment would not protect the limits of the congressional power to regulate interstate commerce. Rather, it constitutes an arbitrary and discriminatory limitation on the exercise of that power. It is based on the unrealistic assumption that if a business happens to be operated at more than one location and one of those locations fortuitously is located across a State line, then it is necessarily engaged in interstate commerce. The impact of the business on commerce would be immaterial and competing businesses of much greater magnitude would be excluded from the act's coverage by the mere circumstance of location.

As stated in the "Finding and Declaration of Policy" of the Fair Labor Standards Act, among the conditions it seeks to eliminate are those which burden commerce and the free flow of goods in commerce. It would be inconsistent with such purpose to incorporate provisions in the act which would inhibit businessmen in expanding their operations into more than one State. This, however, is the precise effect the Monroney amendment would have. So long as a business enterprise confined its activities to a single State, it could remain outside the scope of Federal wage and hour regulation. As soon, however, as it established a branch or other unit in another State it would immediately bring itself within the scope of Federal wage and hour standards. Under these circumstances, business enterprises could be expected to refrain from opening up branch establishments in other States or to delay doing so longer than might otherwise be the case. This could have particularly unfortunate and discriminatory effects in large metropolitan areas which are located near interstate boundary lines. Such an inhibitory effect on normal business growth and expansion would "burden commerce and the free flow of goods in commerce" in a very real sense.

While the act now establishes its coverage only on the activities of the individual employee, it does not restrict its coverage to those workers who are employed by employers who have establishments in two or more States. The effect of the Monroney amendment would be to declare that for an employee basis of coverage employment in a multistate operation is not necessary but for coverage on an enterprise basis it is. Obviously this would be an inconsistent

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[20] S. Rept. 1744, p. 15.

[21] H. Rept. 75, 87th Cong., p. 8.

[22] See *Amalgamated Meat Cutters and Butcher Workmen of North America* v. *Fairlawn Meats, Inc.*, 353 U.S. 20 (1957) (three retail meat markets, all of whose sales were intrastate, but whose annual out-of-State purchases totaled slightly more than $100,000 out of gross purchase of $900,000); *San Diego Building Trades Council* v. *Garson*, 353 U.S. 26 (1957) (two retail lumber yards whose out-of-State purchases totaled $250,000). See also *Howall Chevrolet Co.* v. *N.L.R.B.*, 346 U.S. 482 (1953) (retail automobile dealer purchasing from local warehouse of General Motors autos and parts manufactured out of State).

[23] 332 U.S. 689 (1948).

[24] As noted in footnote 1a supra, an individual establishment having gross annual sales of less than $230,000 would be exempt from the minimum wage and overtime provisions of the act, regardless of the volume of sales of the enterprise of which it is a part.

[25] Public Law 86–257, sec. 701.

[26] *Carolina Supplies and Cement Co.*, 122 NLRB 88, 90 (1958).

[27] *NLRB* v. *Fainblatt*, 306 U.S. 601, 606–607 (1939); see also *NLRB* v. *Denver Bldg. Council*, 341 U.S. 675, 684–685 (1951), *Carpenters Union* v. *NLRB*, 341 U.S. 707 (1951).

[28] 353 U.S. 1 (1957).

[29] 207 F. 2d 305 (C.A. 9, 1953) certiorari denied, 347 U.S. 919 (1954).

exercise of the commerce power which is neither necessary nor desirable.

The Committee on Labor and Public Welfare considered and rejected as a test of interstate commerce the operation of an enterprise of establishments located in more than one State. The locale of the establishments, whether in one or in more than one State, was found by the committee to have little or no relation in and of itself to the involvement of the enterprise in interstate commerce. There are many enterprises, both individual and chain, which operate in only one State but which do many millions of dollars in business and buy and sell huge quantities of goods brought into the State from many other States and foreign countries. On the other hand, many small local enterprises in metropolitan areas near State lines operate establishments in more than one State. Similarly, there are many businessmen who operate stores which are predominantly local in widely separate areas in different States, whose involvement in interstate commerce is minimal compared with that of the much larger enterprises which happen to operate within the confines of a single State.

Thus, the 4,800 retail establishments which in 1958 the Census of Business found had annual sales of $1 million or more but which operated in only one State would be excluded from the coverage of the act by the Monroney amendment. In retailing alone, some 1 million employees would be denied the act's protection by this provision. On the other hand, many of the 200 retail companies which operated five to nine establishments in two or more States and had annual sales of less than $500,000 would be covered. Such unequal and unfair treatment is not based on a reasonable and equitable application of the commerce clause. Rather, it is based on an irrelevant and immaterial factor which has never been considered a proper basis for applying the Fair Labor Standards Act.

The principle of multistate operation as an essential element in determining wage-and-hour coverage is neither necessary nor advisable from a legal, constitutional or economic standpoint.

It is completely inconsistent with a long line of decisions of the U.S. Supreme Court interpreting the commerce clause of the Constitution. The Court has never held that a business enterprise must have establishments in two or more States in order to be subject to Federal regulation under the commerce clause. The question in every case, according to the Court, is whether or not the enterprise business is such that it substantially affects commerce or that such business constitutes commerce itself or production of goods for commerce. See *Amalgamated Meat Cutters* v. *Fairlawn Meats, Inc., supra; Hotel Employees* v. *Sak Enterprises*, 358 U.S. 270, and *Hotel Employees* v. *Leedom*, 358 U.S. 99; *Baltimore Transit* v. *NLRB*, certiorari denied, 321 U.S. 795, and numerous other decisions of the Court.

The Monroney amendment is also inconsistent with legislation enacted by the Congress, while, on the other hand, the committee bill is completely consistent with such legislation. For example, the National Labor Relations Act and the Labor-Management Reporting and Disclosure Act apply our basic Federal labor relations statutes to employees of employers engaged in activities affecting commerce. Similarly the Motor Carrier Act, the Sherman Antitrust Act, the Federal Trade Commission Act and the Clayton Act regulate activities of employers engaged in interstate commerce. None of these laws require, as a condition to their application, that employers must operate establishments in two or more States.

CONCLUSION

The extension of the act's coverage to additional workers provided in the committee bill does not constitute an invalid exercise of the Federal commerce power. Its approach is moderate and practical, being designed to bring within the act's coverage the employees of only those enterprises whose operations have a significant impact on interstate commerce. It has been amply demonstrated that a business operation need not be conducted in more than one State in order to be engaged in interstate commerce and the act does not now so provide. The fact that retail sales constitute the terminal activity in the movement of goods from producer to ultimate consumer does not make them any less a vital part of the flow of interstate commerce. Moreover, the prerequisites for coverage that the retail enterprise have employees engaged in or producing for commerce, that it purchase or receive goods for resale that move or have moved across State lines (not in deliveries from the selling establishment) which amount in total annual volume to at least $250,000, and the $1 million sales test insure that the enterprises covered by the committee bill are not "small local" businesses and are properly subject to Federal wage-hour coverage.

The Monroney amendment would inject the fortuitous circumstance of geographical location of establishments as a prime basis for coverage. An amendment of this nature to the basic coverage provisions of the committee bill would be grossly discriminatory.

As a result of such change many huge retail enterprises operating within a single State would be left outside the act's coverage and much smaller businesses which happen to be operated in more than one State would be subject to the act. Such a result would be discriminatory and inequitable to employees and employers alike.

Mr. MORSE. Mr. President, I further ask unanimous consent to have printed in the RECORD at this point a memorandum setting forth the record, in outline form, of the National Labor Relations Board starting with 1935 under the old Wagner Act, dealing with retail coverage as it has been applied by the National Labor Relations Board.

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

RETAIL COVERAGE UNDER THE NATIONAL LABOR RELATIONS BOARD

1. Wagner Act period, 1935–47: In general on a case-by-case basis, the Board took large retail establishments such as mail order houses, large department stores shipping goods out of State, and interstate chains. Board was cautious during this period owing to its tremendous workload and tight budget.

2. Years 1947–50: Board continued exercising its jurisdiction on a case-by-case basis, but because of Taft-Hartley history, asserted jurisdiction over increasing number of retail establishments in view of Congress' desire to protect small employers from union unfair labor practices.

3. October 1950: Board announced for the first time dollar standards as basis for exercising jurisdiction. For retail stores the standard was: $500,000 direct inflow; $1 million indirect inflow. (See 15th annual report, p. 5.)

4. July 1954: Newly appointed Eisenhower Board in attempt to take fewer cases contracted jurisdiction. It announced a special standard for retail stores: $1 million direct inflow; or $2 million indirect inflow; or $100,000 direct outflow (19th annual report, p. 4).

"As to intrastate chains of retail stores and service establishments we shall continue the practice of totaling direct inflow, indirect inflow, or direct outflow of all stores in the chain to determine whether any one of these standards is met. If the totals satisfy any one of these standards, we will assert jurisdiction over the entire chain or over any store or group of stores in it as in the past."

5. October 1958: The Board announced new standards greatly broadening the areas of activities covered by the statute. This change was made as a direct consequence of the Supreme Court decision known as the *Guss* case, 353 U.S. 1 (1957). The *Guss* case deprived the Utah State Labor Relations Board of asserting jurisdiction over a case within the commerce clause but excluded by the Board's dollar standards. This case, in effect, established the no man's land problem. In an effort to make the no man's land smaller, the Board announced new jurisdictional standards.

With respect to retail stores the new standard was $500,000 gross volume of business, i.e., sales (23d annual report, p. 8).

6. September 1959: Landrum-Griffith, section 701, provided that the Board could not refuse to take any case which it would have taken as of August 1959 (i.e., the 1958 standards referred to above). The Board pursuant to section 701, however, could exercise jurisdiction over a broader sphere of activity.

Thus, in the retail field the Board is required to take jurisdiction over any store having a gross annual business of $500,000. It may, if it should desire to do so, take jurisdiction over stores doing a lesser amount of annual business.

The PRESIDING OFFICER (Mr. SMITH of Massachusetts in the chair). The time of the Senator from Oregon has expired.

Mr. MORSE. Will the Senator yield me 1 additional minute?

Mr. MUSKIE. I yield 1 minute to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 1 minute.

Mr. MORSE. I wish to point out that I am very much concerned about our taking a step today which might weaken the Wage and Hour Act itself.

We must not forget, Mr. President, that the amendment talks about enterprise in a single State. There is nothing to stop an organization from incorporating in each State. I know there can be some interesting litigation as to whether such is a subterfuge on the part of an employer, but we must not forget a corporation is a legal entity. A corporation is a person under the law. I warn the Senate today that I can see great confusion and great legal difficulty being stirred up, if the amendment should be agreed to, on the part of employers who are unscrupulous—and unfortunately, there are some. I do not think such will be fair to the competitors. A corporation might incorporate in each State and thereby come out from under the application of the law. This is one legal gimmick we might run into in such a situation.

Mr. President, the Senate has a good bill before it. It has come to the Senate from the committee.

The PRESIDING OFFICER. The time of the Senator from Oregon has again expired.

Mr. MORSE. The great Senator from New York is a spokesman on behalf of the bill, and will make his argument shortly.

In many respects this is a bipartisan bill. I plead with the Senate not to endanger the bill and not to endanger the act by adoption of the amendment offered by the Senator from Oklahoma.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. CARROLL. Mr. President, will the Senator yield some additional time so that I may ask a question of the able Senator from Oregon?

Mr. MUSKIE. I yield 2 minutes to the Senator from Colorado.

Mr. CARROLL. Two minutes will be adequate.

The Senator from Oregon has made a very able presentation of a constitutional question which has been raised by my friend the Senator from Oklahoma. Could anyone deny that there are certain segments of the retail industry of this Nation that are within the stream of interstate commerce?

Mr. MORSE. The courts have made clear that they are within the stream of interstate commerce.

Mr. CARROLL. It is true. We know it from court decisions, and we know it as a practical matter. That being true, there is no constitutional question involved in regard to the bill.

Mr. MORSE. That is the thesis of the argument of the Senator from Oregon.

Mr. CARROLL. I concur 100 percent. The nub of the question relates to what we have done, which is to cover a portion of the retail business, which is within the stream of interstate commerce, and to put some limitations upon it.

Mr. MORSE. Which we have jurisdiction, as a Congress, to do.

Mr. CARROLL. Exactly, as a matter of policy.

Mr. MORSE. I say further to the Senator from Colorado that I plead in behalf of other industry.

Mr. President, I think every businessman in competition for labor in connection with retail establishments ought to be urging the Congress to support the position which the senior Senator from Oregon and the Senator from Michigan are taking because it will not be fair to other businesses we cover in other sections of the law if we should adopt the Monroney amendment.

This is a case in which we really ought to bring the "big boys," so to speak, under coverage, as we bring in large industry, by using the criteria of $250,000 inflow and $1 million annual gross sales as the test for coverage.

I do not think we ought to discriminate as among employers. We ought to be fair to all concerned.

Mr. CARROLL. I should like to ask the Senator from Oregon one further question. In my own State of Colorado there are certain businesses which are not within the stream of interstate commerce.

The PRESIDING OFFICER. The time of the Senator from Colorado has expired.

Mr. CARROLL. Will the Senator yield me 1 additional minute?

Mr. MUSKIE. Mr. President, I yield 1 more minute.

Mr. CARROLL. Some businesses in Colorado are not within the stream of interstate commerce, and therefore would not come under the provisions of the bill. Those businesses are engaged in intrastate commerce.

Some retail businesses in my State have an interstate connection and would be subject to the provisions of $250,000 inflow and $1 million gross annual sales. Those businesses would come under the provisions of the bill.

Mr. MORSE. Under the terms of the bill they would. I think that is only fair and equitable.

The Senator from Colorado has heard me say before, but I repeat, I believe in a uniform application of the Constitution of this country. I believe the workers who are working in the larger establishments, which are in turn in competition with other establishments clearly covered, ought to get the same constitutional protection as those who are covered, for example, in an automobile plant.

Mr. CARROLL. I share the Senator's viewpoint. I commend the Senator.

I know the able Senator from New York will discuss this issue. It is a very simple issue. I know Senators can make it seem to be involved, because lawyers raise questions about the effect on the Constitution, but really this is a very simple issue. It is a question of whether the Congress, as a matter of policy, now wishes to cover the retail field and to protect some workers. This is the basic issue.

I thank the Senator from Oregon.

Mr. MORSE. I thank the Senator from Colorado.

Mr. MUSKIE. Mr. President, I yield 5 minutes to the senior Senator from New York [Mr. JAVITS].

Mr. JAVITS. Mr. President, I should first like to pay my respects to the distinguished argument made by the Senator from Oregon [Mr. MORSE], supplemented by the Senator from Colorado [Mr. CARROLL]. I wish to address myself to that part of the argument of our good friend and proponent of the amendment which deals with the following points:

The Senator from Oklahoma said that we should not throw into the ashcan the historic concept of interstate commerce. He said also that we should not pass a bill because the Supreme Court will let us get away with it. I think this concept of the amendment is one that implies somehow or other the Senate will invoke a rule of interstate commerce which we might get away with in the Supreme Court, and which according to the Senator from Oklahoma, will depart from the fundamental, traditional concept of interstate commerce.

If that argument be valid, it is a very respectable argument and deserves attention. The only difficulty is that the argument is not valid. It is interesting to me that many people who think they are liberal are always talking about turning the clock back. This amendment would turn the clock back about 30 years when we decided this question of policy long ago. We decided that what we talk about with respect to the power of Congress is the power to regulate the facilities and instrumentalities of interstate commerce. Therefore, Congress can regulate anything that can be done in a State, if it is burdening interstate commerce. That question was, as I said, decided over three decades ago.

Why? Because time marches on. There are department stores in the State of New York that are several times as large as some chains which the amendment of the Senator from Oklahoma would reach. We cannot tell the people in the State of New York that there is no competition for retail business in New York from the retail stores in Newark, N.J., in Greenwich and Stamford, Conn. We cannot tell the people of Kansas City, Mo., that there is no competition for the retail business there from Kansas City, Kans. We cannot tell the people of Philadelphia that there is no competition for retail business there from the stores in Camden, N.J.

In short, the dynamics of commerce have been such as to require the courts to keep up with the times.

What is the genius of the Constitution? The genius of the Constitution is that it is an instrument which can deal with what happens, notwithstanding the fact that some 178 years ago no one dreamed that it would happen. That circumstance is what makes the Constitution a great instrument. Do I hear Senators who advocate agreement to this amendment inveighing against the Sherman antitrust law? Will they tell us that we cannot prosecute someone for price fixing when they do an enormous business in the State of New York with goods passing into the State of New York from other States, even though it comes to rest in the State of New York, when such price fixing would affect the price of goods all over the United States? Will they argue that such is not the case?

What is the difference between burdening interstate commerce on questions of labor, including the picket lines of which my friend speaks, and burdening interstate commerce by paying sweatshop wages? In some States sweatshop wages are paid, and the goods sold in such States compete with other retail goods which cross State lines.

If one wishes to appeal to the law, the cases on the point sustain the view I urge. We are not trying to get away with anything in terms of what the Supreme Court might do. It is always well to read the original law. The Constitution does not contain the words used in the present argument. The Constitution provides, "to regulate commerce." Mind that word—"regulate." That word has not been mentioned here.

The provision of the Constitution is "To regulate commerce with foreign nations, and among the several States, and with Indian tribes."

"To regulate" means to deal with those aspects of commerce which represent an impediment or burden upon it.

It is said by Senators in a sweeping way—and where they get it I do not

know—in respect to the Supreme Court, "Why, if the Supreme Court goes along with the bill, then the Federal Government can regulate anything."

I doubt very much that any lawyer so believes. Anyone who reads the cases knows how often the Court has reversed on the ground of absence of the interstate commerce qualification for jurisdiction.

The PRESIDING OFFICER. The 5 minutes allotted to the Senator from New York have expired.

Mr. JAVITS. Mr. President, may I have 5 additional minutes on the bill?

Mr. MUSKIE. I yield 5 minutes.

Mr. JAVITS. I quote from the famous *Jones and Laughlin* case (301 U.S. 1, 1936), a landmark decision in which it is made clear that not everything is interstate commerce. There are many activities which the Court will feel free to strike down as being intrastate commerce.

The Court stated that it has the right under the commerce clause to deal with commerce. I quote now from 301 U.S. 1, page 40, of the Jones and Laughlin case, citing with approval the first Coronado case:

> If Congress deems certain recurring practices, though not really part of interstate commerce, likely to obstruct, restrain, or burden it, it has the power to subject them to national supervision and restraint."

In short, what the Court affirmed in the Jones and Laughlin case gives us the key, because the concept is picked up in the committee report on the present bill, the Court said:

> The question is necessarily one of degree.

For future interpretation, such is the scheme of the proposed legislation. The question is one of degree. I shall ask to have printed in the RECORD citations of a series of cases which hold that the fact that Congress has legislated in the field of interstate commerce in any area, and that would include minimum wages, does not mean that it has exhausted its power under the commerce clause to legislate further—*Kirschbaum* v. *Walling* (316 U.S. 517), *Walling* v. *Jacksonville Paper Co.* (317 U.S. 564), *10 E. 40th St. Bldg.* v. *Callus* (325 U.S. 578), and *Phillips* v. *Walling* (324 U.S. 490). Congress had the power to regulate retailing coming under the commerce clause in terms of minimum wages when it passed the first minimum wage bill. It did not choose to do so. By this pending legislation Congress could choose to do so now to a limited extent.

It can choose to regulate now certain retailing activities which qualify as being in commerce and which meet certain economic criteria. Such regulation does not mean that we are trying to expand the power of Congress by changing the interstate commerce clause for we could not if we would.

The committee report is clear on this matter. The report states on page 4:

> Extension of retail coverage—the major thrust of the committee bill—is tied explicitly to the criterion of the enterprise engaging in commerce or in the production of goods for commerce.

That sentence ties into the sentence on page 5 of the committee report which states:

> The million dollar test is an economic test.

In short, we have available more power than we are exercising in terms of the commerce clause. We are choosing to exercise only so much.

I respectfully submit, therefore, we are not tampering, we are not destroying the historic concepts, for the facts of economic life compelled us to establish our concepts some three decades ago.

Is anyone going to argue that the labeling regulations under the Federal protection of the Food and Drug Act are unconstitutional? The cases have been decided to the contrary. (See *U.S.* v. *Sullivan*, 332 U.S. 689, 1948).

The 85th Congress legislated (Public Law 85–506) that certain information for prospective purchasers shall be kept posted on new automobiles prior to their sale to the ultimate consumer—and which have come solidly to rest, all 4,000 pounds' worth, in the dealer's showroom. Does anyone contend that such an act is not a valid exercise of congressional power? Of course not.

In short, the argument is one made for the occasion. What the Senator from Oklahoma wishes to do is this: He does not like the measure of adding 4 million newly covered employees. He does not like the measure of covering employees of a big establishment located in an individual State. He wishes to cut new coverage to, say, 2½ million employees, and to make it economically applicable to establishments in more than one State.

We can vote for or against the amendment, but I do not see where the argument has anything to do with the fundamental constitutional power.

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

Mr. JAVITS. I yield.

Mr. MONRONEY. The Senator spoke of the exploitation of department stores in New York. Will he be good enough to tell the Senate if there is a minimum wage law in the State of New York?

Mr. JAVITS. There is a minimum wage of $1. I should like to add that if we had many States like New York, we would not be here. New York competes with those other States which do not have minimum wage laws, and that is one important reason why I am for the bill.

Mr. MONRONEY. New York competes on the basis of a dollar an hour, but if the people in my State wish to buy goods of Oklahoma, they are not necessarily damaged by what is paid in New York. I can follow the logic of the Senator from New York that manufacturing goods moving in interstate commerce at a low wage level in the State has a definite deleterious effect on the general wage level. But I am rather hard put to gather the great interstate commerce complex any more than I can quite agree with the Senator in respect to the Automobile Labeling Act. I should like to read page 4, section 7:

> Every manufacturer or importer of every automobile distributed in commerce * * * to the windshield of such automobile a label.

Following this act, any broker—this is not the dealer—in placing the label on the car, has nothing to do with the dealer putting the label on or trying to enforce it.

I do hope that the references of the Senator from New York are a little more accurate on the other phases of the constitutionality of the bill than the ones he has recently quoted.

Mr. JAVITS. I should like to answer both points, if I may. I shall answer the latter point first. The Senator only bears out precisely what I said, that we can pass a law which will protect a label from being removed or altered by anyone, though that automobile, all 4,000 pounds worth, is at rest upon the dealer's floor in a particular State and is not moving anywhere. That is precisely the argument, and it bears out precisely my constitutional point.

As to the competition, we have, for example, 14 million visitors who come to New York City every year. Those visitors are at liberty to shop in any store in New York City. What we are asserting here is a fundamental economic concept that we want the underlying basis of competition throughout the United States to be at a certain minimum wage when applied to units of a certain economic size.

Again I respectfully submit that this is not an exercise of a new power but of the thrust of our legislation.

Mr. MONRONEY. I should like to ask the Senator one more question. Just what businessman in the United States will not qualify under the $1 million test, and, with particular reference to retailing, to the $250,000 movement of goods in interstate commerce, so far as coming under the act is concerned?

Mr. JAVITS. The Senator from Oklahoma has himself outlined what retailers will not come under the act. There are millions of employees who are excluded by the economic test. Then we have the traditional concept of intrastate commerce. There are millions of people who do not engage in business in which there is material transported across State lines. Let us take, for example, the traditional shoeshine parlor. I do not wish to be ridiculous about this. However, let me say to the Senator from Oklahoma that the bill does not make any change in the constitutional concept, even though we exercise our economic power to apply the act to particular businesses. In the case of some unusual shoeshine parlor, if it buys an appreciable quantity of supplies, and those supplies move across State lines, and its annual dollar volume is over a certain amount, then that shoeshine parlor could be subject to the act—there are many service and retail businesses which will not come under that category.

Mr. MONRONEY. I am glad to hear that even a shoeshine parlor, if it is big enough, can come under the provisions of the proposed act, whether it operates in one State or in more than one State.

Mr. MUSKIE. Mr. President, I yield 10 minutes to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the arguments presented in support of the pending amendment are presented, first,

on constitutional grounds; second, on economic conditions; and, third, on what might be regarded as the fear of congressional capriciousness in the future.

I have tremendous admiration for the scholarly junior Senator from Oklahoma. However, I wish to say that in this matter I believe he predicates his presentation largely on the presumed danger of rewriting the entire definition of the congressional concept of interstate commerce, implicit in the pending measure.

In these matters many Senators, including the senior Senator from West Virginia, generally lean on those Senators who have legally trained minds for a proper exploration of the constitutional issues involved in the present question. However, I remind the Senator from Oklahoma and other proponents of his amendment that the grounds for the persuasive and knowledgeable plea of the senior Senator from Oregon [Mr. MORSE] have not been altered since they were delivered by him on the floor of the Senate on last August 18. I noted with approval the vigorous manner in which he repeated those arguments this afternoon.

The Monroney amendment would ignore a lengthy history of Supreme Court decisions regarding the meaning of the interstate commerce clause.

In view of this insufficiency, it would be most inadvisable to accept an amendment which would offer such a substantial departure from previous congressional actions as embodied in the National Labor Relations Act of 1935 and the amendments of the Taft-Hartley Act in 1947. In that legislation Congress provided language that the Supreme Court has repeatedly applied in decisions which are not reconcilable with the Monroney amendment.

In point of fact, the enterprises covered by H.R. 3935 are already considered, and have been so for many years, as affecting commerce. The pending bill, as reported by the Senate Labor and Public Welfare Committee, would recognize this fact and extend its application to the question of fair labor standards—as it has been applied frequently over the years to the question of strikes and labor-management relations. The assertion by the junior Senator from Arizona in the debate of last year that the then Senator Kennedy's argument suggested that wages also affect the flow of commerce was not as logical as it may have sounded. The argument then and now suggests nothing of the sort. To apply a colloquialism, it brings the same sauce to the gander of fair labor standards that we have had for the goose of labor-management conflict. Contrary to the assumptions of those who would support this amendment, it is the Monroney amendment, rather than the bill as reported by our committee, that would offer a departure from the current and prevailing interpretation of the interstate commerce clause.

To turn now to the second argument, Mr. President, the question of what this body means by interstate commerce is an economic and semantic one, not a constitutional issue. And though the dividing line between interstate and intrastate commerce is sometimes clouded, the question is subject to factual and semantic determination. For practical purposes the committee bill establishes, with some exceptions, the definition of "engaged in commerce or in the production of goods for commerce" as any retail or service establishment with gross sales of $1 million or more.

This definition has the precedent of 26 years of application in other areas of congressional action. It is not economic heresy to apply it here. The application is simply an acknowledgment of the changing nature of our economy and of the fact that the enterprises covered by this measure, grossing the figures stipulated in the bill, are necessarily involved in the intricate web of economic relations that characterize interstate activity.

This application is especially valid, Mr. President, in view of the growth of many metropolitan areas which spread over State boundaries. In these areas, there are many large retail establishments which have but one physical location in one State but which have a high level of interstate commercial activity in any meaningful sense of the term. Particularly is this so of the so-called "quality" stores which have a substantial mail-order business from charge customers scattered through several States. Without the gross volume definition proposed by the committee bill I can foresee the possibilities of a veritable rash of court cases to determine whether or not such enterprises are engaged in interstate commerce. H.R. 3935 offers a clear and measurable definition for avoiding this kind of ambiguity. And though it is not without its own difficulties, I believe they are less cumbersome and complex than those embodied in the proposed Monroney amendment.

In this respect, I remind the junior Senator from Oklahoma and the proponents of his amendment of the argument advanced in previous debate to the effect that the Monroney amendment might well stimulate the evasive tactic of establishing different corporations in different States while retaining control under a single management. In view of our experience in the enforcement of antitrust laws, this is hardly an academic or trivial question.

The problem of policing such evasions and the difficulty of penetrating the variety of devices which might be employed are not pleasant to contemplate.

I recall, for example, the experience in my own State of West Virginia during the 1930's when the legislature passed a chainstore tax. Corporate distributors of petroleum products immediately devised a scheme of leasing their service stations to individual proprietors, thereby circumventing the tax legislation, yet retaining their essential market control and profit recovery.

Mr. MUSKIE. Mr. President, I yield an additional 2 minutes to the Senator from West Virginia.

Mr. RANDOLPH. Finally, Mr. President, I refer to the fears expressed by some concerning the inherent danger of establishing a dollar volume as the criterion of interstate commerce. If the present Congress is free to establish $1 million as the cutoff figure, what, it is argued, is to prevent a future Congress from lowering this figure to $500,000 or even $250,000? Or conversely, what is to prevent a future Congress of a more conservative cast from raising the figure to $10 million? I am somewhat baffled, when such questions are posed, by the assumption that the danger of legislative folly rests with some future Congress, never with the present one.

The expression of such concern is not unknown to those of us who served in Congress during the active days of the New Deal. The view is usually implicitly, if not explicitly, maintained that we—whether in 1935 or in 1961—exercise wise and prudent judgment, but let us not pave the way for the "wild men" of the future to lead the Republic down the road to ruin.

In answer to this argument, Mr. President, the collective wisdom of future Congresses will probably be maintained at about the level of our own. Though Senators are not inoculated against the general foibles and fallabilities of human nature, the history of this body would indicate that we have maintained a respectable level of political and social responsibility. I see no reason to fear that this record will be substantially altered by future Congresses—least of all, in regard to the pending measure.

Certainly, in light of a fairly consistent and long-term movement toward a higher unit level of business activity and a rise in the cost of living, there is little likelihood that a future Congress will lower the cutoff dates proposed by this measure. Nor, in view of the political realities and the general history of such legislation, is there much probability that these figures will be substantially raised.

With all these considerations in mind, I urge disapproval of the Monroney amendment.

Mr. PROUTY. Mr. President, will the Senator from Maine yield time to me?

Mr. MUSKIE. I yield 3 minutes to the Senator from Vermont.

Mr. PROUTY. I desire to have the attention of the distinguished Senator from Oklahoma. I am not certain that I fully understand the implications of his amendment. Let me pose a question. Suppose two small stores are located on the border between two States. They are both owned by an individual owner, one in State A, the other in State B. An annual business of, say, $50,000 is done in each store. Under the Senator's amendment, would these stores be covered by the Fair Labor Standards Act?

Mr. MONRONEY. If they do business in two States, they will be covered, and they would be covered by the minimum wage provision. But if they are making only $250,000, I think all stores, under the exemption written in for the chainstores, by the grace of the committee, would perhaps be exempt.

Mr. PROUTY. That is the point I wish to bring out.

Mr. MONRONEY. The Senator is not asserting, is he, that my amendment changes the rule?

Mr. PROUTY. Even if the Senator's amendment is adopted there will be a $250,000 limitation which follows the same principle as the $1 million cutoff in the committee bill. Many Senators who are concerned about the dollar limitation support the amendment of the Senator from Oklahoma, but his amendment does not alter the basic concept to which they object.

Mr. MONRONEY. The committee has provided for the $250,000 amount.

Mr. PROUTY. I understand; but suppose the two stores do $250,000 worth of business, $125,000 in each store. Another store doing $1 million worth of business in one State will be excluded, but two stores doing $250,000 worth of business in two States would be covered, under the Senator's amendment.

Mr. MONRONEY. That is correct. Woolworth's, doing $100 million business with many stores, can be completely exempt if they restrict the suburban shops to $250,000. But the man who operates a family department store in the decaying part of the town, and doing $100,000 worth of business, will come under the act.

Inconsistencies can be found in both instances. I believe my amendment will help to eliminate more of the inconsistencies than will the committee bill without my amendment.

Mr. PROUTY. Congress cannot by itself amend the commerce clause of the Constitution. It has no right or authority to do so. I think everyone is agreed on that point. Some persons have said that they would vote for the committee bill if the $1 million limitation were included and they had assurance that it would remain in the law for a long time in the future. No one can give assurance to that effect. The next Congress may change the entire concept of the law.

I will concede that there are certain features of the bill concerning the wisdom of which I have some doubt. However, as one with a business background, I think I am in a position to say that many businessmen do not even realize there is a commerce clause in the Constitution—or at least they did not realize it until their lawyers informed them that the clause might furnish a basis which would justify their exclusion from the ambit of the bill.

When the cloak is cut away and we get down to the body of their argument it is the touching of the pocketbook that concerns them. There is no question about that, so far as the average businessman is concerned.

I think we must recognize also that the same is true of some people in organized labor. They are not concerned basically with the principle involved; they are concerned with the dollars-and-cents problem.

I would respectfully point out that the Senator's amendment, while good in many respects, will create serious inequalities. It will make it difficult, I think, for the small businessman who operates in two or more States, to continue his business; but at the same time the amendment will allow the big intrastate chains or intrastate organizations, which do a multimillion dollar annual business, to escape coverage. There are a great many examples of giant intrastate chains throughout the country.

Mr. MONRONEY. Mr. President, will the Senator from Vermont yield?

Mr. PROUTY. I yield.

Mr. MONRONEY. Does the Senator contend that a $250,000 input for a retail store doing a business of $1 million or more meets the test of interstate commerce?

Mr. PROUTY. I do not think we can assume or maintain that simply because a company does a $1 million volume of business, it is engaged in interstate commerce. Only the courts can decide that question. We simply say that a business which has $1 million business volume and receives goods across State lines can and should be brought under the minimum wage law.

Mr. MONRONEY. I think the purpose of providing for a $250,000 input of goods moving in interstate commerce was specifically——

The PRESIDING OFFICER. The time of the Senator from Oklahoma has expired.

Mr. MONRONEY. Mr. President, will the Senator from Maine yield additional time to me?

Mr. MUSKIE. I yield the Senator 2 minutes. We are running short of time.

Mr. DIRKSEN. I yield 5 minutes to the Senator from Oklahoma.

Mr. MONRONEY. The $250,000 input has been advertised as bringing such a business completely under interstate commerce.

Mr. PROUTY. I think it adheres to the principle behind the commerce clause quite closely.

Mr. MONRONEY. Will the Senator state why the $250,000 input is not applied to laundries or gasoline establishments?

Mr. PROUTY. In the first place, I think they are entirely different operations. They are a much different type of operation from a retail store business. The cost of operation is considerably less, on the whole. The difficulty in the retail store business is that it is not operated on a production-line basis. Its employees stand around, waiting on customers, if customers are in the store. However, the employees are paid and remain on duty even if there are no customers.

I think there is a great difference between the various types of operation; and that is the reason for the variation. I may concede that the Senator could make a strong point and could say that the same cutoff point should be used for all.

Mr. MONRONEY. I think there is a great deal of inconsistency in the position that a $250,000 input should be applied to retail stores but not to those in the other categories.

Mr. PROUTY. I would be willing to apply the inflow test to industries other than the retail and service trades but I put in the bill what the committee would take; and that is as far as one can go.

Mr. MORSE. Mr. President, will the Senator from Oklahoma yield 30 seconds to me?

Mr. MONRONEY. Yes, if sufficient time remains.

The PRESIDING OFFICER. Five minutes remain.

Mr. MONRONEY. Then I yield.

Mr. MORSE. I merely wish to state to the Senator from Vermont that of course the legal test in regard to the inflow, insofar as interstate commerce is concerned, is whether the inflow is more than de minimis. Certainly any amount above $50 would be a substantial amount, not a de minimis amount. Similarly, when we are dealing with concerns which do an annual business of $250,000 and when we are considering whether the annual volume of sales amounts to $250,000 or to $1 million, we are no longer dealing with de minimis amounts.

So, from my knowledge of constitutional law, I think there is no question that business in any such amounts is sufficient to bring the concerns under this coverage.

Mr. MONRONEY. Mr. President, let me ask whether any time remains available to me.

The PRESIDING OFFICER. Three minutes remain available to the Senator from Oklahoma.

Mr. MONRONEY. I should like to sum up my case for the amendment.

Mr. DIRKSEN. Mr. President, I yield 2 minutes to the Senator from Oklahoma.

Mr. MONRONEY. I thank the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 2 additional minutes.

Mr. MONRONEY. Mr. President, as a result of my years of service in the House of Representatives and in the Senate, I believe I can tell when Senators feel they are being pushed beyond the limits to which they wish to go—as I believe they are today when somewhat exotic reasoning would seem to be changing what all of us have long considered to be the historic concept of interstate commerce, and certainly at least the one which has been observed by the courts; namely, the movement of goods between the States. I think there is nervousness about this bill among Senators, because the Senate is supposed to be the constitutional guardian of the liberties of the people.

So, Mr. President, after we finish reading all of the definitions contained in it, the various provisions which are included in an effort to specify what businesses are covered by this bill—I refer to the provisions in regard to sales of not less than $1 million, sales of not less than $350,000, sales of not less than $250,000, "input volume," and all the rest—we become even more nervous when we discover the committee felt the need of the proviso beginning in line 18 on page 15:

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.

This is the only limit we are sure to have—namely, that this Federal law will not apply to a business which has as its only employees the owner and his wife and their children. But all other businesses are liable to be covered by this law.

In Oklahoma there is a saying that is applicable here: "It is not just that the chickens are nervous; there is someone in the henhouse."

Mr. COOPER. Mr. President——

Mr. MUSKIE. I yield 3 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. COOPER. Mr. President, I intend to vote against the Monroney amendments, and I should like to state briefly my reasons for doing so. I do so for one reason: because the amendment departs from the concept of interstate commerce.

I agree that Congress has a perfect right to decide, as a matter of policy, that it does not wish to have retail and service enterprises or other enterprises included under the Wages and Hours Act. But it is a mistake to say that this amendment protects the historic concept of interstate commerce. To the contrary, it proposes a new concept.

I believe I am correct in saying that the correct concept, for the purpose of the Wages and Hours Act, of a business engaged in interstate commerce is one whose employees are actually engaged in handling or working on goods in commerce between the States—in the stream of commerce—or, as the courts have held, in the production of goods for commerce, in activities substantially affecting commerce, or, under the cases, are necessary to the production of goods for commerce. These terms, except affecting commerce, are found in the act.

I believe that my friend, the Senator from Oklahoma, is attempting to establish, in place of these prevailing tests—a new definition of an enterprise engaged in interstate commerce.

His amendment proposes the test of ownership—the ownership of establishments in two or more States.

I am sure that no court has held that the mere fact of ownership of enterprises in different States places them in interstate commerce. They might not be engaged in any way in interstate commerce—that is producing, or handling in any way, goods in commerce, necessary to or affecting commerce.

I have respect for the idea that, as a matter of policy, the Congress can exclude certain activities from wage and hour coverage, but I believe I am correct when I say that there is no constitutional concept upon which the Senator's amendment can be based. There are other reasons for which I oppose the amendment—the inequities it would promote—but I wanted to give my views of its legal merit.

Therefore, Mr. President, I shall vote against the amendments of the Senator from Oklahoma.

Mr. MANSFIELD. Mr. President, on the question of agreeing to the amendments of the Senator from Oklahoma, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, has all time available on these amendments been used?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. Then, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The question is on agreeing to the amendments of the Senator from Oklahoma. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. YOUNG of North Dakota (when his name was called). On this vote I have a pair with the distinguished junior Senator from Virginia [Mr. ROBERTSON]. If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Idaho [Mr. CHURCH] is absent on official business.

I also announce that the Senator from Virginia [Mr. ROBERTSON] is absent because of illness.

I further announce that, if present and voting, the Senator from Idaho [Mr. CHURCH] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Wisconsin [Mr. WILEY] is absent because of the death of his brother.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness in his family.

The result was announced—yeas 39, nays 56, as follows:

[No. 33]

YEAS—39

Allott	Eastland	McClellan
Beall	Ellender	Monroney
Bennett	Ervin	Morton
Blakley	Fulbright	Mundt
Butler	Goldwater	Russell
Byrd, Va.	Gore	Saltonstall
Capehart	Hickenlooper	Schoeppel
Carlson	Hill	Smathers
Case, S. Dak.	Holland	Sparkman
Cotton	Hruska	Stennis
Curtis	Jordan	Talmadge
Dirksen	Kerr	Thurmond
Dworshak	Lausche	Williams, Del.

NAYS—56

Aiken	Chavez	Hickey
Anderson	Clark	Humphrey
Bartlett	Cooper	Jackson
Bible	Dodd	Javits
Boggs	Douglas	Johnston
Burdick	Engle	Keating
Bush	Fong	Kefauver
Byrd, W. Va.	Gruening	Kuchel
Cannon	Hart	Long, Mo.
Carroll	Hartke	Long, Hawaii
Case, N.J.	Hayden	Long, La.
McCarthy	Moss	Scott
McGee	Muskie	Smith, Mass.
McNamara	Neuberger	Smith, Maine
Magnuson	Pastore	Symington
Mansfield	Pell	Williams, N.J.
Metcalf	Prouty	Yarborough
Miller	Proxmire	Young, Ohio
Morse	Randolph	

NOT VOTING—5

Bridges	Robertson	Young, N. Dak.
Church	Wiley	

So Mr. MONRONEY's amendments were rejected.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendments were rejected.

Mr. MORSE. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. SMATHERS. Mr. President, I call up my amendment designated "4–18–61—C".

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 14 it is proposed to strike out lines 20 to 25, inclusive.

On page 15, line 1, strike out "(3)" and insert "(2)".

On page 15, line 4, strike out "(4)" and insert "(3)".

On page 15, line 10, strike out "(5)" and insert "(4)".

On page 15, line 14, strike out "(6)" and insert "(5)".

On page 18, line 18, strike out "(3), or (5)" and insert "or (4)".

On page 18, lines 19 and 20, strike out "(4) or (6)" and insert "(3) or (5)".

On page 24, line 19, strike out "(1), (2), or (5)" and insert "(1) or (4)".

On page 24, line 20, strike out "(4)" and insert "(3)".

On page 29, lines 23 and 24, strike out "(except an establishment in an enterprise described in section 3(s)(2))".

On page 30, line 7, strike out the word "commercial,".

On page 30, line 8, beginning with the word *"Provided"*, strike out through the colon in line 14.

Mr. SMATHERS. Mr. President, I shall be very brief. On the amendment I shall use only 6 or 7 minutes, if that long. I say this for the benefit of Senators. Thereafter I should like to have a yea-and-nay vote.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. SMATHERS. Mr. President, I think the committee very wisely recognized the fact that certain types of businesses, called service businesses, should not be covered by the Federal minimum wage and maximum hours law. For that reason the committee left out hotels, restaurants, and motels. These belong to the service industry, which is not yet ready to assimilate increased costs and stay in business. I think the committee was wise in doing so.

However, I believe the committee should also have left out another type of

service business, which is the laundries and drycleaning establishments.

I think it can be well established that laundries are in the lowest income category insofar as businesses are concerned. Mr. President, the American Laundry Institute states that laundries have less than 2 percent return on their net investment. To say it another way, less than 2½ percent of their total volume of sales is represented by profits.

Laundries are going out of business at a very rapid rate. The Labor Department has stated that from 1947 to 1960 60,000 jobs which previously had existed and were held by laundryworkers no longer existed because the laundries themselves were no longer in existence.

At a time when there was a total employment increase of some 17 percent, there was a loss of 16 percent of jobs in the laundry industry, because laundries were going out of business. From 1954 to 1958, in 33 of the 50 States, there was a 23 percent loss of job opportunities in laundries and retail drycleaning establishments.

An example of what happens when one sets a minimum wage and maximum hours law in a marginal business such as this occurred rather dramatically last year in the State of North Carolina, when, for the first time, the State passed a State minimum wage law and set the minimum wage at 75 cents an hour. The law had been in existence only 7 months when 1,300 people lost their jobs.

The 1,300 people lost their jobs because some 200 small laundries had to go out of existence.

Mr. President, I know all Senators would like to see workers receive higher wages, if they can reasonably and sensibly be had, but I certainly think we do not wish to pass a law and to direct it at a particular industry when it will result in decreasing jobs people may get. Surely, as had been said, 75 cents or 85 cents an hour hardly seems enough to keep body and soul together, but certainly, Mr. President, all of us would agree that 85 cents an hour for laundry work is better than no cents an hour. Eighty-five cents an hour will buy a great deal more in the grocery store than no cents an hour. There is a great deal more human dignity and a great deal more hope for the individual who has a job even at such a low figure as 85 cents an hour, rather than to have no job at all, to be on relief, without help and without hope.

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

Mr. SMATHERS. I am happy to yield to the able Senator.

Mr. PASTORE. Was this amendment considered by the committee?

Mr. SMATHERS. I am not sure that the amendment was considered by the committee.

Mr. PASTORE. I ask the question because the Senator from Florida is making a very persuasive and very dramatic argument. I wonder if the statistics have been authenticated and if they are true. I have no reason to doubt them. The question I ask is, Why did the committee not consider the amendment and include it in the bill?

Mr. SMATHERS. The distinguished chairman of the Committee on Labor and Public Welfare [Mr. HILL] tells me the amendment was not considered by the committee.

There are many reasons why laundries are having difficulty. Obviously, one is automation and work at home. There are washing machines and drying machines which can be used. People will not take their clothes to the corner laundry if the cost is too great, because if the service is too costly it is a service which they themselves will do.

On top of that, by virtue of the increased cost of operating laundries—paricularly in North Carolina, which has the minimum wage, where marginal workers cannot be hired and workers cannot supplement incomes by getting second jobs—the laundries have to try to increase their prices for the clean clothes which they deliver, with the result that the minute the laundries raise prices a little bit the people say, "We will not use your services any more. We will go to the coin-operated washing machine down the street."

All Senators are able to ride around the neighborhood areas and see coin-operated laundries, with nobody working but the machines. It is no wonder that in many ways the laundries are going out of business.

The particular amendment I have offered would not roll back the law beyond those workers covered at the present time. The only thing sought is no extension of the coverage. The purpose of the amendment is to delete those provisions of the pending bill which would extend the coverage to workers in the laundries and dry cleaning industry.

There is one exception, which relates to the proviso offered by the able Senator from West Virginia, which was designed to remove a serious inequity under the present law relating to laundries operating where State laws cut through a local trading area, such as the District of Columbia.

In this instance, the Randolph amendment provides that any establishment having an annual dollar volume of sales of $250,000 or more and which is engaged in substantial competition in the same metropolitan area with an establishment covered by the minimum wage law, it would lose its exemption. I think the purpose of the amendment is sound, and support it. With this exemption, my amendment seeks only to retain the status quo of existing law.

Existing law exempts all laundry and dry cleaning establishments where more than 50 percent of their annual dollar volume of sales is made within the State in which the laundry or the dry cleaning establishment is located, provided, however, that not more than 25 percent of the establishment's dollar volume of sales for such services is received from customers who are engaged in mining, manufacturing, transportation, communications business.

Under the pending proposal of the so-called McNamara bill, a laundry or dry cleaning establishment would be covered if it does $1 million or more in annual sales exclusive of excise taxes, or if more than 25 percent of its annual dollar volume of sales is from services rendered to commercial businesses regardless of the total annual volume of sales.

There is no definition as to what are commercial "businesses."

So I presume we can assume that any establishment in which one can buy or sell is a commercial business. The local hamburger stand, the local beer parlor, and the local restaurant, or whatever it may be, are commercial businesses.

Under the particular provision to which my amendment refers, if the small laundry were doing more than 25 percent of its business with commercial businesses, whether it be a hamburger stand or some similar business, then such laundry would lose its exemption regardless of whether the total volume of business was $25,000, $35,000, or $500,000. The $1 million volume has no application in this respect. Adding the word commercial would do a serious injustice to many small laundry and dry cleaning establishments that cannot stand any further increase in operating costs.

My argument is that if we bring all of these businesses in at one time, whether they are doing $35,000, $50,000, or $100,000 worth of business, the result would deliver a real body blow to small business in America.

We talk a great deal about how we are all for small business. Laundries are primarily small and local businesses. The bill is a solar plexus blow to the small business community. Not only will we see many jobs lost at a time when we do not wish to increase unemployment in the country, but also the spendable income of the people of the United States will be lessened to the extent that people employed in this industry will lose their jobs. We will thereby stagnate our economy.

We may find that much revenue will be lost to the Treasury.

Adding the word "commercial" to existing law will cover many small laundries that cannot absorb increased costs. As a result more unemployment will be created, less revenue will be brought in, and small business will be hit where it cannot stand it.

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

Mr. SMATHERS. I yield.

Mr. PASTORE. Will the Senator concede that if an establishment is doing less than $1 million a year gross business but is doing business with commerical firms, would not such establishment be excluded from that group of people to which the Senator has referred who go down to the corner, put a quarter into a machine, and do their own washing? We would not expect a hotel or restaurant that sends its soiled linens to a cleaning establishment or a laundry to install its own washing machines or go to the corner and put quarters into some public laundromat.

Mr. SMATHERS. I believe I could agree with the Senator on that point.

Mr. PASTORE. If we do exclude those establishments that are doing a business of $1 million a year, and we exclude those doing a business——

Mr. SMATHERS. We would include those doing a business of over $1 million.

Mr. PASTORE. We do include them. The Senator is correct. We exclude everyone whose business is under $1 million a year.

Mr. SMATHERS. Except if more than 25 percent of their business is done with so-called commercial businesses. As I have said, there is no definition of "commercial businesses." In this case they are covered regardless of whether their total volume of sales is over or under $1 million.

Mr. PASTORE. Does not that provision refer to anything except a home?

Mr. SMATHERS. The fact of the matter is that in the communities of Rhode Island, and Florida, local suburban laundries take in every bit of business that they can get. The business that suburban laundries get from families is rapidly decreasing because people are buying washing machines. But the representatives of such laundry establishments would then go to neighborhood restaurants and say, "I would like to wash your table cloths." They would go to the beer parlor and say, "We would like to wash the bartenders' aprons."

I suppose that such establishments get every bit of business they can get. It is essential to their survival.

Mr. PASTORE. My question is why a laundry doing business with a restaurant, a hotel, or a hamburger stand should not pay its help more than $1 an hour?

Mr. SMATHERS. For the simple reason that if we should force them to do so, and if we require them to pay $1 an hour, what will happen will be similar to that which happened in North Carolina. The laundries will have to close their businesses because they cannot pay the increased cost and render service at a price the public is willing to pay. I spoke on this point earlier. Such businesses have only a 2-percent margin of profit. If they are required to pay the higher scale, for all practical purposes we shall thereby place a "closed" sign over their doors. Today, between 60 and 65 cents of every dollar in this industry goes for labor costs.

Earlier I said I thought it was much more dignified to have a fellow make 95 cents an hour than to go on relief.

Mr. PASTORE. I agree with that statement, but the only point that was disturbing me was the fact that a number of large laundries and dry cleaning establishments are doing business with commercial firms. In many instances they are taking advantage of the situation. In many instances in which such establishments could afford to pay $1 an hour they are not paying $1 an hour. I thought the exemptions that were being made by the committee were reasonable enough to avoid the shutting down of such a laundry, and business might be lost only for the reason that families would buy washing machines and people who presently send their soiled clothes to the laundry will go to the laundromat and insert quarters in the machine in order to do their own washing.

Mr. SMATHERS. Certainly if a man can pay $1.25 and still run his business, he ought to do so. I think that point has been pretty well demonstrated. But the very fact that laundries are a disappearing business industry from the face of our economy and the very fact, as I cited a minute ago, that we have had a 23-percent loss of jobs in laundries is a pretty good demonstration of the dilemma of the financial straits of laundries. The pending proposal will result in destructive competition and is unfair, discriminatory and arbitrary to this industry. I merely say that it is one sure way to eliminate them and to do so awfully fast. If laundries are eliminated in this way, additional unemployment obviously will be created.

Mr. PASTORE. I recognize the fact that laundromats have cut into the laundry business. I recognize the fact also that in many cases in which the contact was largely with households, there has been a great decrease in business. But I am speaking now of laundries that are doing business with, let us say, barber shops, restaurants, and such types of business. I cannot for the life of me understand why such laundries cannot pay a wage of $1 an hour.

Mr. SMATHERS. Mr. President, the reason why they cannot pay a dollar an hour is because they cannot pay a dollar an hour and make a profit doing so. On the average, 65 percent of a laundry's income goes for labor costs. I do not know how much they pay for soap or advertising. I do know that so far as the cost of labor is concerned, that is what they have to pay. While there is some automation in some laundries, there is not a great deal of it. Most of it is done by hand and by sweat. A great many people like this kind of work. The committee would blanket them all into the $1.25 category. Perhaps in Rhode Island the laundries can pay that wage. We have statistics which show that in Boston on the average the laundries there cannot pay that amount and stay in business. They cannot pay it in Cleveland, either. In some areas they are already paying $1.25 because they can afford to do it. It is being unrealistic to think that the pay scale must be identical all over the country.

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

Mr. SMATHERS. I yield to the distinguished majority whip.

Mr. HUMPHREY. If there is a shortage of time, we will adjust it on both sides.

Mr. SMATHERS. I have about completed my statement.

Mr. HUMPHREY. According to the committee's analysis, there are about 465,000 so-called nonsupervisory laundry employees in laundry and drycleaning enterprises throughout the country. The bill to which the Senator from Florida would attach his amendment would extend the protection of a dollar an hour for the first year, $1.05 for the second year, $1.15 for the third year, and, after 40 months, $1.25. The committee provision would extend protection to 134,000 of these workers, leaving 431,000 still under State law or still with no protection at all. Approximately 6,000 workers are involved in the so-called commercial 25 percent factor, which is included in the committee bill under section 13(a), subsection 3. The Senator's amendment seeks to eliminate that provision, and also seeks to remove from the provisions of the wage-hour law those employees who work in establishments doing a retail business of more than $1 million. In other words, we are talking about 140,000 workers out of 465,000 workers, leaving 320,000 even in the committee bill, in many of the so-called "mama and papa" laundries which are not affected at all by Federal law.

Most of the commercial laundering is done in large cities, in cities where it costs a great deal to live. I would say to the Senate that it costs just as much for a laundry worker to ride a bus to his work as it does for the man who owns the laundry or the man who holds the mortgage on the equipment in the laundry. It costs just as much for the laundry worker to go to the movies or to over to the drugstore to buy drugs, or to see a doctor, or to go downtown to buy some meat or clothing, as it does for someone who is making $5 an hour.

We are not talking about laundries in a little town like the one in which I am domiciled, Waverly, Minn. In Waverly we have one of those little laundromats, which is operated by putting a quarter in the machine. We are talking about laundries like the laundries in a city of the type where I served as mayor, Minneapolis, Minn. I might say that that is a city with a high cost of living equal to what the cost of living is in the city of Washington.

Let us take a look around the District of Columbia. The other day I received a notice from the drycleaner who takes care of my family's clothing, to the effect that they have been forced to raise the cost of the drycleaning and laundry they do for us. I am sure it is a good company. I still do business with them. It is a good firm, and I am sure that they needed to raise the price or they would not have asked for an increase.

Mr. President, why should a worker be paid a wage which does not permit him even to eke out a decent living. It seems to me if we are going to ask people to wash clothes and to keep them clean, we should at least be willing to give them a good, clean chance to earn a living. I submit that anyone who believes a firm cannot afford to pay a dollar an hour to a laundry worker is really stretching the argument. This is not very good, clean work. We can call them marginal workers if we like. Not very many people want to work in laundries. It is hot, sticky, and frequently stinky. It is often very undesirable work.

We hear talk about a dollar an hour. Mr. President, the people who dig a ditch in front of the laundry are paid more than that. The people who spread gravel on the street in front of the laundry are paid more than that. Yet we would ask people who work inside the laundry—and many of them women, frequently older women—to work for less than a dollar an hour. Many of the

workers are older women who are there because there is not enough money at home to support the family. Many of them are older women. Let any Senator go inside the laundry, and go in the backroom, and he will see who is doing the work there. It is done very frequently by older women, by people who cannot get work in an industrial plant, for example, or because perhaps they are too old to get a job on the assembly line, or who cannot work in an establishment out front at the counter.

We are not talking about laundries in a small town in North Dakota or in Minnesota, or in Virginia. We are talking about a laundry in Richmond, Va., or in Minneapolis, Minn. We are talking about a laundry in Jacksonville, Fla., in Detroit, Mich., and possibly even in Providence, R.I., or New Orleans, La.

Mr. PASTORE. Which does a business of over a million dollars a year.

Mr. HUMPHREY. Yes; which does a business of over a million dollars a year.

When a firm does a million dollars' worth of business a year washing someone's shirts or cleaning someone's clothes, I submit that they can pay their employees a dollar an hour, even if it is necessary for them to add a few cents to the cost of laundering and cleaning. It does not make a good argument to say that people who have the undesirable employment opportunity of working in a laundry should be expected to work for less than a dollar an hour, $1.05 an hour, $1.15 an hour, and finally $1.25 an hour.

How these people can live on the wages they are paid, I do not know. I do not know how anyone can eke out an existence on less than $1.25 an hour. If we were trying to put out of business a small firm in a small town, there might be some argument made against the provisions in the committee bill. I say to the Senator from Florida publicly what I have told him privately, that the provision in the bill applies to the large establishments doing a million dollars' worth of business a year or more, and to those who are 25 percent commercial.

Mr. SMATHERS. Mr. President, I gather that the burden of the Senator's argument is twofold. First, his position is that the bill applies only to the big laundries which do more than a million dollars' worth of business a year. As I tried to demonstrate earlier, by the very fact that the committee proposal also provides that where more than 25 percent of an establishment's annual dollar volume is received from commercial business, such as the local hamburger stand and the local restaurant or any other commercial business it would be covered regardless of the annual dollar volume of sales. Even though a laundry may not be doing more than $50,000 totally, if more than 25 percent of the $50,000 is with the hamburger stand or the grocery store, it is covered. What has been done by the committee bill is to give us two standards. The committee would put in with one hand and take out with the other.

The second argument of the Senator from Minnesota is one that makes me bleed with him. I do not like to see anyone get 95 cents an hour. I do not want to see anyone sweat.

However, I think it is much better to receive 95 cents an hour than to be on relief. I think there is much more dignity in having some kind of job than to have no job at all. The whole problem is that there will be job losses under the pending bill. That will be much more tragic, to my way of thinking, than whether one makes $1.25 or 95 cents an hour.

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

Mr. SMATHERS. I yield to my colleague.

Mr. HOLLAND. The distinguished Senator from Minnesota presented a graphic picture of the people who work in laundries. I ask my colleague if he believes the people who customarily work in laundries, as was so well described by the Senator from Minnesota, are entitled to more consideration in the bill than the farm people and farmworkers who have been so carefully left out of the bill by its drafters.

Mr. SMATHERS. I thank my able colleague for his comment. The restaurant people and the hotel people and all the rest, in the wisdom of the committee, were left out of the bill. I am delighted that they were. I think that was a wise move. But having left them out, how can we say that we will discriminate against the laundry business? We are requiring the laundry business to meet certain conditions.

Mr. HUMPHREY. To discriminate against the "laundry workers." The Senator corrected his statement. He said "laundry industry."

Mr. SMATHERS. The laundry industry.

Mr. HUMPHREY. I am not happy about the exclusion of hotel workers from the bill. I am not happy about some of the other exclusions. Some arguments were made on behalf of hotels and other businesses on the basis of seasonal work, and those arguments seemed to make some sense. After all, legislation is done on the basis of compromise. The Senator believes his is a healthful amendment; otherwise he would not have offered it. We have honest differences of opinion.

I can join with the Senator in some concern about businesses that do $1 million a year and more. But he takes it away with one hand and puts it back with the other, or vice versa. What he says refers to the $1 million figure, which is a limitation; namely, if a business makes less than $1 million, it is not under the act; if it does more than $1 million in sales or service, it is under the act. The Senator says that that, after all, is equal to section 13(a)(3), which relates to the volume of business which must be done in what we call commercial establishments. But there is a difference. It is the difference between a horse and a rabbit. It is not equal.

On the basis of $1 million a year exemption, if the amendment is adopted it will mean that 134,000 workers who are covered under the bill will lose their coverage. The $1 million feature provides that 134,000 new workers will be brought under the protection of the minimum wages. Section 13(a)(3) provides coverage for from 6,000 to 7,000 workers.

So the Senator from Florida cannot have us believe that the Senator from Minnesota would, on the one hand, give the worker something, and, on the other hand, take it all away. Not at all. What we do is to provide coverage for 134,000 if a company does $1 million or more business in laundering and drycleaning. We provide for another 6,000 to be covered if 25 percent of the business is with commercial establishments, as the Senator has described.

My point is that everyone ought to be for the $1 million exemption. If a company does a $1 million drycleaning or laundry business, it ought to pay a fair wage. The retail establishments are being compelled to do it. I suggest that the 6,000 who are doing business with commercial establishments can afford to pay the bill.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SMATHERS. Mr. President, will the opposition yield me a little time?

Mr. HUMPHREY. I yield 15 minutes to the Senator from Florida.

Mr. SMATHERS. Mr. President, I yield, first, to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I should like to support the Senator from Florida, because I think there is a great misconception about the proposal. It has been said recently by the Senator from Minnesota that we are not talking about the laundry in Waverly. But we are. We are talking about the laundries in the little towns of the United States. We are talking about laundries all over the United States. I have in my hand a letter received from an old establishment in Colorado. I do not have the authority to release the name and the confidential figures together, but I can release the figures.

This company is doing an annual business of $553,911, and is operating on a 0.65 percent profit after gross sales.

Mr. SMATHERS. Less than 1 percent.

Mr. ALLOTT. A little more than one-half of 1 percent. I think one or two statements in the letter ought to be quoted:

> Commercial work is about all that is now left and one has to bid so low to obtain a commercial account that the profit is almost nil. We cannot fight the millions of dollars of advertising power of Norge, Maytag, General Electric and Westinghouse to name a few who have taken the family work out of the power laundry.

The writer goes on to say that the smallest part of any laundry business is the family account, because the costs are already so high that the families cannot afford to have their laundry done outside. So any increase in cost will result in the laundry getting no family work at all, because it will take them completely out of the market.

I appreciate the time which the Senator has yielded to me to make this statement.

Mr. SCOTT. Mr. President, will the Senator from Florida yield?

Mr. SMATHERS. I yield.

Mr. SCOTT. I intrude with reluctance upon these variant points of view on the other side of the aisle concerning the "big washers" and the "little washers." I should like to address an inquiry to the Senator from Florida.

Can the Senator advise me whether or not the President has taken any position in the matter? I am trying, if possible, to support the President, to back him up and help him with the bill. I should like to know whether he has taken a position on it.

Mr. SMATHERS. I do not know whether he has taken a position on it or not. I presume he would be opposed to my amendment. I do not know, but I presume so.

It is always delightful to know when the junior Senator from Pennsylvania is interested in supporting the President of the United States.

Mr. SCOTT. That happens more often than the Senator from Florida may recognize.

Mr. SMATHERS. I congratulate him and wish him well, and say that, like good bourbon, he grows wiser with age.

Mr. SCOTT. I may mellow with age; but at least I am not like the old Florida swamp owl. When he is hunted with a flashlight, the more light you give him, the blinder he gets.

I had hoped we might have an expression from the President, in view of a statement made by him on November 5, 1960, in New York City, in which he said:

> In short, I believe in a President who will formulate and fight for his legislative policies, and not be a casual observer of the legislative progress; a President who will not back down under pressure or let down his spokesmen in the Congress; a President who does not speak from the rear of the battle, but who places himself in the thick of the fight.

I believe that in order to be more readily guided, we ought to have letters from the President or direct statements from him from time to time. I will try to support him whenever I can, as I have said to the Senator from Florida.

Mr. SMATHERS. I am sure that that will not be very often.

Mr. SCOTT. I rather suspect that it will be more often than the Senator from Florida will.

Mr. SMATHERS. Mr. President, I regret that we have gone on to this subject. I am satisfied that the President is, as he has announced publicly, interested in the passage of the bill as it was reported by the committee. However, if the Senator from Pennsylvania wishes to indulge in a little knifecutting, that is his privilege.

Mr. SCOTT. If to quote the President of the United States is to be described as "knifecutting." I regret very much that that description has been applied to it.

Mr. HOLLAND. Mr. President, has the Senator from Pennsylvania finished with his talk?

Mr. SCOTT. I have no objection to whatever the Senator from Florida may say.

Mr. HOLLAND. I thank the distinguished Senator.

I point out that while there has been much talk by the advocates of the bill about extending coverage only to laundries doing $1 million gross business, I have not heard any advocate of the bill refer to the provision which has caused the laundries in my State more concern than anything else, namely, the provision which appears on page 30, lines 14 to 21, inclusive, which contains an exemption. The language provides:

> That this exemption—
>
> The laundry 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 percentum of whose annual dollar volume of sales of such services is made within the State in which it is located.

My information comes from certain well-established, but not large, laundry businesses in the city of Miami, where my distinguished colleague [Mr. SMATHERS] has his home; the city of Fort Lauderdale; and the city of Jacksonville. It is to the effect that medium-sized laundries in those cities feel that because of the fact that there are some large laundries there which would come within the $1 million class, but which because of the quality of their business would come under another description, which I have just read, the small laundries, having a business of $250,000 or a little more, would also come under the provisions of the bill.

So I wish to call the attention of my distinguished colleague to the fact that it is not only laundries which do, annually, $1 million or more of business which are affected by this measure. We have received several anxious queries from operators of laundries in our State which are in the smaller classification; in other words, they do an annual business of less than $1 million. They say they are affected by this measure. Yesterday I discussed this question with the distinguished Senator from Michigan [Mr. MCNAMARA] and his able legal counsel; and the information which I had from them was to the effect that such laundries are affected by this measure. If I am inaccurate about that, I may be corrected at this time.

So I call attention to the fact that the bill affects other laundries, in addition to those which do a gross annual business of $1 million or more. The bill also affects smaller laundries which make a profit of $10,000, $15,000, or less. In other words, both the large laundries and the middle-size laundries are covered by the bill.

I appreciate the effort the Senator is making, because there is no use in our winking at the fact that the proposed legislation, as drawn, not only affects all such laundries, but actually will drive a great many middle-size laundries entirely out of business.

Mr. HUMPHREY. Mr. President, will the Senator from Florida yield to me?

Mr. SMATHERS. I yield.

Mr. HUMPHREY. First, I wish to thank the Senator from Florida for his generous consideration of his colleagues, in connection with the yielding of time during the debate on this amendment. He has been most helpful.

The senior Senator from Florida [Mr. HOLLAND] has been discussing the coverage of the bill. If it is argued that all laundries, of whatever size, are covered by the bill, then I suppose we should have the bill deal with every retail establishment. The fact is that the $1 million standard may be too high for enterprises of this type. The amendment may have an impact, as it does, on only a limited number of such enterprises—those with approximately one-fourth of the total number of employees engaged in this business; and the amendment may actually give some advantage to the smaller operators. I think that is a possibility.

But some standard must be provided; and in this case, rather than provide a standard which would cause every retail concern to be covered, the bill provides, in the retail and service section, that those doing an annual business of $1 million a year or more are covered. If an enterprise is a member of a chain in a particular State and if that enterprise does a business of less than $250,000, as one of the units of the chain, it is not covered.

The purpose of this provision is to give special consideration to some of the unique problems which have developed in merchandising. We should emphasize that all we are trying to do in this case is provide a little protection for approximately one-third or one-fourth of the total number of laundry workers, most of whom are to be found in the larger metropolitan areas, where the cost of living is high. I do not say the laundry workers are confined to those areas; but I believe that, in the main, it is as just for laundry workers to be covered by the bill as it is for the employees of a drugstore chain which does an annual business of $1 million or more a year to be covered, for, as a matter of fact, an employee who works behind the soda fountain in a drugstore may actually wash dishes. So it seems to me that the justice of having this measure cover the laundries is beyond dispute.

Mr. COOPER. Mr. President, will the Senator from Florida yield to me?

Mr. SMATHERS. I yield.

Mr. COOPER. I should like to direct my questions either to the Senator from Florida or to some member of the committee: I am correct, I know, when I state that the employees of a laundry would be covered under the bill when the laundry in which they work does an annual business amounting to $1 million.

Mr. SMATHERS. Yes.

Mr. COOPER. Yet am I also correct, when I state that the employees of a laundry are now covered even though the laundry does less than annual business of $1 million, if 25 percent of the establishment's business is done with other businesses which are in commerce, or more than 50 percent of its business is interstate?

Mr. SMATHERS. No——

Mr. COOPER. That is the present law—that 50 percent must have been done in more than one State, and 25 percent with other concerns engaged in mining, manufacturing, transportation, communications—considered as commerce.

Mr. SMATHERS. I believe the Senator from Kentucky is referring to existing law.

Mr. COOPER. Yes. Would these exemptions be wiped out by the bill?

Mr. SMATHERS. They would not be wiped out by my amendment.

Mr. COOPER. But would the committee bill wipe out those exemptions?

Mr. McNAMARA. No, the committee bill would not wipe them out.

Mr. COOPER. But one of the amendments established by the bill is to include "commercial business," with mining, transportation, communications, and so forth.

Mr. SMATHERS. To the extent of 25 percent.

Mr. COOPER. Yes; if 25 percent of a laundry's business is done with commercial firms, the laundry would be covered by the act, whatever its volume of business.

Mr. SMATHERS. That is correct; and it would not make any difference how small the business was. That is the whole point.

Mr. COOPER. Regardless of whether a laundry does an annual business of $50,000 or $100,000, if 25 percent of its business is transacted with commercial enterprises, its employees would come under the act. Am I correct?

Mr. SMATHERS. That is my understanding.

Mr. COOPER. This being true, I wish to say that I will vote for the amendment of the Senator from Florida. I support the bill. I voted against the Monroney amendment, and I support covering under the act the enterprises mentioned in the bill doing an annual business of $1 million or more. I believe they are engaged in commerce. A $1 million standard is a reasonable one to use in defining such businesses engaged in commerce, or affecting commerce and the bill provides, with respect to retail and service establishments meeting the $1 million standard, it must be shown in addition that $250,000 of their goods received, moved across State lines. No such provision applies to laundries, doing a business of $1 million annually. As to them, there is no provision that $250,000 of the business they do, or of the goods on which they work, must cross State lines.

And the bill would change the act with respect to all laundries. The bill provides that if a laundry, whatever its volume, does 25 percent of its business with a commercial enterprise—such as a hotel barber shop, a hamburger stand, as one Senator has stated—it will be covered by the act even though its annual business might be $25,000 to $50,000 a year.

I would rather vote to provide better wages for laundry employees than many other groups of employees, because the laundry workers receive low wages. But in the Senate we ought not manufacture such loose criteria of commerce. If there is any business which is almost entirely local in character, it is a laundry business. But, according to my viewpoint, the bill does not lay down consistent standards for all laundry business. By one definition it provides that workers will be covered if the laundry does $1 million worth of business. But it provides elsewhere that any laundry will be covered if 25 percent of its business is done with commercial firms—local firms—which may not be in interstate commerce—or even exempted by the bill—such as hotels and restaurants.

Mr. McNAMARA. Mr. President, I wish to say——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MANSFIELD. Mr. President, let me ask how much time remains available to this side?

The PRESIDING OFFICER. Fifteen minutes.

Mr. MANSFIELD. I yield 5 minutes to the Senator from Michigan.

Mr. McNAMARA. I thank the Senator from Montana.

In reply to what the Senator from Kentucky has said, I wish to say that this provision is included at the request of the laundry industry. Its representatives said they simply cannot live under wage controls or regulations unless some extension is made in the case of those in the category about which the Senator is concerned.

I think the committee accepted this provision very reluctantly, and so did the administration. But we listened to the requests made by those in this industry. They have a right to be heard; and the laundry industry is insisting on the inclusion of this provision in the law.

I wish to say that there is no section or group of employees or workers in our Nation who need minimum wage laws and minimum hours regulation any more than do the employees in the laundry industry. It is a miserable industry for workers; they sweat and work in terrible conditions. In most laundries there is a great deal of steam, a great deal of heat, and a lack of sufficient ventilation, because, generally speaking, it is practically impossible to air-condition such establishments.

This is a provision which is really needed. These people need the minimum wage protection. I hold in my hand a letter addressed to Mrs. Peterson, Director of the Women's Bureau of the Department of Labor, from a laundry worker. I think this is typical of hundreds of letters that are received. I quote from the letter:

> I'm sending this to you because I've seen your name in the paper and see you are for working women.
>
> I'm not much on writing. I don't write often but we heard last night that the wage law don't mean laundry workers—that we are going or may be left out again.
>
> You don't know what this will mean to us. Do the people in Washington not want us to live decently?
>
> I've worked for years in the laundry—hoped to have things change. Laundries don't change. The heat—the steam—the blisters are the same. We always stand. I stand behind a mangle receiving, folding, and hoping some day in some way I'd get more money, for better eating, a better house, and maybe some day be able to go to a bank with money of my own.
>
> There must be someone in Washington who understands that $24 or $30 a week is not enough to live on.
>
> Yours,
>
> DOLORES ALLEN.

I point out that, out of the 32,000 laundries in the country, the bill provides coverage for 90 of the large, chain laundries.

The Senate-passed bill had the same provision last year as the bill now before the Senate, as reported from the committee.

In 11 States there are minimum wage laws that impose a $1-per-hour wage for all workers, including laundry workers. So if laundries in 11 States can pay laundry workers $1 an hour, as is proposed under the pending legislation, it certainly seems to me the remaining laundries can.

There is no question about the position of the administration. The administration is opposed to the amendment. The administration is for the provisions of the bill as they apply to laundry workers.

Mr. CARROLL. Mr. President, will the Senator from Michigan yield?

Mr. McNAMARA. If I have any time left, I am happy to yield.

Mr. CARROLL. The Senator mentioned 90 chain laundries, and said the Secretary of Labor had exempted certain laundries out of the 32,000.

Mr. McNAMARA. That is correct.

Mr. CARROLL. Were they exempted because they were not in the stream of interstate commerce?

Mr. McNAMARA. If they are not in the stream of interstate commerce, they are obviously exempted.

Mr. CARROLL. The Senator from Kentucky [Mr. COOPER] raised the question as to whether we were creating new standards. It is the position of the junior Senator from Colorado that we have no jurisdiction to regulate commerce unless it is within the stream of interstate commerce. Therefore, that being true, and following the argument which was made as we rejected the amendment of the Senator from Oklahoma [Mr. MONRONEY], our only jurisdiction is over those businesses that come under the commerce clause of the Constitution.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CARROLL. May I have 1 more minute?

Mr. MANSFIELD. I yield 1 minute to the Senator.

Mr. CARROLL. I can conceive of laundries in my own State whose activities would not be in the stream of interstate commerce, and this bill does not affect them. If they come within the interstate commerce clause, then we have jurisdiction.

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

Mr. CARROLL. If I have time, I am happy to yield, because I referred to the Senator from Kentucky.

Mr. COOPER. I am not inconsistent in what I have said. These are questions of policy, but it is correct that all other enterprises have a provision applying to them that one-quarter, or $250,000, in goods must go across State lines. Otherwise, the rule of lex de minimis would apply. Here there is no $250,000 limitation, and one of the exemptions that exists is removed.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, how much time have I left on the amendment?

The PRESIDING OFFICER. Nine minutes.

Mr. MANSFIELD. I yield myself 3 minutes.

Mr. President, I listened with a great deal of interest to what the distinguished chairman of the subcommittee of the Committee on Labor and Public Welfare, who is in charge of the bill, had to say. As usual, he was precise and to the point, and wasted no words. I have been in laundries in my own State. I am aware of the difficult conditions under which laundry workers, most of them women, make a living. The working conditions are terrible. Their work is performed under conditions of heat, steam, and whatnot. Their wages are substandard, and I think they are entitled to what consideration we can grant to them.

At the present time, about 465,000 nonsupervisory workers employed in enterprises engaged in laundering, drycleaning, and clothes repairing are excluded from the minimum wage and overtime protection of the Fair Labor Standards Act. The committee bill would extend such protection to 134,000 of these workers who are employed in enterprises having annual sales of $1 million or more. Another 6,000 would be brought under the act through modification of the section 13(a)(3) exemption. About 57,000 of these employees now are paid less than $1 an hour.

In many areas the wages paid workers in laundries and cleaning establishments are as low as in any nonagricultural industry. The ability of these industries to meet a moderate minimum wage requirement is demonstrated by the satisfactory adjustment made in 11 States to a minimum wage of $1 an hour established under State laws, and by the extent of payment of wages of $1 or more in many areas.

While these industries are composed, for the most part, of local establishments engaged only in furnishing services to personal customers, they also include large chains furnishing services for instrumentalities of and producers for interstate commerce. It is to large enterprises that the act's provisions would be made applicable under the committee bill. This is evidenced by the fact that nearly all of the 134,000 workers it would newly cover are concentrated in only 90 large enterprises which have 1,300 establishments.

So I think what the committee has proposed is fair and equitable. I hope the amendment proposed by the Senator from Florida will be defeated.

I yield 5 minutes to the Senator from Oregon [Mr. MORSE].

Mr. MORSE. Mr. President, I rise to support the chairman of the subcommittee, the Senator from Michigan, and the majority leader. I have been in the laundry field for a good many years. In 1942, I wrote the unanimous opinion of the War Labor Board in the laundry industry. In 1942 the industry was attempting to defend a wage of 25 cents an hour for many thousands of laundry workers. In the report a substantial increase in wages was given to laundry workers.

Last year, in order to dramatize or illustrate my position in this matter, after failing, in committee, to get an amendment I supported in regard to laundry workers, and thousands of laundry workers were getting from 53 to 56 cents an hour, I introduced a bill to reduce the salaries of Members of Congress to 53 cents an hour, to see how they would buy bread and other necessities on a wage of 53 cents an hour. I sought to dramatize the point.

Today thousands of laundry workers are receiving from 53 to 56 cents an hour. A large percentage of them are colored, but it costs them the same amount of money as others to buy bread, milk, and the other necessities for living. Such a low wage cannot be justified as a matter of social justice, we cannot justify our not seeing to it that they are covered within the bill.

What does the bill do? It applies only to laundry workers in interstate commerce. We have no jurisdiction over any other workers. There is no question about that.

The same argument I made earlier today in connection with the Monroney amendment I incorporate by reference now in connection with this amendment.

The question we are considering relates to a laundry which does a million dollars' worth of business or which does 25 percent of its business in the commercial laundry field, simply to come under the provision of the bill which is before the Senate.

This is the same as the bill brought to the Senate last year, as was pointed out by the Senator from Michigan [Mr. MCNAMARA].

I respectfully say we cannot justify, as a matter of equity and plain social justice, failing to include workers in interstate commerce laundries under the minimum wage bill. We must not forget the stepup which must be followed to receive the full fruition of the effects of the bill.

I make a plea, Mr. President, that we support the administration in respect to the proposal, and that we support Republicans who recognize this as a bipartisan, nonpartisan, social justice issue. We should leave the bill as the Senator from Michigan brcught it to the Senate, and vote against the amendment.

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

Mr. MORSE. I yield.

Mr. CARROLL. There is great confusion on the question. I know there is, because I have discussed it with Members of this body.

Let us assume there is a laundry in the State of Colorado. I do not care whether the laundry takes the work of commercial establishments or the clothes from homes. If the laundry purchases within the State all of its supplies, which can be manufactured within the State, and if the activity is local, intrastate activity, the bill would not provide any jurisdiction over the laundry. I ask the Senator whether he would agree with this viewpoint?

Mr. MORSE. If it is solely an intrastate laundry and does not purchase across State lines directly or indirectly, which is the rule the court laid down, it would not be covered.

Mr. CARROLL. It is my own personal opinion that if the laundry is local and intrastate, even if its business exceeds $1 million, the bill would give no jurisdiction.

Mr. MORSE. The Senator is correct.

Mr. CARROLL. Why? Because Congress has no jurisdiction, other than under the interstate commerce clause.

Mr. MORSE. The Senator is correct.

Mr. CARROLL. This is the point I tried to make last year. I make it again.

In my area there are small businessmen. If their activity is intrastate, no jurisdiction over them would be granted under the bill.

Mr. MORSE. The Senator is correct.

Mr. CARROLL. There has been a great deal of misinformation all over the country about the long arm of the Federal Government reaching into activities of small business, when the truth is that under the Constitution Congress has no jurisdiction other than under the interstate commerce clause. I hope we can eliminate such nonsense from consideration of the bill and get to the real issue.

Mr. MORSE. Again, as I argued earlier today, if we agreed to the amendment we would be acting very unfairly in connection with other businesses, covered by the law, which also employ service employees of the same economic status.

Mr. CARROLL. I thank the Senator.

Mr. MANSFIELD. Mr. President, I yield 3 minutes to the Senator from Florida [Mr. SMATHERS].

Mr. SMATHERS. Mr. President, first I wish to state that I completely agree with the conclusions of the able Senator from Kentucky. I regret to find myself in disagreement with the able Senator from Colorado.

The provisions of the bill are that, irrespective of the $1 million limitation, if any laundry does more than 25 percent of its business with a commercial enterprise, the employees are covered. "Commercial enterprise" is not defined.

To make the case graphic, let us say the commercial enterprise is a hamburger stand near the laundry. The cattle can be raised in Colorado and the feed can be obtained in Colorado, but the bill provides that if more than 25

percent of the laundry business is with a commercial establishment—namely, the hamburger stand—the employees would come under the Federal law.

I say that, logically and legally this should not be. Therefore, I make the argument for the amendment. I believe the Senator is completely incorrect in his position. However, we understand how we can disagree on these questions.

Secondly, from time to time, we have all talked about the importance of small business and how it needs to be defended. There is no greater small business concentration than in the case of laundries. If we mean what we say when we talk about how interested we are in small business, we have an opportunity to demonstrate it. Most laundries are small businesses.

Mr. President, the last thing I wish to say is that this is not a question of who feels more sorry for the people who are working in "sweatshops," whether they are getting 85 cents or 95 cents or a dollar an hour. Of course those people have to buy bread. Of course they have to obtain medicine. The question is, Will they get what they need for food and medicine by working, or be on relief?

My argument is that it is much more dignified, much more in keeping with human dignity and human hope, to permit a person to have a job by establishing this kind of limitation, rather than to eliminate the jobs and put the people all on relief. The million dollar rule and the inclusion of the word "commercial" is unfair and discriminatory to the service industry. It is an industry that is being treated different from the retail industry or any other service industry. I urge the adoption of the amendment.

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, has all time been used?

The PRESIDING OFFICER. All time has expired.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The question is on agreeing to the amendment offered by the Senator from Florida [Mr. SMATHERS]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Idaho [Mr. CHURCH] is absent on official business.

I also announce that the Senator from Virginia [Mr. ROBERTSON] is absent because of illness.

I further announce that, if present and voting, the Senator from Virginia [Mr. ROBERTSON] would vote "yea."

Mr. KUCHEL. I announce that the Senator from Wisconsin [Mr. WILEY] is absent because of the death of his brother.

The result was announced—yeas 45, nays 52, as follows:

[No. 34]

YEAS—45

Allott	Eastland	Miller
Beall	Ellender	Monroney
Bennett	Ervin	Morton
Blakley	Fulbright	Mundt
Bridges	Goldwater	Russell
Bush	Gore	Saltonstall
Butler	Hickenlooper	Schoeppel
Byrd, Va.	Hill	Smathers
Capehart	Holland	Smith, Maine
Carlson	Hruska	Sparkman
Cooper	Jordan	Stennis
Cotton	Kefauver	Talmadge
Curtis	Kerr	Thurmond
Dirksen	Long, La.	Williams, Del.
Dworshak	McClellan	Young, N. Dak.

NAYS—52

Aiken	Hart	Metcalf
Anderson	Hartke	Morse
Bartlett	Hayden	Moss
Bible	Hickey	Muskie
Boggs	Humphrey	Neuberger
Burdick	Jackson	Pastore
Byrd, W. Va.	Javits	Pell
Cannon	Johnston	Prouty
Carroll	Keating	Proxmire
Case, N.J.	Kuchel	Randolph
Case, S. Dak.	Lausche	Scott
Chavez	Long, Mo.	Smith, Mass.
Clark	Long, Hawaii	Symington
Dodd	Magnuson	Williams, N.J.
Douglas	Mansfield	Yarborough
Engle	McCarthy	Young, Ohio
Fong	McGee	
Gruening	McNamara	

NOT VOTING—3

Church	Robertson	Wiley

So Mr. SMATHERS' amendment was rejected.

Mr. HUMPHREY. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. DOUGLAS. I move to lay that motion on the table.

The motion to table was agreed to.

Mr. PROUTY. Mr. President, I have an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 13, line 15, strike out the word "local". On page 13, line 22, strike out the word "local".

Mr. PROUTY. Mr. President, there is a proviso qualifying the definition of the word "enterprise" the purpose of which is to insure that small independently owned retail and service establishments will not be brought under the Fair Labor Standards Act simply because they have dealings with a giant business enterprise.

For example, the local gasoline station man will not be covered simply because he has an exclusive sales contract with one of the large oil companies or is subject to some elements of control.

I am afraid, however, that the presence of one word in the proviso qualifying the definition of the word "enterprise" may create some problems. I refer to the word "local."

Suppose that a man lives in one town in Vermont, owns a gasoline station in another town in Vermont and his gasoline station has an exclusive sales contract with a big oil company. The Congress would not want to bring the employees of this man under the act simply because of the sales contract. But the presence of the word "local" makes this possible. I say this because the gentleman in the case I gave lives in one town and owns a small station in another town within the same State. There is absentee ownership present here and the establishment could be considered one which is not local.

I understand that the amendment will be accepted by the committee.

Mr. McNAMARA. The Senator from Vermont is quite correct in offering the amendment. The word is unnecessary.

The intent is to deal with retail or service establishments which are independently owned and independently operated, and to treat them as separate enterprises, even if they have the arrangements mentioned later in section 3(r).

I am glad to accept the Senator's amendment.

Mr. PROUTY. I thank the Senator. He is very gracious.

The PRESIDING OFFICER. Do the Senators yield back the remainder of their time?

Mr. PROUTY. I yield back the remainder of my time.

Mr. McNAMARA. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont.

The amendment was agreed to.

Mr. MORSE. Mr. President, I have an amendment at the desk. I have distributed a modified amendment to all Senators. I would like to call it up in that form as a perfected amendment.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 33, line 17, strike out the period and insert a colon and the following in lieu thereof:

Provided, That this clause (15) shall not apply to any such employee if the land on which such employee is engaged in such lumbering or forestry operations is owned or controlled, directly or indirectly, by an enterprise engaged in the production of pulp, paper, or other wood products or is owned by the United States, any State, or any county or other local government.

Mr. MORSE. Mr. President, may I have the attention of the majority leader for a moment? I called up the amendment thinking that the Senator from Mississippi [Mr. STENNIS] was on the floor. I gave him my word that I would not call it up until he was on the floor. I would like to be relieved of calling it up at this time until the Senator from Mississippi arrives. Perhaps we may take up another amendment in the meantime. I understand the Senator from Minnesota has an amendment to offer. I therefore withdraw my amendment for the time being.

Mr. McCARTHY. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 35, line 4, before the semicolon insert a comma and the following: ", or if such city is a part of such an area but has a population of not more than 25,000 and such station's major studio is at least 40

airline miles from the principal city in such area."

Mr. McCARTHY. I have discussed the amendment with members of the committee. It is in conformity with the intent of the committee to exempt from overtime coverage the announcers, news editors, and chief engineers of small radio and TV stations located in cities and towns below 50,000 population, except for cities in a standard metropolitan area which have a population of more than 50,000. This appears to be a reasonable line of division, but there are a few cases where the language would result in uneven application to stations in small cities. My amendment is designed to take care of these cases.

The standard metropolitan area includes the entire county in which the principal city is located. In certain sparsely populated areas we have some very large counties; and in a few cases small cities of 5,000 to 25,000 may be included in a standard metropolitan area even though they are far removed from the principal city and have no direct economic and social ties with it.

Radio stations in these small cities are often of only 1 kilowatt and they serve an area of 15 to 20 miles around the city. Such stations do not compete with stations in the principal city.

In Minnesota, for example, Duluth is located in St. Louis County. The boundaries of St. Louis County run all the way to the Canadian border and the county contains 6,281 square miles. Except for the cities on the Iron Range, the region is sparsely settled. The road distance from Ely, population 5,438, to Duluth is 115 miles; from Hibbing, population 17,731, to Duluth is 75 miles; from Virginia, population 14,034, 66 miles; and Eveleth, population 5,721, about the same distance.

My amendment would put stations in these and similar small cities of 25,000 or less in the exempted category, even though situated in a standard metropolitan area, when there is clear indication that they are included only by reason of location in an extraordinarily large county. The test would be that such cities be located 40 airline miles or more from the principal city of the standard metropolitan area.

Mr. HUMPHREY. I wish to associate myself with the proposal of my colleague. I ask Senators to believe what the two Senators from Minnesota say as to what is a metropolitan area. If the upper part of Minnesota, in what we call the Iron Range area, in the northeastern part of Minnesota, is a metropolitan area, then the vast expanses of deserts are not only thickly inhabited but also cluttered with skyscrapers and teeming cities. This is an area in which there are a number of small towns. There is only one large city, Duluth. I hope the chairman of the subcommittee, who is proving himself such a prudent, sagacious, wise, and good man will immediately accept the amendment, because it is in the public cause and for the common good. I appeal to his superior wisdom and good sense.

Mr. McNAMARA. Mr. President, with such an appeal from such a source, I can do nothing but accept the amendment on behalf of the committee.

The PRESIDING OFFICER. Do the Senators yield back the remainder of their time?

Mr. HUMPHREY. I yield back the remainder of our time.

Mr. McNAMARA. I yield back the remainder of our time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HILL. Mr. President, since there is so much good sense in the Senate at this time, I wish to offer a very sensible amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 33, line 17, it is proposed to strike out the period, insert a semicolon and the following new language: "or (16) any employee with respect to his employment in agriculture by a farmer, notwithstanding other employment of such employee in connection with livestock auction operations in which such farmer is engaged as an adjunct to the raising of livestock, either on his own account or in conjunction with other farmers, if such employee (1) is primarily employed during his workweek in agriculture by such farmer, and (2) is paid for his employment in connection with such livestock auction operations at a wage rate not less than that prescribed by section 6(a)(1)."

Mr. McNAMARA. Mr. President——

Mr. HILL. Mr. President, I yield to the Senator from Michigan.

Mr. McNAMARA. Mr. President, the amendment has been examined very carefully. We find that practically all the persons involved in the amendment are paid more than the minimum wage. I know of the concern of the distinguished chairman of the Committee on Labor and Public Welfare about the remainder of the persons involved; therefore, I am happy, on behalf of the committee, to accept the amendment.

Mr. LAUSCHE. Mr. President, may we have an explanation of the amendment?

Mr. HILL. A person who works on a farm enjoys the exemption which is given to farmers. Most of his time is spent on the farm. But perhaps he brings his cattle to the stockyard and works 1 day in the stockyard. He continues to enjoy his farm exemption while he is on the farm, but when he is working in the stockyard he will come under the act and get the benefits of the Fair Labor Standards Act.

Mr. MANSFIELD. Mr. President, I yield back the remainder of the time under my control.

Mr. HILL. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. HILL].

The amendment was agreed to.

Mr. MORSE. Mr. President, now that the distinguished Senator from Mississippi is in the Chamber, I ask that my perfected amendment designated "4-18-61—D" be read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 33, line 17, it is proposed to strike out the period and insert a colon and the following in lieu thereof:

Provided, That this clause (15) shall not apply to any such employee if the land on which such employee is engaged in such lumbering or forestry operations is owned or controlled, directly or indirectly, by an enterprise engaged in the production of pulp, paper, or other wood products or is owned by the United States, any State, or any county or other local government.

Mr. MORSE. Mr. President, I hope the Senator from Michigan will be as gracious in agreeing to take my amendment to conference as he just was in agreeing to take the amendment of my very dear and great friend, the distinguished Senator from Alabama [Mr. HILL], to conference, because I am satisfied that on its merits my amendment is at least—and I stress the word "least"—equally meritorious.

I always endeavor to lay before the Senate all the facts of any proposal I make to the Senate. I have battled for this amendment for several years. I was beaten again in committee this year on the amendment, but that does not mean it is not a good amendment; it means only that I did not have the votes. I have learned from many years of experience in the Senate that it sometimes takes time to convert a minority into a majority. I hope this will be my lucky day, and that either I will have my amendment taken to conference through the graciousness of the Senator from Michigan or that I will win on the vote.

My problem is that I am in conflict with my very good friends from the South, who represent a constituency which is also engaged in the lumber industry. The cold, hard fact is that the lumber industry in the Pacific Northwest pays high wages, and various segments of the lumber industry in the South pay very low wages. What is the result? My constituents are placed at an economic disadvantage compared with the South. This is true wherever low wages are paid in the South, in any phase of the lumber industry. So it will be seen that my amendment would cover any phase of the lumber industry, but it is particularly true of the paper pulp industry.

What happens in the South in contrast with what happens in the Pacific Northwest? The big lumber operators enter into contracts with so-called independent contractors. We call them so-called gyppo operators. That is not a derogatory term at all; it is simply a descriptive term by which such operators are known in the industry. They are known as gyppo operators. They have a little gyppo lumber mill or lumber operation.

In the case of the paper pulp industry, a man may own two or three power saws and a couple of trucks. He contracts with the big lumber companies to cut their pulpwood. He takes the

pulpwood into the big lumber mill, where it is cut up into pulp, which finally flows out in various forms of paper products.

Because there is in the law an exemption for an employer who employs 12 employees or fewer, the Wage and Hour Act does not apply to his lumber operation. The position of my constituents—and I think their position is unanswerable on this point—is that we cannot escape the fact that the lumber operators who enter into subcontracts know that they will get pulp into their mills. They really control the operation. They are, in fact, the economic force which competes for the purchase of the pulp. In many instances, they own the very timber which is being cut by the gyppo operators.

Lumbering is one of the most hazardous occupations in the country. I do not think anyone questions that one who works in the lumber industry ought to get at least the minimum wage and should not be put in a position where he will work for less than the minimum wage in any phase of the lumber industry, whether in the paper pulp industry or any other.

As a representative of the people of the sovereign State of Oregon, I say to my good friends from the South that I am only presenting the case on the basis of what I believe is justice to the people of my State, justice to the lumber industry and the employers in my State, justice to the thousands of workers in the woods in my State. I do not think the unfair advantage which the South now enjoys, because there are many operators in the South who pay substandard wages, ought to continue.

My amendment provides:

Provided, That this clause (15) shall not apply to any such employee if the land on which such employee is engaged in such lumbering or forestry operations is owned or controlled, directly or indirectly, by an enterprise engaged in the production of pulp, paper, or other wood products or is owned by the United States, any State, or any county or other local government.

The amendment does not apply to the woodlot farmer. The argument with which I am hit every year in the committee is, "Oh, what this proposal would do to this little woodlot farmer in the Southern States." The amendment does not apply to him. In fact, he owns the land. It does not apply to him at all. We are really after the big lumber operators—the mill owners, in effect—who can control the timber and by the subcontracting arrangement, compete at an unfair advantage, to the disadvantage of the lumber operators of my State.

I think this is a fair and equitable proposal. I cannot say more. That is my case. I hope the chairman of the subcommittee will at least agree to take my amendment to conference.

Mr. JORDAN. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. JORDAN. I think I know something about the operation of pulpwood cutters. Most of that wood is cut by the cord. The cutters work for themselves. They receive so much a cord stacked up. They actually work for themselves, whether they cut the wood on their own land or on the land of someone else. Those woodcutters do not belong in this bill at all.

Mr. MORSE. I am aware of that "gimmick," too. They can come under the Wage and Hour Act by using the measuring rod of cutting by the cord. The Department of Labor can translate that into hours of work.

I merely ask, whether the pulpwood cutter works by the hour or by the cord, is he, in fact, working for less than the minimum wage? The facts are not disputed in our committee by the very able spokesmen from the South who want the exemption to continue. They make the argument that this amendment would put their woodcutters out of business. They say that the little gyppo operator would not be able to remain in business. I have heard that bewhiskered argument for years. It does not follow that that is a fair argument.

I raise again the question of public policy: Is it fair, just, and equitable that the people who work in the lumber industry, when we know that the result of their toil will flow into the mills, should receive the minimum wage?

My answer is yes, and I do not think they should have an out on the basis of statements that in the "gyppo" operations the payments are made on the basis of the cords of wood cut, not on the basis of the number of hours worked.

Mr. JORDAN. Mr. President, will the Senator from Oregon yield further?

Mr. MORSE. I yield.

Mr. JORDAN. The amount the worker earns an hour depends upon the amount of wood he cuts and stacks each day.

Mr. MORSE. But if he is hired, the employer should be expected to pay him a decent minimum wage; and the lumber operator should not expect the employees to subsidize him. But that is what this situation amounts to.

Mr. JORDAN. In most cases, these workers are not hired at all by the lumber operators. They pay the workers for the number of cords of wood they cut and stack; and the price paid amounts to more than the minimum wage now proposed.

Mr. MORSE. If the workers receive more than the minimum wage, that is fine. But I am not interested in continuing the various devices the large operators in the South use in order to get around paying the minimum wage. I wish to make perfectly clear that if paper is to be manufactured, the regulations should begin to be applied where the trees grow.

Mr. JORDAN. But in the South such employers cannot afford to hire bookkeepers or timekeepers to go into the woods and keep track of the exact number of hours worked by two or three men.

Mr. MORSE. Of course I know it is argued that this provision will result in a very complex accounting system. But that is not true. In Oregon the woodbook is used, and by that means the foreman keeps track of the amount of time actually worked.

So Senators cannot talk me out of my position merely by arguing that there will be an increase in the administrative expenditures. It is all very simple: the foreman simply keeps a woodbook in his pocket, and every night he jots down whether Jim Smith worked 5 hours or whether Joe Brown worked 6 hours.

Mr. JORDAN. But who is the foreman?

Mr. MORSE. Why should the paper-pulp industry be exempt? It is argued that it should continue to be exempt because it has become accustomed to being exempt and because it employs cheap labor in the South. But for the good of the country and also for the good of the South this exemption should be ended. Therefore, my amendment will end it.

Mr. METCALF. Mr. President, will the Senator from Oregon yield to me?

Mr. MORSE. I yield.

Mr. METCALF. I support the amendment of the Senator from Oregon. In our State, the minimum wage in this industry is $2.12 an hour; that is the minimum wage in this industry in the forests in the Northwest. So it seems to me that it is justifiable and fair to require that at least half of that amount be paid by the lumber industry in other States.

Mr. JORDAN. Mr. President, will the Senator from Oregon yield to me?

Mr. MORSE. I yield.

Mr. JORDAN. In that connection, I want the Congress to pass a law which will require that the wages paid in Japan be equal to those paid in the United States, because I think our workers now suffer from unfair competition from Japan.

Mr. MORSE. If we had jurisdiction over Japan, I would vote for such a law, too.

Mr. BIBLE. Mr. President, I yield 5 minutes to the Senator from Alabama [Mr. HILL.]

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. HILL. Mr. President, as the Senator from Oregon has said, the committee voted down, last session, an amendment more extensive than the amendment of the Senator from Oregon. The committee has voted it down on several occasions.

Mr. MORSE. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield.

Mr. MORSE. I love the administration, but it is not the personification of perfection; and this situation is one of its mistakes.

Mr. HILL. Mr. President, I am sure the Senator from Oregon would not feel that way about his amendment, because undoubtedly it is his position that a Morse amendment is bound to be perfect.

But the administration does not think this amendment is perfect, and neither do I. The Senator from Oregon himself has said that the committee has considered this matter and has weighed this matter and has voted

down such a provision, not only once, but several times. That was done because this bill deals primarily with larger businesses and larger enterprises, whereas in this case we are discussing keeping in the law an exemption which has been in the Fair Labor Standards Act ever since 1949—namely, the exemption for small logging businesses which involve 12 men or less. If more than 12 men are involved, the business moves out of the little business category, and the exemption no longer applies.

But neither the administration nor the committee thinks this exemption—which has been in the law all these years, and is there today—should now be removed, as provided by the amendment submitted by my friend, the Senator from Oregon.

This business is indeed small business. It differs from the lumber business in the West, in that in the West there are vast tracts of forest land—beautiful tracts. I have been there, and have seen some of them. In the great State of Oregon there are marvelous stands of heavy timber. One who views them has almost a feeling of reverence for those wonderful, beautiful, majestic trees. But in the South, as my good friend has indicated, the situation is different. The trees there are found in little spotty areas.

Mr. JORDAN. We call them saplings.

Mr. HILL. Yes. One small area may be found in one place, and another small area may be found some miles away. The Senator from North Carolina has referred to the saplings, for in the South there no longer is any virgin timber. In many instances, the work is done on the sixth cutting. So the situation in the South is different from that in Oregon or in other Western States. In the South, these businesses are small, and the sawmills have to be small and portable, so they can be moved from one small timber area to another one, often a number of miles away.

Furthermore, these businesses have to make a terrific struggle even to remain in business. Between 1941 and 1957, 51 percent of those engaged in this business in the South went out of business. The economic situation there was such that they could no longer survive.

Because of the scattered areas involved in the South, and because of the small amount of timber available in the areas in the South in which these operations are conducted, and because of the price level, and also the availability of labor, these operations in the South are entirely different from those in the Western States. As I have said, in the South many of the sawmills are small portable ones, which must be moved many miles, between the scattered areas. That situation is very different from the situation in the Western States.

In the South, a considerable part of this land is owned by small farmers who need this income. As we know, in recent years they have been having a very difficult time; a revolution has been occurring in agriculture.

Mr. HOLLAND. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield.

Mr. HOLLAND. Is it not true that in many parts of the South the labor which does this so-called logging—generally the handling of pulpwood trees—is the same labor that is used periodically, at various seasons, on the farms; and is it not also true that those engaged in this business have to compete, in obtaining labor, on the basis of the wages which prevail generally in the agricultural industry?

Mr. HILL. That is entirely correct.

Mr. HOLLAND. Is it not also true that a few years ago the Congress—in recognition of that fact—placed forestry and forest-products industries under the jurisdiction of the Committees on Agriculture, so that all those groups would be handled by the same committees? And is it not also true that, under this bill, agricultural enterprises generally are completely exempt?

Mr. HILL. Yes. The committee is the Committee on Agriculture and Forestry. Forestry is under Agriculture. As the Senator from Florida has said, the people who do the logging are those who do what they can to eke out a living on the farm, and do what they can to supplement their income from logging.

Mr. HOLLAND. Is it not true that many of these people call themselves tree farmers and procure and carry on their little forestry plantings until the trees are big enough for pulpwood, after which time the better ones are grown for lumber or timber? Is it not true that they call themselves tree farmers, and they are called tree farmers in our area, and they are in fact tree farmers?

Mr. HILL. They are tree farmers, who are using this means to supplement the meager incomes which they get from other crops they produce.

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

Mr. HILL. I yield to the Senator from Tennessee.

Mr. GORE. I wonder if the distinguished Senator from Alabama would not think that one with the compassionate, magnanimous, and noble spirit of the senior Senator from Oregon, would, upon careful consideration, really want to place into competition with the huge, efficient mills in the virgin forests in the northwestern parts of the United States the little sawmill operators, and those who work from one stand to another, moving about in odd seasons of the year?

Mr. HILL. I may say that the sawmills themselves now come under the Fair Labor Standards Act.

This proposal is to cover those who go into the woods and cut the timber. So far as the sawmills are concerned, they come, as we know, under the Fair Labor Standards Act.

Mr. GORE. This means is used as a supplement to the meager living they otherwise would earn. Is that correct?

Mr. HILL. That is correct; and I hope the eloquent words of the Senator from Tennessee have moved the compassion of the Senator from Oregon.

Mr. MORSE. Mr. President, will the Senator yield, on my own time?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MORSE. My time?

The PRESIDING OFFICER. No; the time of the Senator from Alabama.

Mr. HILL. I will let the Senator take his own time.

Mr. MORSE. I wish to say to the Senators from Alabama and Tennessee that they have moved me very deeply. They have made me more convinced than ever of the soundness of my position. I want them to come out to my State and witness how the paper pulp industry operates, and how wrong they are in comparing the way our paper pulp industry operates with the way it does in the South. We use the same sized pulp trees. We harvest them when they are ready to be harvested, just as is done in the South. We are not talking about some little lumber mill; we are talking about the gyppo cutter.

I am talking about the big lumber mills that control the pulp industry. They are the ones who are in competition with the paper, cardboard boxes, and various types of hardwood industry in the South as well as in my State. There is no difference as far as the final place of manufacture is concerned. We are talking about how they get the paper pulp. The Senator puts the cutters in my State at a great disadvantage. We pay high wages.

It is also true that one of the ways to improve the industry in every State is to pay the lumber mill workers and the cutters a decent wage. If we have ever demonstrated anything, it is that a decent wage results in a decent purchasing power and results in expansion of the economy of the area affected. So I am really making a plea to help my friends of the South. I do so not only gratuitously, but because it will result in an economic benefit, not only to the South, but also the Northwest.

Mr. BIBLE. Mr. President, I yield 5 minutes to the Senator from Mississippi [Mr. STENNIS].

Mr. STENNIS. Mr. President, I think this subject has been well covered already, but I think I should say that the exemption has long been recognized in the law. The exemption exists in the law, and has been in it since its inception, that 12-man wood crews do not come under the provision of the act for many reasons.

This question has been considered by the committees and by Congress. The decision was reached to reaffirm the provision of the present law to continue the 12-man wood crew exemption.

The Senator from Oregon offers an amendment which would preserve the 12-man crew exemption except on certain large tracts of land in the hands of large enterprises, or in national forests or States or political subdivisions thereof.

He speaks of the cheap labor of the South. I want to give him some direct evidence that when he refers to those who cut the pulpwood and logs, during the winter season especially, he refers to small landowners, white and colored, who are without employment during the

winter months and who seek employment near their homes. They spend their nights at home, and make up many of the wood crews. If such work is not available to them, they have virtually no work.

I know, of my own personal knowledge, that last fall the National Forest Service advertised pulpwood in South Mississippi for sale, twice, and had no bidders. That meant there would be, for the time, no jobs for anybody in that category. It meant there was an oversupply, that the market was sluggish; there were no bidders at any price. I think the situation has improved. I hope it has. But, in an economic way, that fact confirms the soundness of the exemption as it has been written in the law for more than 12 years. It confirms the necessity of continuing the exemption, and the practical consideration that a large part of the work is seasonal work, as the Senator from Florida has suggested.

There is another reason for continuing the exemption. Often when those persons are working, they work overtime, because many times on account of wet weather, for days and weeks they cannot work at all.

I am not talking of theories or statistics, because I have been out in the woods, and I personally know many people who do this work. I have seen them employed. I know their ups and downs in this particular work. It does not affect companies nearly so much as it affects these people. We are dealing with human beings who are trying to make a living; this kind of work frequently is an important part of their living. If we attempt to apply a straitjacket, which might be appropriately applicable to some large industries, we disrupt and totally destroy an arrangement which works so well for small operations.

What we need is more of these larger tracts of land, as well as smaller tracts of land, and I hope that never again will there be the condition that, when pulpwood is advertised, there are no bidders.

Mr. President, I hope we will preserve the exemption intact. It has proved to be sound and wise. We have rejected proposals to change it before.

I wish to thank the Senator from Oregon for waiting to present this amendment. He has visited our State, and I hope he will come back again.

Mr. MORSE. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. MORSE. I shall go back to the Senator's very wonderful State.

I make three points in closing my argument this afternoon.

It is true that many of the people to whom reference is made work in the winter, but they are employed. They need the jobs. A loaf of bread and a quart of milk cost as much in the winter as they do in the spring or the summer.

This is a question of whether a decent wage should be paid to get the paper pulp cut. Furthermore, what these people do is cut pulpwood which eventually goes to the big manufacturers of paper products. I think those big manufacturers ought to see to it that enough is paid to provide a living wage.

Last, in answer to my good friend the Senator from Florida [Mr. HOLLAND] about this supposedly being an agricultural matter, the Internal Revenue Service does not so consider it. The whole matter of paper pulp and the forestry industry cannot be considered on the Internal Revenue tax reports as a phase of agriculture. It is considered to be industry, Mr. President, and not agriculture.

As I close I simply say I think the time has come when we ought to see to it there is at least a minimum wage requirement throughout the lumber industry, so that we shall not continue to have the exceedingly cheap labor, whether in winter or any other time of the year, working for a wage below a wage of health and decency, to the inevitable big profit of the great lumber operators of the South.

Mr. DIRKSEN. Mr. President, I yield myself 3 minutes from the time on the bill.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, I am glad the distinguished Senator from Oregon offered the amendment. If this is not a classic example of the difficulties we will encounter under a bill of this kind, then I have never seen one.

Suppose I go to Mississippi. While driving along the road I may see a fellow, whom I may ask, "Who owns this stand of timber?" He may say, "John Stennis." I might ask, "How many acres are there in the tract?" He might say, "About 4,000 or 5,000." I might ask, "What are the crews doing?" And he might reply, "They are cutting a crop."

Then I might ask another question, "Who owns the stand of timber over there?" The reply might be, "The Mississippi Pulp & Paper Company owns that." I might ask, "What are they doing?" The reply might be, "They are getting out timber to send to the pulp mill at Meridian," or wherever it might be.

That is an enterprise which is owned directly or indirectly by one in the business of producing pulp and paper products, and yet the other is an individual stand. The boys on one side would come under the Morse amendment, and the boys on the other side would not come under the Morse amendment. If that is not discriminatory, if that is not a rank and classical kind of arbitrary action and treatment, then I have never seen any.

We rejected the amendment in the committee, as the distinguished Senator from Alabama said. I think we ought to reject the amendment now. I say to my distinguished friend, I am amazed, in a way, that he ever offered the amendment. He is what I call "going for the whole hog" in his approach. I think once he said, "There should not be any exemptions of any kind."

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

Mr. DIRKSEN. Now he would like to pile an exemption on an exemption, and that, to me, is astounding indeed.

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

Mr. DIRKSEN. I yield, with a great deal of pleasure.

Mr. MORSE. I eat one pork chop at a time.

Mr. DIRKSEN. That could very well be, but I think my friend will agree that this is something in which his constituents have an abiding interest, but—I do not know why—he suddenly forsakes all the great and classical foundations of logic for which he is so well noted all over the country.

The amendment ought to be rejected.

Mr. BIBLE. Mr. President, I yield back the remainder of my time if the Senator from Oregon will do likewise.

Mr. MORSE. Mr. President, I yield my remaining time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment offered by the Senator from Oregon [Mr. MORSE].

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. CURTIS. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 16, between lines 2 and 3, it is proposed to insert the following new subsection:

Paragraph (d) of section 3 of the Fair Labor Standards Act of 1938, as amended, defining the term "employer," is amended by inserting before the period at the end thereof a comma and the following: "or any organization which is exempted from taxation by the provisions of section 501(c)(3) of the Internal Revenue Code of 1954, as amended".

Mr. CURTIS. Mr. President, I shall be very brief.

The purpose of the amendment is to exempt from the provisions of the wage and hour law the religious and charitable institutions which are exempt from taxation. The section in the Internal Revenue Code relates to corporations or any community chest, fund, or foundation organized exclusively for religious, charitable, scientific, and so on—and then it provides that no part of the funds shall go to any person for profit.

The amendment is quite necessary. There are many splendid organizations which provide some employment and some income for people who otherwise would not have any. I think immediately of the Goodwill Industries. I think of those charitable enterprises which seek to hold down their labor costs in order that their funds may reach more needy people. Many employees serve as a labor of love, as a matter of dedication, yet they must receive and they do receive some wages.

Why should the Government of the United States attempt to control the

wages of charitable organizations which are not operated for profit? There is no opportunity for someone to beat down wages in order to increase profits. The lust for profits is not present. These organizations are operated so that there will be more money available to buy food, clothing, and other benefits for needy people.

We have the organizations such as the Goodwill Industries, the Lighthouse for the Blind, the Salvation Army, and others. I received a letter from an organization in my State. I am sure many Senators have heard their broadcasts. This group is called "Back to the Bible Broadcast."

The letter says:

MY DEAR SENATOR: The Good News Broadcasting Association is a nonprofit religious organization serving many millions of people throughout the world by radio and literature, with headquarters in Lincoln, Nebr.

Some time ago we mentioned to you that the minimum wage law has caused considerable hardship on organizations like ours which depend upon the free will offerings of God's people. Now that this bill is up again, I wish to again bring this to your attention.

Could not an amendment be included which would exclude such religious nonprofit organizations from coming under this particular labor law? We will appreciate your further consideration.

The same organization, in a letter to the chairman of the committee, said:

Ours is a religious, nonprofit organization working interstate. We are dependent on the good will of Christian people in the United States for the support of our ministry. A law such as is being proposed will work a great hardship on us financially. We meet the present wage scale required by the present law, but a further increase, such as the one proposed, will be exceedingly hard for us to meet.

Mr. President, this is important, because it is contended by some on the committee that the amendment is not necessary.

The people of the United States should not be required to carry a copy of the committee report with them in order to determine what is the law. The law should be clear, and if it is not the intention of the committee to cover such groups as those which I described, I hope the committee will accept the amendment. Here is what the people to whom I have referred write:

No one we have contacted, including our attorneys, is able to say positively that organizations such as ours are automatically exempt from the minimum wage law. Can you clarify this? Just how would an organization like ours be affected by the legislation now under consideration?

My understanding is that it is the intention of the drafters of the bill to exclude from coverage institutions of the kind I have described. I believe it is. But I believe such exemption should be accomplished by a specific exclusion or exemption, and that neither the Congress nor the public should be forced to rely upon a statement contained in a committee report in order to construe vague and ambiguous language in the bill.

To accomplish what the majority report states is intended, the precise language would be readily available as it is embodied in my amendment. These are nonprofit charitable institutions that are specifically exempt undor our Internal Revenue Code.

When we consider the fine organizations which collect money, we know that the leaders of those organizations wish to use the available money to go as far as they can in carrying on their religious work. Perhaps such organizations wish to buy as many baskets of food as possible in order to distribute them to the needy.

Such organizations use a class of help that is a labor of love. Their employees work with a sense of dedication. Yet many of them should be and must be paid something. The profit motive is not involved. Why should the Government of the United States control the wage policy of such organizations?

I sincerely hope that the committee will accept the amendment in order to clarify a point that the committee contends is their intention. The people engaged in such an activity would like to have such a provision in the bill.

I reserve the remainder of my time.

Mr. McNAMARA. Mr. President, will the majority yield some time to me?

Mr. MANSFIELD. I yield.

Mr. McNAMARA. It should be made clear in this connection that the new coverage under the committee bill would not extend to charitable, eleemosynary, or other nonprofit organizations. However, this is no reason for taking away the benefits of the act for some 38,000 employees who are currently afforded its protection.

This amendment is retrogressive in nature and would remove from the present protection of the act all employees of nonprofit organizations which are organized and operated exclusively for religious, charitable, scientific testing for public safety, or educational purposes. Such employees are now protected by the act if they are engaged in commerce or the production of goods for commerce and if the organizations by which they are employed do not qualify for exemption as retail and service establishments.

There are approximately 38,000 people involved in the production of goods by nonprofit organizations who are directly, under any interpretation of the commerce clause, involved in interstate commerce.

Mr. CURTIS. Mr. President, will the Senator yield at that point?

Mr. McNAMARA. I shall be glad to yield, but permit me to yield first to the Senator from Illinois for further clarification.

Mr. DOUGLAS. Do I correctly understand that what the Senator from Michigan is saying is that charity begins at home?

Mr. McNAMARA. I believe it would be an act of charity to pay people working in the fields specified a living wage when such industries are engaged in interstate commerce.

I am glad to yield to the Senator from Nebraska.

Mr. CURTIS. What does the committee bill provide concerning hotels?

Mr. McNAMARA. Hotels are exempt.

Mr. CURTIS. Hotels are exempt regardless of size, profit, or anything else.

Mr. McNAMARA. Yes.

Mr. CURTIS. Yet the Senator from Michigan resists an exemption for the Goodwill Industries, the Salvation Army, and other groups operating entirely for charitable and religious purposes. I cannot understand the logic of the position.

Mr. McNAMARA. Such industries are exempt except as those industries that the Senator mentioned and the great foundations of the country engage in the printing industry or in other activities which compete with private industry to such a degree that the competition would have a very adverse effect on private industry. Then, when such industry comes into competition in the marketplace with private industry, we say that their work is not charitable organization work. All their local activities are exempted.

Mr. CURTIS. I urge that the Senate agree to the amendment. There is no particular reason why the fine charitable and religious organizations of the country would wish to hold down wages. There is no profit in their activities for them. But there is a reason why they want to give employment to the handicapped. They would like to offer employment to the dedicated person who wishes to perform some of that kind of work and to be paid something. The coverage under the act interferes with their operation. I hope the Senate will agree to the amendment.

Mr. HUMPHREY. Mr. President, I yield back the remainder of the time on this side.

The PRESIDING OFFICER. Does the Senator from Nebraska yield back the remainder of his time?

Mr. CURTIS. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska.

The amendment was rejected.

Mr. YOUNG of North Dakota. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment of the Senator from North Dakota will be stated.

The LEGISLATIVE CLERK. On page 33, line 17 it is proposed to insert the following:

(17) Any employee employed within the area of production (as defined by the Secretary) by an establishment commonly recognized as a country elevator, including such an establishment which sells products and services used in the operation of a farm: *Provided*, That no more than five employees are employed in the establishment in such operations.

Mr. YOUNG of North Dakota. Mr. President, I believe I can explain the amendment in a few minutes. However, I shall yield myself 5 minutes. The amendment would exempt country elevators that market farm products, mostly grain, for farmers. The question is not one of wages, because employees of these firms are paid considerably more

than the minimum wage. It is a question of hours.

Farmers, particularly grain farmers, from spring to fall must work 50, 60, or 70 hours a week, and even more. If farmers ever had to limit their workweek to, say, 40 hours a week, food costs would be much higher than they are now. The employees of country elevators that serve farmers must work approximately the same hours farmers work. The amendment would affect only institutions that have five employees or less. Most country elevators have only one or two employees.

Mr. HUMPHREY. I hope the chairman of the subcommittee will accept the amendment, since it is a reasonable proposal.

Mr. McNAMARA. I was waiting for a Senator who is interested in this subject. He was on the same side of the question.

Mr. HUMPHREY. I think we should go ahead and vote.

Mr. McNAMARA. Speaking for the subcommittee, we are prepared to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from North Dakota.

The amendment was agreed to.

Mr. HOLLAND. Mr. President, I have at the desk an amendment, which has not been printed, but copies of which I have furnished to Senators who are handling the bill. It is a very simple amendment. I ask that it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 31, before the semicolon in line 21, insert a comma and the following: "and except as may otherwise be expressly provided by law the Secretary shall have no power to regulate, either through the withholding of benefits or services or otherwise, the wages and hours of employment of any such employee".

Mr. HOLLAND. Mr. President——

The PRESIDING OFFICER (Mr. METCALF in the chair). The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, the amendment I am offering was offered, in substance, last year, and was rejected. If I remember correctly, 42 votes were cast in favor of adopting the amendment. The amendment has been very carefully redrafted to avoid objections which were made last year. As to whether the meeting of these three objections is sufficient to change the position of any Senator, the Senate itself will have to be the judge. The amendment would provide—and I reread it—that at the end of the paragraph which exempts agricultural labor entirely, the following words would be added:

> And except as may otherwise be expressly provided by law the Secretary shall have no power to regulate, either through the withholding of benefits or services or otherwise, the wages and hours of employment of any such employee.

Mr. President, the amendment applies only to wages and hours of agricultural employees. It applies only to the Secretary of Labor—any Secretary of Labor—who fixes wages and hours.

The first departure from the amendment of last year is that last year's amendment included the word "or other conditions of employment." That was held to apply to housing and other conditions, which might or might not be covered by the provisions of the Wagner-Peyser Act.

In the Wagner-Peyser Act there is not a single word which indicates that the Secretary of Labor was given power to fix wages and hours. Furthermore, as will appear from what I shall have to say, there is not a single word in the hearings on the Wagner-Peyser Act which indicates that that power was given to the Secretary of Labor.

The sole basis of my amendment is to provide that if a Secretary of Labor should try to impose a wage-and-hour condition as a condition precedent to making available his employment services to help farmers secure agricultural labor, he must look to a law, some law, any law, which gives him specific authority to impose a specific wage-hour condition. That is reasonable as a matter of law, and I believe it is completely reasonable to be considered in this particular act under discussion, because the amendment applies only to wages and hours and only to agricultural labor, which is the subject of the provision of law to which this amendment would be added.

The second difference between the amendment of this year and the amendment of last year is that the amendment of last year was not offered as an amendment to a section of the Fair Labor Standards Act. This time I have offered it as an amendment to that act, specifically as an amendment to the paragraph in the act which exempts agricultural labor from the act's wage-hour coverage.

The occasion for my amendment is that 2 years ago the Secretary of Labor advised the agriculturists of the Nation and Department of Agriculture, as well, that he proposed to place some limitations upon the service which he rendered, and was required to render, under the terms of the Wagner-Peyser Act. The limitations which he proposed would be applicable only to the furnishing of agricultural labor, and would be applied in such a way as would have required the various employers who were trying to avail themselves of the services of the Federal Employment Service to give certain assurance in advance about the pay scale for the agricultural labor which would be furnished, the hours and other conditions of employment mentioned in the proposed order of the Secretary of Labor.

As to the other conditions of employment mentioned in that order, my amendment does not make reference to them or relate to them.

The third difference in the situation between now and then is that last year when the matter came up there was contention on this subject, because the then Secretary of Labor had proposed to issue and had issued, in fact, a formula for dealing by regulation with this subject matter. The matter was a matter in contention at the time. I understand that there is no such situation at this time. I was advised by counsel for the Labor Department, in a joint conference with the able Senator from Michigan the other day, that there is no intent at this time to inflict such a condition. I was also advised that litigation is pending on the Secretary's refusal to extend the services of the U.S. Employment Service under certain conditions.

That litigation was represented to me as pending in a California court.

I have since taken the trouble to ascertain what the litigation was about. I may say it did not relate to wages and hours, but did relate to the question whether the Secretary of Labor could withdraw his services in supplying labor to an employer when the employees of the employer were on strike and a labor difficulty was in progress.

We do not seek to apply the present amendment in the Wage and Hour Act to the Secretary's powers in that kind of situation or to any other aspect of the matter than the fixing of wages and hours.

When the Secretary of Labor announced that he planned to place some restrictions upon the use of the employment service, it occasioned great surprise to many of us, because we had always felt that the Wagner-Peyser Act gave no authority whatever for the making of any regulations or rules by the Secretary of Labor in this field, but, instead made of the Federal Employment Service an agency, purely and simply, through which the State employment services and the people asking for help from the State employment services might secure aid in finding workers beyond the limits of their States. I think it is appropriate, therefore, to consider in some detail the provisions of the Wagner-Peyser Act and the facts concerning them.

In 1933, Congress approved the Wagner-Peyser Act, which provided a grant-in-aid program for the creation of State employment services and created a Federal agency to coordinate their programs. Language pertinent to the question to be developed in this portion of my remarks was contained in sections 3 and 12 of the Wagner-Peyser Act, as follows:

> SEC. 3. It shall be the province and duty of the Bureau to promote and develop a national system of employment offices * * * to assist in establishing and maintaining systems of public employment offices in the several States. The Bureau shall also assist in coordinating the public employment offices throughout the country and in increasing their usefulness by developing and prescribing minimum standards of efficiency, assisting them in meeting problems peculiar to their localities, promoting uniformity in their administrative and statistical procedures, furnishing and publishing information as to opportunities for employment and other information of value in the operation of the system, and maintaining a system for clearing labor between the several States.

Section 12, which also bears on this problem, reads as follows:

> SEC. 12. The Secretary of Labor is authorized to make such rules and regulations

as may be necessary to carry out the provisions * * * of this title.

Those, as I am told by my legislative assistant, are the only two sections of the act which are related to this particular subject matter or which could be held to relate thereto. It is very obvious that no reference is made to wages and hours of employment or to anything in that field.

Mr. President, in reading section 3, in which the functions of this Bureau are stated, I believe it is rather clear that no power at all was given by the section to provide rules that would determine the amount of wages or hours which must be met before the facilities of Federal employment agency could be used.

When the Attorney General was asked to rule on the statutory authority which the Secretary of Labor has asserted—that was the year before last and last year—he gave the weakest possible support to the Secretary in the following words; this opinion related not only to the wages and hours part, but to the housing and other conditions. He stated:

I would not be justified in advising you that the construction is in fact erroneous in the absence of a clear and convincing showing of error. In my opinion, no such showing has been made.

Mr. President, I have practiced law for a good many years, and I have been called upon for a good many opinions. I think I know what would be a strong opinion upholding the position of a client or of an agency which has requested advice. I can find no weaker statement which could be made by an Attorney General or by whoever in his office drew up this opinion, than the one included within the quoted words. He stated, I repeat:

I would not be justified in advising you that the construction is in fact erroneous in the absence of a clear and convincing showing of error. In my opinion no such showing has been made.

I call attention to the fact that much more than the wage-and-hour question was involved there.

The only words I can apply, Mr. President, which appear to me to be adequate, are that those are weasel words, because they do not at all affirmatively uphold the construction of the statute requested by the Secretary of Labor and relied upon by him.

Competent authorities have questioned this opinion. In that connection, I refer to pages 111 to 126 of hearings of House Agriculture Committee on House bill 9869 and other bills, March 22–31, 1960—that is, last year.

The following is the opinion of the Chief of the American Law Division of the Library of Congress, one who is wholly impartial in this matter. He is a referee who is paid by the Government to render impartial opinions on the meaning of legislation, and of course he renders them from a background of very extensive experience and practice in this field. Here is what he says:

On this point, we have scanned the reports and debates on the Wagner-Peyser Act of June 6, 1933 (48 Stat. 113; S. 510, 73d Cong.), and do not find any indication that the Members sponsoring or debating the measure had in mind that the Employment Service was to exercise any substantive control over the working conditions and terms of employment of workers recruited by the Service.

Again, those words are more general than to apply only to the wages and hours of employment.

At the same time, it is obvious that regulations purporting to require compliance with substantive standards as to housing, working conditions, etc., have been in effect since 1951. We do not see how mere lapse of time can confer authority not stated by law.

The opinion related to housing and other matters and stated that even though those features had been included in the regulations for some years, no authority could be found for them. We make no argument at this time about that authority, because, as I understand, the bills introduced by the distinguished Senator from New Jersey [Mr. WILLIAMS], who is in the Chamber, would specifically cover that question. As a matter of fact, I have joined with him in large part in his proposed law with respect to housing. I hope the Senate may pass something which will specifically deal with that part of the problem. It is my understanding that the Senator from New Jersey has pending proposed legislation on wages and hours of agricultural employment. That, again, is an indication that he wishes Congress to come to grips with the specific problem involved in the amendment by way of legislation. That is the correct way to proceed, and for that I compliment and congratulate him.

A former solicitor of the Department of Labor, William S. Tyson, says—as appears on page 123 of aforesaid hearings:

Neither the statutory language nor the legislative history of the Wagner-Peyser Act, evidence any intent by the Congress to delegate or confer upon the Secretary of Labor authority to issue the amendatory regulations to part 602, title 20, Code of Federal Regulations, which he proposes in the document of March 13, 1959. It is evident here that the Secretary is trying to do indirectly what he is not authorized to do directly.

That is the document which was in controversy last year, and to which I have already referred.

The counsel of the House Agriculture Committee, Mr. Heimburger, has made a statement on this matter; it appears on page 113 of the aforesaid hearings. I have found Mr. Heimburger to be a very able attorney in this field. He sits with the conferees on agricultural laws and has been of immeasurable assistance to the conferees, both from the House of Representatives and from the Senate, on many agricultural problems. This is what he said about the question, as shown in the hearing:

In summary, it is our position that the Wagner-Peyser Act is a service statute, not a regulatory statute, and that there is nothing in the act nor its legislative history which supports the assumed authority of the Secretary of Labor to issue the regulations proposed by him on March 13, 1959, and that, on the contrary, the statute and its legislative history make it clear that there is no authority under that act for the Secretary to issue regulations affecting users of the service except as provided in subsection 11(b) thereof, that when Congress intends for working conditions of agricultural labor to be regulated it makes clear and specific provision therefor, and that any effort to promulgate such regulations in this instance is in derogation of the powers of Congress to legislate.

I think that the real question before the Senate is whether Congress, by the adoption of this amendment, should make it clear that we insist upon our right to consider and pass legislation which will govern in this field, if in our judgment we feel that it should be passed. We are asked to pass, in the committee bill, a section which completely exempts agricultural labor from any kind of wage-and-hour regulation.

It is highly appropriate, Mr. President, that the proposed amendment be added at the end of paragraph (6) of section 13(a) of the Fair Labor Standards Act, as my amendment suggests. This is the paragraph which specifically exempts agricultural employees from wage-hour coverage, clearly showing a congressional intent that such employees are not to be subject to this type of regulation. By assuming power to set wages and hours of agricultural employment, the Secretary of Labor—I speak now of the former Secretary of Labor—has arrogated to himself a power which Congress has not seen fit to delegate to any administrative official. To the contrary, Congress has retained this power, which it exercises by means of legislation such as the bill which we are now considering here. It is Congress, not any administrative official, which decides that minimum wages shall be a $1, $1.15, or $1.25 per hour, as would be prescribed by the bill. It is Congress, not any administrative official, which decides that this group or that group is to be covered by wage-hour laws. Congress makes these decisions by law, as is its responsibility under the Constitution.

When, without official authorization by Congress, the Secretary of Labor determines that agricultural employees shall be subjected to such regulations, under the power to operate an employment service, and that no other type of employee is to be so subjected, the Secretary of Labor is exercising a legislative power, not an administrative power. This he is also doing when he determines that minimum wages shall be 75 cents, $1, or $1.25 per hour, and when he determines maximum hours for such employment.

Mr. President, it is of extreme importance to the preservation of our system of government that we take this opportunity to strike down this seizure of legislative power, or at least to protest against this seizure of power, which was attempted last year. I say, to the credit of the present Secretary of Labor, that I know of no such effort on his part. On the contrary, the other day I was advised by an attorney of his Department that there was no attempt on his part to assume such power.

Mr. President, it has been well said, "No Congress, no freedom." I urge the adoption of this amendment.

Mr. President, at this time I wish to read from the RECORD a statement which I think will put our distinguished majority leader [Mr. MANSFIELD] very directly on our side in connection with this matter. Yesterday, in opposing the Prouty amendment, the distinguished Senator from Montana, our majority leader, used words which it seems to me are directly applicable to a situation of that sort. We remember that the Prouty amendment proposed that the Secretary of Labor be given authority to suspend certain portions of the law under certain circumstances. Now I quote a statement made yesterday by the Senator from Montana:

> The amendment gives extraordinary power to the Secretary of Labor, and I, for one, do not wish to see any Cabinet officer given the power which is embodied in this amendment, as I interpret it.

Mr. President, it seems to me that it would be much worse for the Congress to permit, by default, the Secretary of Labor or any Secretary of Labor to exercise powers not specified in law, than it would be to give him such powers by means of this law.

I regret that this amendment has not been accepted, because it seems to me completely fundamental to the legislative process that it be accepted, particularly in time of peace, when there is no controversy in this field.

So I hope the Senate will adopt the amendment.

Mr. LAUSCHE. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. LAUSCHE. Is it the position of the Senator from Florida that if there is to be any regulation of wages and working hours in agriculture, that should be achieved through legislation directly enacted by the Congress?

Mr. HOLLAND. It certainly is, especially when any assumption of power by a Cabinet official flies in the face of a specific section of this act which states, in so many words, that that class of labor shall not be affected, but shall be exempt from the wage and hour provisions.

Mr. LAUSCHE. The Senator from Florida is protesting, is he, against a situation in which, under the guise of rendering employment service, as a condition to obtaining that service a farmer must subject himself to such action by the Secretary of Labor, in telling the farmer what working hours and wages he shall provide?

Mr. HOLLAND. The Senator from Ohio is correct. I think that situation would not be tolerable unless Congress itself empowered the Secretary of Labor to do that very thing. But no such power appears from the act. The record of the hearings is silent upon that point; and the record of the debate is silent upon it. No such power was undertaken earlier, and no such power is being undertaken now. We simply wish to guard against the making of any attempt to assume the power which was sought to be assumed last year.

I must say that I understand that the then Secretary of Labor relinquished his plan, at some stage following our debate. But on that point perhaps the Senator from New Jersey can inform us better. I have not heard of any effort to enforce that regulation affecting wages and hours, since that time; and if there has been such an effort, I am not advised of it.

Mr. LAUSCHE. Will the Senator from Florida summarize the legal opinions expressed in regard to the right of the Secretary of Labor to exercise this power, in the absence of a direct authorization by Congress?

Mr. HOLLAND. There were three opinions, and they have been read into the RECORD. All of them appear in the hearings. The first was from the Attorney General. That opinion stated as near to nothing as it would be possible to state in an effort to be helpful. I now read the Attorney General's statement:

> I would not be justified in advising you that the construction is in fact erroneous in the absence of a clear and convincing showing of error. In my opinion no such showing has been made.

That was written by someone in the Office of the Attorney General or in the Department of Justice.

The next opinion I shall read is from the Research Chief of the American Law Division of the Library of Congress:

> On this point, we have scanned the reports and debates on the Wagner-Peyser Act of June 6, 1933 (48 Stat. 113; S. 510, 73d Cong.), and do not find any indication that the Members sponsoring or debating the measure had in mind that the Employment Service was to exercise any substantive control over the working conditions and terms of employment of workers recruited by the Service.
>
> At the same time, it is obvious that regulations purporting to require compliance with substantive standards as to housing, working conditions, etc., have been in effect since 1951.

But none as to wages and hours, I may interpolate.

The opinion concludes as follows:

> We do not see how mere lapse of time can confer authority not stated by law.

The third opinion was stated by William S. Tyson, a former Solicitor of the Department of Labor. He stated:

> Neither the statutory language nor the legislative history of the Wagner-Peyser Act evidence any intent by the Congress to delegate or confer upon the Secretary of Labor authority to issue the amendatory regulations to part 602, title 20, Code of Federal Regulations, which he proposes in the document of March 13, 1959. It is evident here that the Secretary is trying to do indirectly what he is not authorized to do directly.

The last statement, and the most recent one, was made by Mr. Heimburger; and I have the highest respect for his legal ability and his experience in the legislative field, particularly in the field of agricultural legislation. His statement is the long one which I now hand to the Senator from Ohio.

Mr. LAUSCHE. My final question is this: Is it the purpose of the amendment of the Senator from Florida to clarify this issue and to make certain that the Secretary of Labor will not attempt, as a condition to the rendering of employment service, to fix, by regulation, hours and working conditions?

Mr. HOLLAND. Yes, unless he is given such power by law. The amendment contains the words, "except as may otherwise be expressly provided by law."

Mr. LAUSCHE. I assume that the Senator from Florida takes the position that in connection with a vital question of this type, it ought not be left to the whim of the Secretary of Labor to decide what the working conditions and hours shall be, but that the Congress itself should pass directly upon that matter.

Mr. HOLLAND. I think the Congress should pass upon it; and I do not believe that any Cabinet official should have that authority, unless it were specifically given to him.

Mr. LAUSCHE. And the Secretary of Agriculture——

Mr. HOLLAND. The Senator from Ohio has inadvertently referred to the Secretary of Agriculture. I wish to say that the Secretary of Labor is the one who is involved in this instance.

Mr. LAUSCHE. Yes.

Mr. HOLLAND. The Secretary of Labor and the Secretary of Agriculture were on opposite sides of the fence, as regards the proposed regulation of last year which we have been discussing. In other words, the Secretary of Labor wanted to promulgate such a regulation, but the Secretary of Agriculture opposed it.

The PRESIDING OFFICER. The time available to the Senator from Florida has expired.

Mr. HUMPHREY. Mr. President, I yield such time to the Senator from New Jersey [Mr. WILLIAMS] as he may need.

Mr. WILLIAMS of New Jersey. Mr. President, I feel I can be brief in my opposition to the amendment offered by the distinguished senior Senator from Florida. Most Senators have had an opportunity to express themselves on the substance of the pending amendment. Last year the substance of this amendment was offered by the distinguished Senator from Florida, and the amendment was rejected on a vote of 56 to 42.

Last year, as one of those who engaged in the debate, I was unable to express the opinion of the then Secretary of Labor on the substance of the amendment that was offered. I did not have either a report or a letter from the then Secretary, giving us the benefit of his conclusion on the amendment. However, today the situation is different, and the present Secretary of Labor has spoken firmly and eloquently in opposition to the amendment.

I should like to read into the RECORD the text of the letter, under date of April 18, 1961, addressed to me from Secretary Arthur J. Goldberg, because it contains all of the compelling reasons why it would be unwise, unjust, and a very unhappy result to have the amendment made a part of the legislation we are considering. This is the letter of which I want Senators to have the benefit:

> This is to express my opposition to the amendment proposed by Senator SPESSARD HOLLAND of Florida to section 13(a)(6) of the

Fair Labor Standards Act. This amendment would add at the end of that subsection the following: "and except as may otherwise be expressly provided by law, the Secretary shall have no power to regulate, either through the withholding of benefits or services or otherwise, the wages, hours, or other conditions of employment of any such employee."

While the language of this proposal is ambiguous, it is apparently designed to prohibit the Secretary of Labor from keeping in effect certain regulations which were issued shortly after the enactment of the Wagner-Peyser Act in 1933 and amended in 1959. The regulations prohibit the use of the public employment offices to recruit workers from one State for employment in another State under terms and conditions of employment which would undermine the prevailing working conditions in the area of employment. Regulations and policies substantially similar are applicable both to agriculture and to industrial employers.

The most serious effect of this amendment would be upon our own migrant agricultural workers. Its apparent intent is to impose a requirement upon the Secretary of Labor to use the farflung facilities of the nationwide system of public employment offices to recruit workers, when so requested, even if the terms offered would undermine the prevailing wages and conditions of employment in the area in which the worker will be used.

The amendment is discriminatory against a segment of our labor force whose plight is causing this Government increasing concern. Our agricultural migrant workers are already at the bottom of the economic scale. The shameful conditions under which they work and live are a matter of extreme embarrassment to the United States. There has been increasing public clamor for governmental action to better their standard of living.

Despite the need for affirmative help, it is important to note that the regulations which Senator HOLLAND'S amendment would strike down are not designed to require improved employment conditions for our migrant workers. Their purpose is solely to assure that the U.S. Government does not provide the vehicle for further depressing their pitifully inadequate living and employment conditions. These regulations simply require employers who seek the assistance of the public employment office in recruiting agricultural workers to abide by the prevailing practice in the area of employment. It appears to me that this is the minimum that can be expected from a governmental agency when it is requested to undertake recruitment on behalf of any employer.

This is no greater protection than is afforded alien workers brought into this country for employment.

The Secretary of Labor under present law will not make the statutory certifications required before alien workers are admitted for temporary employment in the United States unless the employers offer to such workers the wages and conditions of employment prevailing in the area of employment. No one advocates that the Secretary be required to recruit and bring in foreign workers at less favorable conditions.

For these reasons I express my firm opposition to the proposed amendment.

Yours sincerely,

ARTHUR J. GOLDBERG,
Secretary of Labor.

The point I wish Senators to understand is that, without this regulation, the employment services could be used for the recruitment of workers for employers who are undercutting other employers in the region of recruitment.

The second point is that we are only doing for our domestic workers what is written throughout treaty, law, and regulation for foreign workers who are brought to our shores to work in agriculture.

Finally, this is not a regulation that fixes wages or hours. It is only a regulation that says to an employer, "If you are going to use the U.S. Employment Service, your wages and your hours must be as good as the prevailing wages and the prevailing hours in the region where you want to use Government recruited workers."

For those compelling reasons, Mr. President, I trust the Senate will do today what it did a little less than a year ago, and reject the amendment offered by the distinguished Senator from Florida.

Mr. HOLLAND. Mr. President, will the Senator yield 2 minutes to me?

Mr. MANSFIELD. I yield 5 minutes to the Senator from Florida.

Mr. HOLLAND. I want to make it clear that, before we can get any outside workers, we must have a certificate from the Secretary of Agriculture reciting that domestic workers at prevailing wage rates are not available. It is required by law. So that particular point is not at all germane to this discussion. We are not permitted to import offshore laborers, or laborers from Mexico, without such a certification from the Secretary of Agriculture, which means, of course, he has a right to see whether or not prevailing conditions are met.

I was told by the attorney from the Department of Labor that there was no present intention for the Secretary of Labor to undertake any such program at this time. That is the reason why I felt this was the appropriate time, when there was no such program, and when the only litigation pending—that in California—deals with another part of the regulations, for the Congress to assert itself by saying that no one has the authority to fix wages and hours except Congress itself, and that, unless Congress has done such, or has given the general range of authority to an agency or a Cabinet officer to do so, that agency or authority should not assume to do so.

It seems to me this is the appropriate time and place for us to do that very thing. Unless I am misinformed, the present Secretary of Labor has no intention of departing from the provisions of the law which has already been referred to, under which he cannot make a certificate to obtain labor from the outside, which is a necessity for the doing of stoop labor that is necessary for the harvesting of our seasonal crops, unless he first certifies that domestic labor is not available under prevailing wage rates.

He goes further than that, and I think he has the right to go further than that, not only in our Florida situation, with which I am thoroughly familiar. Last year he required us to establish a recruiting office as far away as Missouri. We were glad to do it. We went as far as the Secretary of Labor required, and met his conditions as far as possible. We do not want him to assume to fix wages and hours. We do not think the present Secretary of Labor wants to do that. If he does, we do not think he should be able to do it without pointing to specific legislative authority.

The PRESIDING OFFICER. Does the Senator from Montana yield back the remaining time?

Mr. MANSFIELD. Mr. President, I yield back the remainder of the time on this side.

The PRESIDING OFFICER. The time has been yielded back. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. HOLLAND].

The amendment was rejected.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. How much time remains on the bill?

The PRESIDING OFFICER. The proponents have 34 minutes remaining and the opponents have 58 minutes remaining.

Mr. MANSFIELD. How much time does that total?

The PRESIDING OFFICER. One hour and 32 minutes.

Mr. RUSSELL. Mr. President, the distinguished junior Senator from Mississippi [Mr. STENNIS] has worked on an amendment for several years, and has permitted me to be associated with him as a sponsor, along with my colleague [Mr. TALMADGE], the senior Senator from Mississippi [Mr. EASTLAND], and the Senators from Alabama [Mr. HILL and Mr. SPARKMAN]. For those Senators and myself, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 32, line 15, it is proposed to strike out the word "ginning,".

On page 33, line 17, change the period to a semicolon and add "or," and after line 17, add the following new paragraph:

(16) Any employee engaged in ginning of cotton for market, in any place of employment located in a county where cotton is grown in commercial quantities.

Mr. RUSSELL. Mr. President, the amendment relates to a very small group of persons, but it would eliminate what to my mind is the greatest injustice which grows out of the present regulations in applying the law.

The chart which I hold in my hand very graphically illustrates the situation. I do not have to use a chart, for I live in a farming county where cotton is grown in commercial quantities. I live out of town, so it is not a street, but across the road from my home is a young man who has a cotton gin, which is located within 1 mile of the city limits of the city of Winder, Ga. Down the road 4 or 5 miles from my home is located another cotton gin which is not bound by the wage-and-hour law. The man who is within the 1-mile limit of the town which has above a 2,500 population is handicapped in that degree.

If this were strictly a commercial matter, Mr. President, the injustice might be justified, but it so happens this comes out of the pockets of the farmers for the first processing of agricultural

commodities, which have uniformly been declared to be exempt from the operations of the law. If the other first processing is to be bound by the law, of course the cotton gins should be, also, but it is not fair to have one man within a few miles of his neighbor operating under regulations which cause him to proceed at a great disadvantage.

I hope the amendment will be agreed to.

I assure the Senate I was never more sincere in my life when I say this is a manifest injustice upon one of two men engaged in the same business in a very remote rural area.

Mr. McNAMARA. Mr. President, despite the fact that the provision is in the present law and not in the pending bill, I think the justice of the argument advanced by the Senator from Georgia and other Senators warrants the committee accepting the amendment. Speaking for the committee, I accept the amendment.

Mr. HUMPHREY. Mr. President, I yield back the remainder of my time.

Mr. RUSSELL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. RUSSELL], for himself and other Senators.

The amendment was agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. At the appropriate place in the bill it is proposed to insert the following:

That section 13(d) of the Fair Labor Standards Act of 1938, as amended, is amended by inserting before the period at the end thereof the following: "or to any homeworker engaged in the making of wreaths composed principally of natural holly, pine, cedar, or other evergreens (including the harvesting of the evergreens or other forest products used in making such wreaths)".

Mr. WILLIAMS of Delaware. Mr. President, I have consulted with the chairman of the subcommittee in regard to the proposed amendment. The amendment is identical in language with the amendment which was agreed to last year on the bill, S. 3758, accepted by the then Senator Kennedy, chairman of the subcommittee.

The amendment relates to homeworkers engaged in the making of wreaths composed principally of natural holly, pine, cedar, or other evergreens.

Mr. McNAMARA. Mr. President, the committee accepted the amendment last year. Since the amendment is in the same language I think the committee will accept the amendment again, taking the same action.

Mr. President, I yield back the remainder of my time.

Mr. WILLIAMS of Delaware. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment offered by the Senator from Delaware [Mr. WILLIAMS].

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 3935) was read the third time.

Mr. MANSFIELD. Mr. President, some Senators will wish to speak on the bill. Some will speak tonight and others will speak tomorrow. I think the Senate should be put on notice that the vote on passage of the bill will not take place until tomorrow, I hope shortly after the conclusion of morning business.

Mr. President, is there further business to come before the Senate at this time?

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, notified the Senate that, pursuant to the provisions of 10 U.S.C. 4355(a), the Speaker had appointed Mr. MINSHALL of Ohio, vice Mr. JONAS excused, as a member of the Board of Visitors to the U.S. Military Academy on the part of the House.

DEATH OF WARD E. DUFFY

Mr. DODD. Mr. President, the passing of Ward Duffy, editor of the Hartford Times, comes as a personal loss that will be sorely felt by all who knew him.

It was my good fortune to know Ward Duffy for many, many years. Over the years I went to him for advice and counsel again and again. I was always helped and strengthened by this warm, honest, astute, selfless human being.

Ward Duffy helped to build a great newspaper in Connecticut, the Hartford Times. He gave to it his own qualities, rugged integrity, intellectual power, compassion, and personal honesty. He gave of himself richly to his community and to an ever-widening circle of friends. In his passing, all of us have lost something that cannot be replaced.

I ask unanimous consent to have an editorial and two news items from the Hartford Times of April 17 printed at this point in the RECORD.

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

[From the Hartford Times, Apr. 17, 1961]

WARD E. DUFFY

A man who devotedly participates in the public service of journalism for 44 years, as did Editor Ward Everett Duffy, leaves memorials to his career in countless places. More than many men, Mr. Duffy spread his good works in a manner most beneficial to the community and to the State.

Perhaps his leading civic service was given through his thorough knowledge and by his unremitting industry, in the field of natural resource conservation. To the day of his death, he had maintained active connection with the State, interstate, and Federal organizations and commissions of which he was a member.

Quietly, but persistently, he had worked for pure water resources, for flood control, for the preservation of our woodlands, for the extension of State parks.

At other times, and on other occasions he was known as the personal and editorial champion of physical fitness for youth through means of the YMCA; for wider educational opportunities both for youth and adults; and he never wavered in his support of reform and responsibility in State and local governments.

One telling of his public career over such a span of years can only feel capable of sketching it inadequately, so much of Mr. Duffy's help and assistance was offered through advice privately given to others who then went out to achieve good works.

But it was on the personal level that those who long worked with him respected him most.

He was a careful and meticulous editor who had little patience for the windy, wandering paragraph or obscure meanings. Mr. Duffy demanded writing that was clear and was backed by facts.

He had the deepest appreciation for Connecticut history and traditions, in which he was well versed.

Mr. Duffy was a gentleman; considerate, kindly—his sympathetic emotions rather easily aroused—but with a fine sense of perception that made it quite useless to try to play on his sympathies.

He had an innate concern for the unfortunate and the underdog; and a sound respect as well for those who, by hard striving, had gained it by the character of their contributions to business and civic life.

Mr. Duffy had served the Hartford Times during a long period of its remarkable growth in readership and prestige. He always claimed that for the newspaper he proudly piloted and the community he served, the best days are ahead.

His own contribution helped to make it so.

[From the Hartford Times, Apr. 17, 1961]

INDEPENDENT THINKING MARKED DUFFY CAREER

Ward Everett Duffy, 69, editor and chief editorial writer of the Hartford Times since 1953, who died Sunday, retired January 1 after 44 years as a newspaperman.

Thirty-nine of those years he spent with the Hartford Times, as reporter, assistant city editor, managing editor, associate editor, and editor.

His career was marked by independent thinking and devotion to principles he had set for himself. These were traits he may have learned from his parents, two highly original people, who unhesitatingly spoke up for what they believed to be right, whether their cause was popular or unpopular.

Mr. Duffy was born in Mooers, in upstate New York, May 26, 1891. His father Frederick, was a high school teacher who later became a school superintendent. But the elder Duffy had always yearned to be a farmer, and was constantly reading about dairy cattle.

In the early 1900's he gave up his school career, moved to West Hartford, and on a farm on North Main Street, began raising Jersey cattle. Established farmers were inclined to scoff at the "book learned" dairy farmer. But it was not long before the Duffy

family had a successful milk route, on which young Ward worked. In time, Frederick Duffy became an outstanding judge of Jersey cattle, traveling as far as California on judging assignments.

Ward Duffy went to West Hartford schools and Trinity College. In 1915 he received his bachelor of science degree from Trinity and in 1916 his bachelor of literature degree from Columbia School of Journalism.

That same year he went to work for the Manchester Herald as a reporter. In 1918, after training at Plattsburgh, N.Y., he went to France as a second lieutenant with the 303d Field Artillery, American Expeditionary Force. In Paris at the end of the war he became one of the founding members of the Exiles of Hartford, a war-born society which continues to meet.

With the end of the war he returned to Manchester and his work on the Herald. In time he became that paper's managing editor and editorial writer. On his return from military service, management of the paper gave him a leather briefcase. In 1921 Mr. Duffy went to Hartford to cover a Democratic meeting. After he turned in his story he learned that the Republican publisher was not going to print the story without substantial changes. This was against Mr. Duffy's concept of unbiased journalism. The next morning he reported to work punctually, threw the briefcase the length of the newsroom, told the publisher: "There's your briefcase back," and left for good. The same year he joined the Hartford Times as reporter.

Between busy days as a newspaperman and activity on civic and church affairs in West Hartford, Mr. Duffy and his wife, Louise Day Duffy, married in 1915, raised a houseful of children in the rambling farmhouse his father had owned at 208 North Main Street. In order came David, Alice, Douglas, Elizabeth, and Virginia. When they were old enough, they went on canoe trips with him down the Farmington and Connecticut Rivers. Summer vacations they spent at his wilderness cabin on a lake in the Adirondacks.

Out of his knowledge of the outdoors and of wildlife came his keen interest in preservation of natural resources including waterways and watersheds. In later life he played an active part in the Connecticut River Watershed Council as director and president. He was also a director of the Forest and Park Association of Connecticut and a member of the Connecticut Water Resources Commission. He traveled the length of the Connecticut River many times, furthering the goals of the watershed council in innumerable meetings in towns and cities. One of his favorite magazines was the Conservationist, published by the New York Conservation Department.

He was one of the founders and was at one time president of the Foreign Policy Association of Hartford and he took a keen interest in bringing to Hartford speakers with genuine foreign experience who could make a contribution to better understanding of foreign affairs. Several years ago he and Mrs. Duffy were hosts to a houseful of Africans, followers of a world brotherhood movement, who were touring the country.

He put his knowledge of foreign affairs to work in his crisp, sharply written editorials. And he put into practice his unyielding belief that America was too big to be narrow-minded about race or creed.

One day about 10 years ago, working on Sunday with a small crew of newsmen, he suggested they all go to lunch with him at the Heublein. There had been a mild outbreak of anti-Semitism in the city by youngsters. On the way to the Heublein he saw the word "Jew" scrawled in soap on a bookstore window.

He stopped in his tracks, pulled out his handkerchief, and rubbed the word off the windows while his companions watched. Then he went on with them to lunch.

He was a tireless reader and had a great affection for the work of libraries and schools. He had a well filled library at home, but was one of the constant users of the West Hartford Library from the days when it was housed in the Congregational Church. He spoke frequently before library and school groups.

He had a broad fund of knowledge of Connecticut history and politics and was a constant attender of art exhibits and concerts. And both he and his wife had a weakness for auctions. His main interest at auctions was Chinese rugs and ceramic pieces, and he was a highly discerning buyer. Most of the auctioneers in central Connecticut knew him by name.

His interest in conservation embraced wildlife, waterways, and forests. In a speech at the annual field day of the Connecticut Agricultural Experiment Station in 1957, he deplored the loss of trees in many parts of the State "in the name of progress."

"Have any of us done all we can to establish the idea that trees should be cared for and, above all, that they should be planted?" he asked. "The time has come when it is not enough to plant one tree cut because of age, disease, or what some folks are daffy enough to call real-estate developments. For quite a long time we should be planting at least two trees for every one we lose."

He urged that in State and city parks and roadside areas labels be affixed to trees describing them so young people could learn the various species and realize they are community assets.

Of Hartford he once said: "I am a man from Hartford, where we have an Oak Street with nary an oak, a Cedar Street with not a cedar, a Walnut Street with no walnuts, and a Chestnut Street on which there is one chestnut, albeit of the genus hippos."

And of his hometown, West Hartford, and its tree program he said, "We are engaged right now in putting the powersaw to maple after maple so that people in the south end can get to the north end shopping center faster, and those at the north end can speed to the shopping center at the south end of town."

During his long career in newspaper work, he took an active part in dozens of organizations ranging from the Hartford Get-Together Club, a discussion group of which he was a founder, to the Hartford YMCA of which he was a trustee.

Early this month Mr. Duffy was notified he had been appointed to the new National Advisory Committee on Multiple Use of National Forests. The appointment came from the head of the U.S. Forest Service, Dr. Richard E. McArdle. Mr. Duffy had planned to attend the first meeting of the advisory group May 2, in Washington.

During a recent period of rest in Hartford Hospital, a nurse entered Mr. Duffy's room early in the morning and found him with his hands pressed to his eyes.

"What are you thinking?" she asked.

He took his hands away from his head and replied:

"Well, since you asked, I'll tell you. I was thinking how many things we receive when we say: 'Give us this day our daily bread.'"

Honorary bearers for the funeral include: Gov. John N. Dempsey, former Gov. A. A. Ribicoff, Senator Prescott Bush, Senator Thomas J. Dodd, former Senator William A. Purtell, Chief Justice Raymond J. Baldwin, Probate Judge James Kinsella, Meade Alcorn, John Alsop, Paul Miller, Vincent Jones, David R. Daniel, Kenneth K. Burke, Francis S. Murphy, C. C. Hemenway, John Ramaker.

Robert W. Lucas, Richard J. Hartford, Everett C. Willson, John R. Reitmeyer, Don Autry, James L. Goodwin, Charles C. Cunningham, Herbert Brucker, Dr. Albert C. Jacobs, Dr. Albert Jorgensen, Francis E. Gray, William H. Mortensen, Albert J. Conte, William S. Wise, E. R. Foster, Adolph Holland, Paul V. Hayden, Mayor Dominick J. DeLucco.

Raymond A. Gibson, Clarence Mayott, Henry Moberry, Carter W. Atkins, Leslie M. Gravlin, City Manager Carleton F. Sharpe, Edmund H. Thorne, Dr. Robert H. Mahoney, Dean Garrett, Donald Matthews, A. E. Hurford, Francis T. Ahearn, Solomon Elsner, Bice Clemow, Gordon Hunter.

Dr. Joseph G. Davidson, Anson T. McCook, Hollis Candee, Max I. Farber, Dr. Alan Wilson, Henry Kneeland, Frazar B. Wilde and Francis Goodwin.

Active bearers will be E. Malcolmn Stannard, Sereno B. Gammell, Edmund Valtman, John M. Cleary, William F. Shea and James J. Stewart, all members of the Hartford Times staff.

Thomas F. Ferguson, copublisher of the Manchester Herald and president of the Connecticut Circuit of the Associated Press, has named the following to represent the AP papers of the State at the funeral of Ward E. Duffy.

Charles H. Flynn, Jr., Ansonia Sentinel; Andrew H. Lyon, Bridgeport Post Telegram; Clarkson S. Barnes, Bristol Press; Stephen S. Collins, Danbury News Times; Theodore Yudain, Greenwich Time; William J. Foote, Hartford Courant; Thomas F. Ferguson, Manchester Herald; Warren F. Gardner, Meriden Record; Sanford H. Wendover, Meriden Journal; Richard F. Conway, New Britain Herald; Richard S. Jackson, New Haven Register.

George E. Clapp, New London Day; Sidney A. Bedient, Norwalk Hour; James V. Pedace, Norwich Bulletin; Kingsley Gillespie, Stamford Advocate; Walter G. Gisselbrecht, Torrington Register; William W. Vosburgh, Jr., Waterbury Republican American; Arthur W. Crosbie, Willimantic Chronicle; Theodore Vaill, Winsted Citizen.

[From the Hartford Times, Apr. 17, 1961]

MANY PAY TRIBUTE TO MR. DUFFY

Civic, political, newspaper, and conservation officials joined today in paying tribute to Ward E. Duffy, retired editor of the Hartford Times, who died Sunday morning at his home in West Hartford.

Governor Dempsey said: "In the death of Ward Duffy, Connecticut and the newspaper profession have lost a true gentleman of many human and scholarly qualities.

"He endeared himself to everyone who came to know him because of his sensitivity to the needs of others, his deep and quiet understanding of their problems and his readiness to serve in any capacity which benefited his State and his profession. He will be sorely missed."

Paul Miller, president of the Gannett newspapers, said: "Ward Duffy, who had all of the top positions in the news and editorial department, personified the finest traditions of the Hartford Times. His fellow editors in the Gannett group mourn the loss of a respected colleague and a warm friend."

David R. Daniel, publisher of the Hartford Times said, "In the passing of Ward Duffy, not only Hartford but the entire State has lost an outstanding personality highly respected and admired by all for his many talents.

"It was my privilege to be personally associated with Ward Duffy during his many years on the Times and in the various capacities in which he served his newspaper. He will be greatly missed, and I have lost a very close and wonderful friend."

Francis S. Murphy of 90 Waterside Lane, West Hartford, who retired as publisher of the Times in 1950, worked in close association with Mr. Duffy over a long period of time. "Our community has suffered a

real loss in the passing of Ward Duffy," he said.

"Being associated with him for many years, I came to have a great appreciation of his fine character and his outstanding ability.

"He was quick to grasp the significance of events, as they occurred, and constantly displayed a deep sense of responsibility to his fellow man and was ever eager to cooperate and to lead in the many community projects which engaged his attention.

"His passing is a deep personal loss to me."

James L. Goodwin, president of the Forest and Park Association of Connecticut, said: "We are going to miss Mr. Duffy very much—indeed in every way. Everyone thought a great deal of him and he had a lot of good suggestions about conservation.

"One of his greatest contributions was to write articles and give publicity to conservation in the Times."

Abraham A. Ribicoff, U.S. Secretary of Health, Education, and Welfare, said: "I was deeply saddened by the death of Ward Duffy. The entire Connecticut community has suffered a great loss. Ward was a close personal friend. Not only was he a great editor, but, even more important, a great human being.

"Few men have had such a good influence on the forward progress of our State. His editorial pen was mighty, yet always constructive. His deep understanding of the human estate and his warm understanding of people earned him the love and respect of all who knew him. Mrs. Ribicoff joins me in extending our condolences to Mrs. Duffy and the other members of his family."

THOMAS J. DODD, U.S. Senator, said: "The passing of Ward Duffy comes as a personal blow to all who knew him. His capacity for friendship, his personal integrity, and his intellectual power made him a priceless friend, as well as a great newspaperman.

"Under his leadership, the Hartford Times became one of the truly outstanding newspapers in the country. Ward Duffy's death signifies the end of an era of journalism and the end of a marvelous relationship for those who were privileged to know him. His life gave something to all of us. His death takes something from each of us."

PRESCOTT BUSH, U.S. Senator of Greenwich said: "It distressed me to learn of the death of Ward Duffy. Connecticut has lost a great editor and public-spirited citizen. I have lost a friend whom I have admired and respected for many years."

EMILIO Q. DADDARIO, U.S. Representative, of Hartford, said: "I am deeply grieved at the passing of Ward Duffy. He was a friend of mine for many years and one to whom I could always turn for advice and counsel. He has contributed unselfishly to the Hartford area and to his State and Nation.

"He will be missed by his many friends. I extend to his family my heartfelt sympathy."

William S. Wise, director of the Connecticut Water Resources Commission of which Mr. Duffy was a member at the time of his death, said: "He was a most excellent member of the commission. His opinions and views were always sound and constructive and everybody was very fond of him * * *. Right up to the last, he was active. Only Friday afternoon he went along with the commission on an inspection trip to Mystic where we were looking into the matter of a proposed bridge over the Mystic River.

"He was a man of broad background and deeply interested in natural resources. We will certainly miss him."

C. C. Hemenway, retired editor of the Times, said: "Ward Duffy was a man of fine character and high principles, traits which he carried into both his business and personal life. The son of his father and his greatly revered mother could do no other.

"No man could find greater enjoyment in his children than he did in the unusual ones which were his and Mrs. Duffy's.

"As a newspaperman he possessed great ability, grounded in an excellent education, and backed by integrity and loyalty to strong convictions. When he came to the editorship, he filled a post for which he was peculiarly fitted. His voice and his pen were eloquent in innumerable causes and represented sound thinking. His retirement was a great loss to the Times as his death is to the community.

"In his passing, I have lost a friend as well as a former associate."

John R. Reitemeyer, publisher of the Hartford Courant, said: "Hartford and the Nation have lost an outstanding newspaper editor in the death of Ward E. Duffy. I have known Ward Duffy since the time we were both laboring on the city desks of our respective newspapers, and although we competed vigorously we always remained close friends. He was at all times keenly conscious of a newspaper's responsibilities to its readers and to its community; in fact I don't know that I have ever known any newspaperman who had a keener sense of ethical values which are inherent in the constitutional privilege of press freedom.

"Ward Duffy also gave greatly of his time to many community activities. For years, he had been actively interested in the YMCA and had served on many of its boards and committees. He was tremendously interested in conservation and in the preservation of our natural resources. He was also interested in his alma mater, Trinity College, and it is a great pity that he did not live to receive the special award which the trustees of Trinity College had voted to present to him at the commencement exercises in June."

FRANK KOWALSKI, Congressman at Large, of Meriden, said: "Ward Duffy was a tremendously human person, thoughtful and considerate. His great work in journalism was only one facet of his many-sided career. Above all, he was a community leader whose contributions will be remembered for many years."

Edwin H. May, Jr., of Wethersfield, Republican State chairman, said: "Ward Duffy had a profound influence upon our community and State. He campaigned for the public good through the Hartford Times and through his own personal efforts with many organizations.

"The causes with which he was identified and which he furthered will live after him as a tribute to the dedication of an outstanding newspaper editor. I extend my deepest sympathy to his wife and family."

CHANCELLOR KONRAD ADENAUER MEETS THE PRESS

Mr. DODD. Mr. President, on Sunday evening Chancellor Konrad Adenauer of West Germany was the guest on the NBC panel program "Meet the Press."

His appearance gave the American people a fine opportunity to observe this great man who is rightly called the architect of modern Germany.

Chancellor Adenauer reaffirmed the determination of his country to stand with the United States in firmly resisting Communist aggression.

Because of the important views on a number of issues expressed during this program by the Chancellor, I ask unanimous consent that the transcript be printed at this point in the RECORD.

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

MEET THE PRESS

(Produced by Lawrence E. Spivak)

Sunday, April 16, 1961.

Moderator: Ned Brooks:

Guest: His Excellency, Konrad Adenauer, Chancellor of the Federal Republic of Germany.

Panel: Frank Bourgholtzer, NBC News; Ernest K. Lindley, Newsweek Magazine; James Reston, New York Times; Lawrence E. Spivak, regular panel member.

Mr. BROOKS. This is Ned Brooks, inviting you to "Meet the Press."

Our guest today is the Chancellor of West Germany, Dr. Konrad Adenauer. He has just concluded a series of conferences with President Kennedy reaffirming the solidarity of relations between our two countries.

Asking the questions today on "Meet the Press" are Frank Bourgholtzer, of NBC News; Ernest K. Lindley, of Newsweek magazine; James Reston, of the New York Times; and Lawrence E. Spivak, our regular member of the "Meet the Press" panel.

Mr. BROOKS. The conferences just concluded between Chancellor Adenauer and President Kennedy have produced agreement to stand firm on West Berlin and to strengthen the NATO organization.

Dr. Adenauer, now 85 years old, has served as Chancellor since 1949. He now is a candidate for reelection. He is recognized throughout the world as an unyielding enemy of communism. He has been the chief architect of Germany's postwar recovery and renewed participation in world affairs.

Dr. Adenauer began his career as Mayor of Cologne and he was one of the founders of the Christian Democratic Party.

Assisting in our program today are two translators. With their help we will give you a simultaneous translation. That accounts for the earphones.

Now ready to start the questions, Mr. Spivak.

Mr. SPIVAK. Mr. Chancellor, the communique which you and President Kennedy issued is written in such very diplomatic language that it is a bit difficult to know whether anything new and important came out of your meeting.

Would you tell us what was new and important that came out of this meeting with President Kennedy?

Chancellor ADENAUER. I would certainly like to do so but I think you are not right when you say the communique is in very diplomatic terms. I think that the communique is a very precise one and very exact. I would also like to point out that we discussed the leadership in NATO and that myself particularly on behalf of all very much urged that the United States, as by far the biggest NATO power, should take over the lead in NATO more strongly than they did over the past few years.

Mr. SPIVAK. When you say, "Take the lead more strongly," on what to do specifically, what would you have us do that we haven't been doing? We have assumed that we have taken the lead and that we have taken a strong lead. What would you have us do that would indicate we were taking a stronger lead?

Chancellor ADENAUER. President Kennedy was talking of cultivating more strongly the consultation than up to now. If this is being done then it will be clearly recognizable what the views of the United States are in the questions to be decided upon and that only means leadership because if the United States in the very beginning in important matters discusses with the others and gives its views very clearly then I think it is a matter of course that the other partners will think really thoroughly about what the

opinion and position will be on those American views and it will only be when they have really strong reasons that they will be in opposition to the views of the United States.

Mr. SPIVAK. Well, now you say that you think the United States ought to take a stronger leadership. At the same time there have been suggestions that we give up some of our leadership, particular where nuclear weapons are concerned. Will you give us your opinion of Mr. Macmillan's recent suggestion of having the United States, Britain, and France act as trustees of the nuclear deterrent in Europe?

Chancellor ADENAUER. This proposal is so little precise that it is not yet possible to take a position on it.

Mr. SPIVAK. Would Germany like a voice in the use of nuclear weapons on the Continent?

Chancellor ADENAUER. You are getting very indiscreet with your questions, but I am trying not to evade them, not to duck them. I think that a three-power directorium would be impossible within NATO, even in the field of nuclear weapons but now many people are studying whether it is impossible with some votes to come to some classification of the votes but all this is not yet concluded and I think that all this will have to be discussed very thoroughly within NATO and examined.

Mr. RESTON. Mr. Chancellor, could you tell us what differences of policy or approach that you have found here as compared with the last time you were here under the Eisenhower administration?

Chancellor ADENAUER. May I ask you to tell me exactly what you mean by it, do you mean the behavior?

Mr. RESTON. No; I was thinking primarily in terms of policy. For example, last year as I understand it the United States proposed the Herter plan for the dealing with strategic atomic weapons. Now I understand there is a difference in the point of view of the Kennedy administration. Would you give us your views about that?

Chancellor ADENAUER. Now this is a political, but in my view, in the first line a purely military matter and I think the military experts of course will have to be heard on this matter. I don't know whether this has been done up to now, really.

Mr. RESTON. There is as I understand it a point in your communique with President Kennedy which foresees raising the level of conventional weapons in Europe. Now does this mean that you would allow atomic, tactical weapons to remain in the planning stage where they are now or is that also to be changed?

Chancellor ADENAUER. I have the communique here and if you will permit me I would like to have a look at it to see exactly what the wording is. This I don't think it meant. It is true that we agree to fulfill the conventional objectives, or that we consider them as very important, but this does not mean that the planning in the nuclear field is in any way modified. Our communique says very clearly that we were jointly of the opinion that it is indispensable for the alliances to maintain and develop further all military means which means both the conventional and the nuclear things.

Mr. LINDLEY. Mr. Chancellor, the Eichmann trial is on in Israel. Are you pleased or displeased to have the world and the German people reminded in that way and at this time of those dark pages in history?

Chancellor ADENAUER. It is not beautiful, or nice, but it has to be done and therefore I think we should view it calmly and spread out all these horrors before the world opinion and also the German public.

Mr. LINDLEY. One hears it said sometimes that the German young people today are not being taught in the German schools very much about the rise and fall of Hitler and the crimes committed under the Hitler regime. Do you think that is the case?

Chancellor ADENAUER. That certainly was true for some time or has been true for some time, but I think that has been changed in the meantime. You must not forget that children who go to school now have been born only after the Hitler regime was over and after the war was over.

Mr. LINDLEY. Well, do you think it is important to have them instructed in the rise and fall of Hitler and the crimes of that period?

Chancellor ADENAUER. I am of the opinion that nothing should be kept from them and nothing should be minimized but that these really terrible things should be dealt with as a historian—really made clear as a historic event, as with all other history and one should not be silent about the fault—whose fault it is.

Mr. BOURGHOLTZER. Mr. Chancellor, on the question of the Eichmann trial, is there any obligation on the part of the German Government toward Eichmann as a German citizen?

Chancellor ADENAUER. Eichmann is no German national, German citizen, and we have no obligation whatsoever toward him.

Mr. BOURGHOLTZER. Chancellor, on the question of balance of payments which has been discussed frequently between the United States and West Germany, the new administration here seems to feel that it is wrong for a nation such as West Germany to have, year after year, a surplus in the balance of payments.

Do you agree with this and do you have any plans to shape German foreign aid programs in such a way as to eliminate balance of payments surpluses?

Chancellor ADENAUER. We don't think it is agreeable always to have a surplus. That awakens in our own people and in other people unpleasant thoughts and we are fully prepared to use what we have in surplus to participate in development aid but I should like to emphasize one point: In the question of economic aid, in my opinion it is important that some coordination be brought into this complex matter. Otherwise if we continue as we have up to now we will not have the success which we all wish for.

Mr. BOURGHOLTZER. Mr. Chancellor, we understand from the newspapers that you have sent a message to Soviet Premier Khrushchev while you have been in Washington. Is this a fact and can you tell us whether there might be some conference or meeting between West German officials and Soviet officials in the near future?

Chancellor ADENAUER. The last point is completely new to me. This is not intended. It is true that a letter of Mr. Khrushchev's which he sent me a few weeks ago, was responded to during these few days, but as you know I can't give you any details because we need mutual agreement to publish the letter.

Mr. SPIVAK. Mr. Chancellor, you and President Kennedy ended your meeting with a joint pledge to strengthen the military defenses of the West. Can you in fact do that without fuller cooperation from General de Gaulle?

Chancellor ADENAUER. Of course we can with De Gaulle's participation, but I hope that the visit President Kennedy will make to Paris will be a blow to iron out the difficulties which exist between France and the United States—France and NATO.

Mr. SPIVAK. Have you personally—I know you have had many talks with De Gaulle. Have you gotten from him his minimal demands for full participation in NATO?

Chancellor ADENAUER. I don't know, but I am of the opinion that its always best to have a very frank discussion about these questions.

Mr. SPIVAK. You say it is well to have frank discussions about them? Have you had frank discussions with De Gaulle about them?

Chancellor ADENAUER. I haven't seen De Gaulle for several months, but I will meet him again in Bonn in May and I am certain that after all these questions of NATO and of a reactivation of NATO, which it needs, will be on the agenda. I will also talk to De Gaulle about these matters when I meet him next.

Mr. SPIVAK. Mr. Chancellor, one other question. Would you like to see the European Free Trade Association merged with the Common Market? Have England join it?

Chancellor ADENAUER. I think that the way would be the following, that individual countries now being aftermembers and the afterties are not as strong as the ties of the Six, will join us and then gradually draw a close association or a full merger will take place and I would welcome that very much.

Mr. RESTON. Mr. Chancellor, may I ask you a philosophic question: Isn't there in the youth of Germany, the young people who have grown up since the war, isn't there a new European spirit which is different from the spirit when you were a young man in Germany?

Chancellor ADENAUER. A completely different spirit. When I was a young man, some individuals had ideas about Europe, made possible, by the way, because when I was 25 years old I already had this idea that the European countries should go together more closely. Today in Germany we find that the European idea is really the one the youth is most attracted to.

Mr. RESTON. There are a lot of politicians in this city at the present time who would like to be engaged in a national election for the Chancellorship when they are 85 years old. Could you give us the secret of doing that? We would be very interested in that.

Chancellor ADENAUER. In my opinion, nothing keeps us as healthy and as strong than to work often and much and regularly.

Mr. LINDLEY. Mr. Chancellor, on the basis of that diagnosis would you be willing to predict that Khrushchev will live to be 85?

Chancellor ADENAUER. Now this is a very tricky question. I wish that he will become—get old. You know what you have but you never know what the next will be.

Mr. LINDLEY. Mr. Chancellor, I believe that in his letter to you a few weeks ago Mr. Khrushchev indicated that he still regards a change in the status of Berlin as an urgent matter. How long do you think it is likely to be before he provokes another crisis over Berlin?

Chancellor ADENAUER. Well it all depends on the general political development. If you look back you will see that Berlin has always been taken up again when somewhere else in the political situation something existed which the Soviet Union didn't like so they took up the Berlin question to detract from the other problem.

Mr. LINDLEY. You don't think the timing might have some relationship with the next Congress of the Communist Party that is to be held—of the Communist Party of the Soviet Union to be held in, I believe, October?

Chancellor ADENAUER. It may be that there is some relationship with it.

Mr. LINDLEY. Would you like to see Mr. Khrushchev and President Kennedy meet at the summit, even informally, between now and the autumn?

Chancellor ADENAUER. I don't know whether you have already the information about the talk between Khrushchev and Mr. Lippmann. In that talk he said that he had quite understood President Kennedy to need some time in order to get familiar with the

problems, and I think that is a very reasonable stand and really the new President is right in the midst of all these new problems and I think one should leave him and his people enough time to have a clear view of the whole situation. In this matter really 1 or 2 or 3 months are of no importance. But this will be up to President Kennedy when he thinks the time has come for him to talk to Khrushchev.

Mr. BOURGHOLTZER. Chancellor Adenauer, the work on rockets which is at the basis of both the Soviet Union's and this country's space explorations was originally done as far as we know mostly by German scientists. I wonder if you could tell us if there are scientists in West Germany now, if there are developments there that might help the United States catch up with the Soviet Union if something were done that is not being done.

Chancellor ADENAUER. You know that after the breakdown of Germany, the German scientists who were working on this matter, especially for the greater part, had been transferred to Russia and given to Russia even by the United States so that unfortunately German knowledge was also the basis of the Soviet development in this field. We are not supposed to—not allowed to work in this field except in the field of pure research. But as I have heard also in my talk with President Kennedy that you are very interested also to have Germans participate in this matter. I will certainly take it up after my return.

Mr. RESTON. Mr. Chancellor, I don't put this question to you in a hostile spirit, but there are two things in this country that still trouble some people. One, whether the aggressive spirit of Germany of the past is now dead, and secondly whether in the field of commerce there is any desire for a kind of commercial Rapallo with the Soviet Union?

Chancellor ADENAUER. Let me take the second question first. You are talking about commercial Rapallo I can only say a small part of the German economy might have some interest in the Soviet—with the Soviet Union—but this certainly cannot be termed as Rapallo.

And I haven't felt anything of the agressive spirit. We have a very strong—we have had a very strong cognition through this war because when your country is destroyed the way our country was destroyed then you know really what war means and you know that aggression does not bear fruit.

Mr. SPIVAK. Mr. Chancellor, would there be any changes in foreign policy regardless of whether you or Mayor Willy Brandt were elected Chancellor?

Chancellor ADENAUER. Do you want to put this question to me in September, please, after the elections? In my opinion now, one shouldn't try to pass any judgments which actually are of no meaning.

Mr. BROOKS. Well, gentlemen, I think we have covered a great deal of territory today, but I am sorry that I must now interrupt. I see that our time is up.

Thank you very much, Dr. Adenauer, for being with us. Our thanks also to our two able translators.

RECENT PROPOSALS FOR THE DISTRICT OF COLUMBIA JUVENILE COURT

Mr. DODD. Mr. President, the recent legislative proposal to revamp the juvenile court in the Nation's Capital by first, making the juvenile court a branch of the municipal court and, second reducing from 18 to 16 the age limit of juveniles coming before the new youth branch would subvert the original purpose of the juvenile court and put us right back where we started 60 years ago.

Putting the present 2,250-case backlog of the juvenile court under the jurisdiction of the municipal court would further jam an already crowded calendar and require the municipal court judges to sit on cases they themselves do not feel qualified to handle.

The suggestion that the age limit in juvenile court be reduced from 18 to 16 is dismissed by Judge E. Barrett Prettyman of the U.S. District Court of Appeals when he says: "Anyone who says to me every child of 16 or 17 ought to be put in criminal court is lacking in mental capacity requisite for civilized living. It is plain, ordinary, vicious" to give a child an adult criminal record.

All of the responsible groups who have patiently studied the District of Columbia court have, with the exception of one, come to substantially the same conclusions. I should like to refer to a resolution of the entire Judicial Conference of the District of Columbia Circuit, which is composed of 20 outstanding leaders in the delinquency field in the Washington area:

1. It is the unanimous opinion of the Judicial Conference of the District of Columbia Circuit that two additional judges are urgently needed on the juvenile court * * * and that the court should be given these two judges * * * without awaiting consideration of any other legislation with reference to that court.

2. That it is the unanimous opinion of the judicial conference that the age limits stated in the Juvenile Court Act should not be lowered.

Handling of the more sophisticated crimes committed by juveniles is now, I believe, properly left to the discretion of the juvenile court judge who may waive to the U.S. district court cases he believes warrant such action.

I should like to invite to the attention of the Congress a few facts relative to the proposal to lower the juvenile court age limit from 18 to 16.

Our own Federal Juvenile Delinquency Act of 1938 specifies a maximum age of 18 years.

The Standard Juvenile Court Act, published last year by the National Council on Crime and Delinquency provides for juvenile jurisdiction up to 18 years of age.

The National Council of Juvenile Court Judges has consistently taken the position that the age limit should be age 18.

Furthermore, 34 State jurisdictions, plus the District of Columbia, provide for juvenile court jurisdiction up to age 18; 9 States have a 17-year age limitation; only 7 States have a 16-year limitation, and in 2 jurisdictions—New York City and Baltimore—which have a 16-year age limit, there is provision for an intermediate youth court with specialized jurisdiction between the ages of 16 and 21.

There is no need for lowering the age limit. The waiver provisions in the court give the judge the power—which he has used 255 times in the past 3 years—to transfer to the criminal courts those unfortunate youngsters whom we have allowed to reach a stage of almost irreversible criminality so that they are beyond the help of the juvenile court.

What these recent proposals would have us do is handle hundreds of juvenile offenders—approximately 800 to 1,000 yearly—as adults who are still at an age when they would benefit greatly from the type of treatment developed specifically for them during the last 60 years of the existence of juvenile courts. I should like to take issue with this proposal and characterize it for what it is; that is, the exposing of children to the adult crimogenic process, which in turn drastically reduces any hope of saving these children so that they may be useful citizens.

Under present procedures, the 800 to 1,000 yearly cases in the 16–17 age group who are not sophisticated, violent, intractable offenders are allowed to benefit from the rehabilitative facilities of the court. Not the least of the benefits is that this procedure prevents them from becoming stigmatized with a criminal record and exposes them to the educational, vocational, and employment opportunity they might not have if they were handled as adult criminals in an adult court ending up with an adult criminal record.

The juvenile court was established in Washington in 1906 with one judge. The city's population at that time was 300,000. It is now three times that and the rate of delinquency has sharply increased, but there is still only one judge.

The District juvenile court is in a critical situation. Here is the picture as of this week:

The caseload is so out of proportion to the manpower on the juvenile court bench, that in 1960 the judge could spend no more than 15 minutes per case—and even then the backlog continued to build to its present 2,250 cases.

In March 1961, 344 children were referred to the juvenile court—the most juveniles to be referred to the juvenile court in this city in 1 month since the court was established 55 years ago.

Indications are that this month, April, will worsen that record. At noon today 9 working days still to go, 257 cases have already been referred to the court.

In juvenile cases where the defendant is detained in the receiving home, there is a time lapse of 4 to 6 weeks between filing of the petition and appearance before the judge for his initial hearing. When the defendant is not detained in the receiving home and is released in the community, there is a time lapse of 6 to 8 months between filing of the petition and his initial hearing before the judge.

In cases involving both adults and juveniles which are heard in the juvenile court, there is an even greater time lapse. Almost a year passes between filing of the information and arraignment.

In such cases where a jury trial is demanded, there is a time lapse of about 2 years between arraignment and trial.

I should like my colleagues to keep in mind that these figures outline only part of the problem the court faces. If justice is to be fair and swift, there is

more to be done, such as improved correctional and detention facilities, more probation and parole facilities, more and better trained personnel in all areas.

A recent figure shows the District rate of recidivism; that is, repeat offenders, among male juveniles to be 67 percent. I ask, Will committing a large percentage of these children to adult prisons reduce that rate? Will it make them better citizens?

If we whittle down the jurisdiction of the juvenile court, we most certainly shall do it at the expense of committing juveniles to prison terms with hardened adult criminals—in effect, sending them to a graduate school of crime after which there is almost no hope for rehabilitation.

Inasmuch as this is the Federal City and should be a model for the Nation, the Juvenile Delinquency Subcommittee has held a continued interest in the District juvenile court situation.

I feel that the recently proposed changes in the court would as a matter of hard fact abolish the specialized, independent system of juvenile justice which the Congress envisioned when it created the court in 1906 and further strengthened that concept in 1938.

In summation, I believe the proposals presently under consideration would set the juvenile court movement back a half century.

I submit the problem deserves a more enlightened approach than this. We cannot afford to continue to view the problems of the juvenile and the juvenile court as the man who views the world from the bottom of a very deep well. We cannot afford it, Mr. President, because we are talking about the very lives and deaths of our children.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, for the information of Senators, it is the intention that when the Senate adjourns tonight it will adjourn until 12 o'clock noon tomorrow. At the conclusion of the morning hour we shall have the final disposition of H.R. 3935, a bill to amend the Fair Labor Standards Act of 1938. The bill will be commented on and the final vote taken.

At the conclusion of the consideration of that particular measure, the next order of business will be Calendar No. 145, H.R. 4884, which is a bill to amend title IV of the Social Security Act to authorize Federal financial participation in aid to dependent children of unemployed parents, which was reported last week to the Senate by the Senate Committee on Finance.

I call to the attention of the Senate also the strong possibility that tomorrow the Senate may have before it for consideration the conference report on the depressed areas bill.

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

Mr. MANSFIELD. I yield.

Mr. LAUSCHE. With respect to House bill 4884, which was mentioned by the majority leader a moment ago, I should like to read a telegram that came to me today from the Very Reverend Monsignor Lawrence J. Corcoran, diocesan director of charities in Cleveland.

The bill which is contemplated to be taken up tomorrow would provide special relief for dependent children who have been allegedly abandoned by the head of the family. The telegram, to which I ask Senators to listen, reads as follows:

CLEVELAND, OHIO,
April 19, 1961.

HON. FRANK J. LAUSCHE,
U.S. Senate Office Building,
Washington, D.C.:

Call your attention to H.R. 4884 which was referred to Senate Finance Committee. I oppose this strongly as needlessly disturbing traditional concept of aid to dependent children. It is not a good means of combating the problem of unemployed fathers; rather it contributes to the dependence of fathers and encourages them to live off their children. Additional amendments added in Senate committee make matters worse, especially oppose lack of consultation with interested parties including voluntary agencies dealing with children. Also, I understand there have been no public hearings in Senate committee. This is highly questionable. Urge you to right these wrongs and oppose bill.

Very Rev. Msgr. LAWRENCE J. CORCORAN,
Diocesan Director of Charities.

I have not studied the bill. I do not know what it proposes. Here, however, is a telegram from the diocesan director of charities in Cleveland stating that the tendency of the bill is to induce fathers to abandon their children and to live upon the children when the Federal Government contemplates providing special relief to such abandoned children.

SELECTION OF GEN. ADOLF HEUSINGER AS CHAIRMAN OF THE PERMANENT MILITARY PLANNING COMMISSION OF NATO

Mr. MORSE. Mr. President, I rise to discuss briefly a delicate foreign policy matter. I hope that as a result of my speech there will be some further consideration on the part of this administration of the particular problem involved.

I find myself in the unhappy position in which I feel that the merits of the situation call for taking a position that places me in conflict with my administration. It may very well be that in due course of time the administration can justify what I understand is its present position with regard to this subject. But I feel that the American people are entitled to the information which I shall now disclose.

Yesterday I wrote the following letter to the Secretary of State:

APRIL 17, 1961.

The Honorable DEAN RUSK,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: During the past several days I have been in conference with several Jewish leaders who are protesting the selection of Gen. Adolf Heusinger as Chairman of the Permanent Military Planning Commission of NATO.

I think they make a very strong prima facie case in support of their opposition to Heusinger's appointment. I have looked into Heusinger's record at the Nuremberg war crimes trials and I find myself in complete disagreement with what I understand is the position of our Government that Heusinger allegedly cleared himself in those trials. I am satisfied that the historical record is irrefutable that Heusinger was one of the top Nazi commanders and played a very important role in the formation of Nazi military policies and their execution. His appointment to his present NATO position, with the apparent approval of the U.S. Government, is a gross wrong to the memory of those thousands of American soldiers who made the supreme sacrifice in opposition to Nazi tyranny.

I shall appreciate receiving from the State Department any background information which can be supplied me in explanation and support of the approval of this appointment by our Government.

I wish to say most respectfully that the letter which Mr. Brooks Hays has written to a Congressman setting forth the position of the State Department on this matter, and which I have read, is, in my opinion, most inadequate.

This morning I had breakfast with Rabbi Yampol of Chicago. He left with me a number of petitions, signed by petitioners protesting Heusinger's appointment. The petitions are addressed to President Kennedy. Rabbi Yampol, speaking in behalf of the Chicago Anti-Adolf Heusinger Committee, asked me to transmit the petitions to the President. I told him that, in my opinion, the petitions should go directly to you rather than to the President because I think the President is first entitled to have your judgment and advice in regard to this very disturbing matter. Therefore, I am enclosing the petitions along with this letter to you.

Rabbi Yampol also showed me a copy of an appeal to you as Secretary of State by the Warsaw ghetto uprising commemoration meeting held Sunday, April 16, 1961, at Manhattan Center, New York City.

I have also read a copy of the memorandum from the American Jewish Congress in opposition to Heusinger's appointment and a considerable amount of other material which the protestors have been submitting to Members of Congress. In addition, I have checked into this problem and have done some research on my own with the result that my present judgment is that our country is making a grievous mistake in respect to its apparent approval of the Heusinger appointment.

Yours respectfully,

WAYNE MORSE.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD, as part of my remarks, the fact sheet on the record of Gen. Adolf Heusinger.

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

FACT SHEET ON GEN. ADOLF HEUSINGER

(Issued in conjunction with the appeal to Mr. Dean Rusk, Secretary of State, by the Warsaw ghetto commemoration meeting, April 16, 1961, at Manhattan Center, New York City. The appeal urged the annulment of the appointment of Gen. Adolf Heusinger, chairman of the Military Representatives Committee in permanent session of NATO)

In his autobiography "Befehl in Widersteit," published in West Germany in 1950, Heusinger wrote that he sympathized with the 1923 Hitler putsch in Munich, but did not participate because he was sure the attempt would fail.

In 1940 Heusinger became chief of operations on Hitler's general staff. Was responsible for the military planning of all Nazi invasions from then on.

In 1942 was made responsible for all actions against partisans. In August 1942 this order, initiated by Heusinger, was sent to the Army group center on eastern front: "The fuehrer demands immediate retaliatory action for (partisan) attack on the railroad station in Slavnoye, with the use of the strongest measures of terror. Report what measures you take." (Photostat of this order reprinted August 5, 1960, in Krassnaja Swerda, publication of U.S.S.R. Defense Ministry.)

Heusinger's order resulted in the following: In Slavnoye the Nazis threw several dozen live children into a deep well. None survived. In another village, Gayanka, Heusinger's troops exterminated the entire population of 115.

Heusinger, as chief of operations of the OKW (Oberkommando der Wehrmacht)—the high command of the Nazi forces, commanded the special extermination squads (Einsatzgruppen). These squads were given the task of exterminating all Jews and other groups. William L. Shirer describes some of the mass atrocities committed by Heusinger's Einsatzgruppen (see pp. 961 to 963 of "The Rise and Fall of the Third Reich," New York, 1960; also Gerald Reitlinger's "The Final Solution," New York, 1953, and his "SS—Alibi of a Nation"; also J. W. Wheeler-Bennett's "The Nemesis of Power: The German Army in Politics, 1918–45," New York, 1953).

In "SS—Alibi of a Nation" Reitlinger says that Heusinger planned the levy en masse of the civilian population on the eastern front (p. 386).

Heusinger was one of Hitler's most trusted generals. When a bomb planted by army officers exploded at Rastenberg, East Prussia, during a meeting of Hitler and his top generals, the following facts should be remembered:

After the bombing, Hitler said on the radio, "But you should know of a crime unparalleled in German history. The bomb seriously wounded a number of my true and loyal collaborators." (For Heusinger's role in the aftermath to the July 20, 1944, bombing see Shirer, pp. 1044 et seq.; Reitlinger, "SS," pp. 386 et seq.)

The loyal Hitler general who was giving a detailed report on the Russian front at the precise time of the bombing was Gen. Adolf Heusinger.

That, though wounded, the general who led the vengeful hunt against other Nazi generals who had failed in their plan to kill Hitler so that they could negotiate a separate peace with the West was Gen. Adolf Heusinger.

That the top-ranking military figure who participated prominently in the mass executions that followed—wherein the victims were slowly strangled by piano wires as they hung from meat hooks, was Adolf Heusinger.

That among the handful who survived the bombing and was called by Hitler himself as "my true and loyal collaborator" was Adolf Heusinger.

That the first recipient of Hitler's July 20, 1944, medal commemorating the bombing at Rastenburg was Gen. Adolf Heusinger.

(On the above see J. W. Wheeler-Bennett, "The Nemesis of Power: The German Army in Politics," pp. 1,050 et seq.)

There is strong suspicion that Heusinger informed and gave Hitler and the Gestapo the names of the plotters in order to save his own neck. According to the evidence of Maj. Gen. Helmut Stieff, one of the plotters, before a people's court in Berlin, presided over by Judge Roland Freisler, on August 7, 1944, he spoke of the plot against Hitler with General Heusinger, Deputy Chief of the General Staff.

On May 27, 1959, the West German news magazine Spiegel wrote: "The question remains open as to how General Heusinger managed to survive, although Stieff names him to the police and the people's court as an accomplice."

General Heusinger was named on the first list of war criminals issued by the United Nations, but escaped trial by being held as a prisoner of war by the U.S. Army.

Heusinger has been a consistent supporter of nazism and Nazi ideology.

Heusinger said: "It had always been my personal opinion that the treatment of the civilian population and the methods of antipartisan warfare (extermination) presented the highest political and military leaders with a welcomed opportunity for carrying out their plans, namely, the systematic extermination of Slavism and Jewry." (G. M. Gilbert, "Nuremberg Diary." Gilbert was the American prison psychologist during the Nuremberg trials). Gilbert writes also that Heusinger regretted that the activities of the special extermination squads hindered the Nazi military operations.

The American Jewish Congress issued a memorandum, dated November 22, 1960, which points out that:

"The statement on extermination of Slavs and Jews quoted above in Gilbert's 'Nuremberg Diary,' was made in an affidavit to the Nuremberg tribunal.

"Heusinger initialed and forwarded for action two military orders that were decisive in the Nuremberg judgments—the so-called commissar order and the so-called command order under which thousands of civilians and partisans were shot by Nazi occupying troops in various countries."

General Heusinger tried to save the life of SS Gen. Oswald Pohl, the man who ordered the liquidation of the Warsaw ghetto. Heusinger and Gen. Hans Speidel, today commander of the NATO ground forces, made a secret approach to a top-ranking diplomat in Bonn on January 30, 1951, threatening that if General Pohl and other SS criminals were executed, West Germany would refuse to raise an army. (U.S. diplomat Charles Thayer in his book, "The Unquiet Germans," London.)

Testifying at the Nuremberg trials, Heusinger spoke highly of his superior, Gen. Alfred Jodl, who was convicted of the most heinous war crimes and was hanged by the neck by judgment of the Nuremberg tribunal for these crimes October 16, 1946. To Heusinger Jodl was a thoroughly decent man.

Heusinger is still proud of the Nazi army and Hitler's ideals. In addressing a meeting of subordinate officers in 1958, he said, according to the Sueddeutsche Zeitung: "We should remember our past, and we should not neglect the decisive factors of leadership which bring success. Let us stick to the principles we used to have." The principles "we used to have," we may point out, brought death and destruction to millions in many countries and almost succeeded in the murder of the entire European Jewish population.

On November 11, 1960, in a letter printed in the New York Times, Yale Law Prof. Jerome H. Skolnick termed the Heusinger appointment "disturbing" and said, "I seriously question that we must have such people representing the defense of American freedom and democracy on the world scene. * * * Furthermore, if we ever wish to reach any kind of agreement with Russia to settle the German question, we will have raised tension to a virtually unbearable height by this move. * * * I hope the U.S. Government will veto the nomination of this former Nazi."

On January 31, 1961, Brig. Gen. Hugh Hester, U.S. Army (retired), in a statement calling the appointment of Heusinger part of our ill-advised policy in the rearming of West Germany, stated: "It seems to me that it would be wise for the U.S. Government to withdraw its support of Heusinger, or any other former Nazi. Unless we are willing to do this, I fear that the U.S. Government will be identified with the policies generally attributed to that system."

Mr. MORSE. Mr. President, I ask unanimous consent that there be printed at this point in my remarks an appeal to the Secretary of State by the Warsaw ghetto uprising commemoration meeting held on Saturday, April 16, 1961, at the Manhattan Center, New York City.

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

Hon. DEAN RUSK,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: This is an appeal from 3,000 people gathered in Manhattan Center, New York City, on April 16, 1961, to commemorate the 18th anniversary of the Warsaw ghetto uprising. If you attended this commemoration, Mr. Secretary, you would have heard the men and women vow with one voice "Never to forget—never to forgive." You would see that, when the renowned Cantor David Kusewitsky, conducted the memorial service, that scarcely an eye was dry in the entire audience because there were few individuals in this audience who have not suffered the loss of members of their immediate families or relatives in Europe at the hands of the Nazis in the mad design to make the world Yudenrein.

Mr. Secretary, we are speaking of people to whom the 6 million murdered Jews and millions of other victims of the Nazis are not mathematical footnotes in a white paper or history book. We speak of people who know in the closest personal sense the tragedy which lies in wake of any people or nation which tolerates nazism and who do not tear it out by the roots in the earliest stages.

That is why, Mr. Secretary, we assembled here at the commemoration for the 6 million Jews martyred by the Nazis, made more aware of the enormity of their crimes against humanity by the present trial in Israel of the arch extermination expert, Adolph Eichmann, have elected a delegation to present this statement to you.

We express our deep shock at the recent promotion of Gen. Adolf Heusinger to the post of Chairman of the Military Representatives Committee of NATO—a man who shares with Eichmann, Hitler, and the other Nazi leaders the responsibility for the holocaust which murdered millions of Jews. General Heusinger's appearance before the Nuremberg war crimes trial as a witness and informer against his former Nazi compatriots does not alter the historical fact that he was one of Hitler's favorite generals, a leader of the Nazi invasions of a number of lands, and who, as commander of Nazi armies directed the special extermination squads (Oberkommando der Wehrmacht) which committed atrocities against millions of Jews and other innocent peoples. Our delegation presents herewith a fact sheet of Heusinger's Nazi record for your perusal and study.

Therefore, the delegation elected by this commemoration meeting is authorized to voice our heartfelt appeal to you and the Government of the United States of America to take immediate steps to safeguard the honor of our Nation and the memory of the American boys who died in the war against nazism, by annulling the appointment of General Heusinger to the high NATO post. We know that this great gathering, and our delegation, expresses the pain and wishes of the Jewish people of the United States, as well as the majority of all American citizens who want to see the evil

of nazism completely extirpated from the face of the earth.

Respectfully yours,

SIMON FEDERMAN,
Chairman, Committee To Commemorate the 18th Anniversary of the Warsaw Ghetto Uprising.

Mr. MORSE. Mr. President, I ask unanimous consent that there be printed in the RECORD at this point in my remarks a memorandum from Phil Baum, Director, Commission on International Affairs, of the American Jewish Congress, under date of November 22, 1960, to the CIA Committee of the Governing Council.

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

NOVEMBER 22, 1960.

To CIA Committee of the Governing Council.

From Phil Baum, Director, Commission on International Affairs.

Pursuant to the decision of the meeting of the CIA Committee of the Governing Council on Thursday, November 10, I am attaching a memorandum relating to the proposed appointment of Gen. Adolf Heusinger as Chairman of the NATO Military Committee in permanent session in Washington.

MEMORANDUM OF PROPOSED NATO APPOINTMENT OF GEN. ADOLF HEUSINGER

We are informed that Gen. Adolf Heusinger has been proposed as Chairman of the NATO Military Committee in permanent session in Washington. At present General Heusinger is Inspector General of the West German Army, a position corresponding to Joint Chiefs of Staff in the United States. Should he receive the appointment it would make the first time a German national has been placed at the center of Atlantic Pact planning.

WHAT WAS HEUSINGER'S ROLE IN HITLER'S ARMY?

General Heusinger served in the German Army during the war as G–3 for the eastern front. In other words, he was chief of operations and planning at Hitler's supreme headquarters for all German military actions on the Russian front. Heusinger was on the topmost level of military command directly under Hitler and, indeed, was in the process of briefing Hitler at the time the bomb exploded in Hitler's bunk on July 20, 1944.

Despite his high rank Heusinger was not among those named in the indictment at Nuremberg, although he appeared there and offered testimony as a so-called voluntary witness. This does not mean that Heusinger was a friendly witness; merely that it was not necessary to force him to appear by subpena. CIA has an excerpt of an affidavit submitted at Nuremberg by Heusinger in which he states that the methods employed by the German Army in disposing of civilian populations and partisan fighters afforded a welcome opportunity to the supreme political and military commands to achieve their goal of systematic extermination of Slavs and Jews. Heusinger declared in this affidavit that he regarded "these cruel methods" to have been a "military stupidity," but he gave no indication of having been morally offended by these practices.

CIA spoke directly with the man who was chief of interrogation at Nuremberg and who helped process the affidavit by Heusinger quoted above. To use his words, no one who occupied so influential a post in the German military establishment could be said not to be "tainted." But in view Heusinger was among the least tainted of any officer of the comparable rank and status.

Although it appears that he was not personally implicated in war crimes, as G–3 of the German Army Heusinger initialed and forwarded for action two military orders that were decisive in the Nuremberg judgments—the so-called commissar order and the so-called commando order.

In the commando order Hitler directed his field commanders as follows: "From now on all enemies on so-called commando missions in Europe or Africa challenged by German troops, even if they are in uniform whether armed or unarmed, in battle or flight are to be slaughtered to the last man. This means that their chance of escaping with their lives is nil. Under no circumstances can they expect to be treated according to the rules of the Geneva Convention. If it should become necessary for reasons of interrogation to initially spare one man or two, then they are to be shot immediately after interrogation."

In the commissar order Hitler declared: "The war against Russia will be such that it cannot be conducted in a knightly fashion. This struggle is one of ideologies and racial differences and will have to be conducted with unprecedented, unmerciful, and unrelenting harshness. All officers will have to rid themselves of obsolete ideologies. German soldiers guilty of breaking international law will be excused."

WHAT IS THE POST FOR WHICH HEUSINGER IS NOW BEING CONSIDERED?

The post for which Heusinger is now being considered is one of the most important in NATO. The Permanent Military Committee was established to facilitate continuous military planning. Its major responsibility is to insure that plans originating in its so-called standing group are understood and endorsed by the entire NATO membership. The standing group is the steering and executive body of the NATO Military Committee which consists of the top military commanders of the member countries and which meets twice each year. This is the most important of the NATO military panels and the position for which Heusinger is being considered will bring him into its councils.

Gen. Benjamin R. P. Hasselman, of the Netherlands, has been chairman of the Permanent Committee for the last 3 years. He is now scheduled to return to the Netherlands in December and will retire next March. A final decision on his successor will probably be made in mid-December meeting of the North Atlantic Council in Paris.

We understand that the United States informally has supported the Bonn government's nomination of General Heusinger. However, there is considerable speculation that the Heusinger appointment will be opposed by some of the smaller NATO countries, especially Denmark, Norway, and Greece would prefer to have one of their own officers appointed to the job. The eventual appointment will require unanimous approval by all countries in the NATO alliance.

Mr. MORSE. I ask unanimous consent that there be printed in the RECORD at this point in my remarks a memorandum on Gen. Adolf Heusinger.

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

MEMORANDUM ON GEN. ADOLF HEUSINGER

Gen. Adolf Heusinger, age 63, has been assigned to the post as Chairman of the NATO Military Committee in permanent session in Washington, D.C. He will occupy this post on April 1, 1961. This appointment was made by unanimous choice of all NATO countries which, of course, includes our own Government. Prior to his appointment, General Heusinger was Inspector-General of the West German Army, a position corresponding to Joint Chiefs of Staff in the United States. With this appointment, for the first time a German national has been placed at the center of Atlantic Pact planning.

WHAT WAS HEUSINGER'S ROLE IN HITLER'S ARMY?

General Heusinger served the German Army during the war as G–3 for planning the eastern front. In other words, he was chief of operations and planning at Hitler's supreme headquarters for all German military actions on the Belgian front, Russian front and other eastern European countries. Heusinger was on the topmost level of military command directly under Hitler and, indeed, was in the process of briefing Hitler at the time the bomb exploded in Hitler's bunk on July 20, 1944.

Although it appears that he was not personally implicated in war crimes, as G–3 of the German Army Heusinger initialed and forwarded for action two military orders that were decisive in the Nuremberg judgments—the so-called commissar order and the so-called commando order.

In the commando order Hitler directed his field commanders as follows: "From now on all enemies on so-called commando missions in Europe or Africa challenged by German troops, even if they are in uniform whether armed or unarmed, in battle or flight are to be slaughtered to the last man. This means that their chance of escaping with their lives is nil * * *. Under no circumstances can they expect to be treated according to the rules of the Geneva Convention. If it should become necessary for reasons of interrogation to initially spare one man or two, then they are to be shot immediately after interrogation."

In the commissar order Hitler declared: "The war against Russia will be such that it cannot be conducted in a knightly fashion. This struggle is one of ideologies and racial differences and will have to be conducted with unprecedented, unmerciful, and unrelenting harshness. All officers will have to rid themselves of obsolete ideologies. German soldiers guilty of breaking international law * * * will be excused."

As another example of the cruel, barbaric treatment inflicted against the civilian population during the war by the top German military command of which General Heusinger was in the forefront, we cite the following instructions issued:

In August 1942 general headquarters issued this order: "All matters of the struggle against partisans, with the use of the security divisions, from now on will be directed by the operational sector of general headquarters attached to the supreme commander of general headquarters."[1]

Chief of this operational sector was General Heusinger. Here is a typical exchange of telegrams showing how, in fact, Heusinger did direct this struggle against the partisans. This was one of the instructions issued by the operational sector to the army group center fighting in the Soviet Union: "The Fuehrer demands immediate retaliatory measures because of the attack on the railroad station in Slavnoye, and with the use of the most stringent measures of terror."

These instructions were sent on August 28, 1942. Two days later army group center responded: "In accordance with your instructions, we propose the following retaliatory measures in regard to the attack of the partisans on the railroad station, Slavnoye—to shoot approximately 100 persons who are members of the partisan units and members of their families who are suspected of participating or supporting the partisan attack. The homes of these persons are to be burned. Please confirm."

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[1] From book "War Criminal Heusinger," by Joachim Krueger and Joachim Schultz.

Heusinger's operational sector answered: "Confirm measures which you outlined. Results of their execution are to be reported."

Appearing as a witness at the Nuremberg war crimes trial, Heusinger further reflected his true character, which in addition to everything else said, also proved himself to be a racist and an incurable anti-Semite. By his own admission he said: "It has always been my personal opinion that the treatment of the civilian population in the army's operational areas provides the top military and political leadership a welcome opportunity to achieve its aims, and that is to systematically reduce the Slav people and Jewry."

Such in brief is the picture of Heusinger.

Former Brig. Gen. Telford Taylor, American prosecutor at the Nuremberg trials, said in his statement to the court that Hitler's wars "were instigated and led by men who put all their faith in the might of arms and who wanted to expand Germany's hegemony. The crimes against the peace, in which the general staff and the group of the high command of the Wehrmacht participated, of necessity led to the ensuing crimes."

Speaking of these generals, Taylor said: "The philosophy is so rotten that they consider a lost war and a defeated Germany as a splendid opportunity to once again begin the same terrible cycle * * * the tree which bore this fruit is German militarism."

Brig. Gen. Hugh B. Hester, a retired U.S. Army officer, in a letter published in the January 28 issue of the weekly, the Nation, bitterly assailed the appointment of ex-Nazi Gen. Adolf Heusinger to the high NATO post. Excerpts of the letter say: "The appointment of the Hitler general, Adolf Heusinger, to a key post in NATO is typical of our Government's macabre policy toward postwar Germany. Gen. Hans Speidel, another Hitler general, commands NATO ground forces and it is reported, and I believe reliably so, that every general officer in West Germany's present military forces served Hitler loyally. * * * Before I left Germany in November 1947, where for more than 2 years I had been U.S. Food and Agriculture Chief, the ordinary German was already beginning to believe that the only thing wrong with the Hitler program was that it failed to win the war. * * * Yes; man's memory is indeed short."

This memo is a brief and sketchy outline of General Heusinger. Many additional facts can be cited about the activities and crimes committed by him during the war. Some may question the accuracy of this or that fact. But what cannot be challenged is the fact that General Heusinger was part of Hitler's top command, participated in the shaping and carrying out of the policies, actions, and crimes of the Hitler regime, is a man afflicted with racist and anti-Semitic outlook. We cannot place our confidence and trust in such a person. It is on that basis that we urge our Government in Washington and President Kennedy to do everything possible to bring about the annulment of the decision to place Gen. Adolf Heusinger as Chairman of the NATO's Military Committee.

Mr. MORSE. I have supported and intend to continue to support the strengthening of a free West Germany. It is very important that we build up a democratic government in West Germany. I have been very proud of the statesmanlike work of Chancellor Adenauer, who himself was an anti-Nazi. However, let the State Department thoroughly understand that I do not buy the argument that in order to build up the military strength of West Germany it is necessary to put a Nazi general in a position of high command. I certainly do not support the argument that we can justify putting a Nazi general in a NATO military position where he will have influence, authority, and power in determining the combined military policy to which the United States is a party. This Nazi general unquestionably must bear his share of the responsibility for the death of thousands of American boys. It is one thing to put him in retirement; it is another thing to put him in a position of policymaking.

What about our memories? Are they that short?

I am concerned about the direction in which NATO is going. I make these few brief remarks this afternoon only to serve notice that as a member of the Committee on Foreign Relations I intend to follow with exceeding care the policies of my government in respect to the position it has taken in connection with elevating Nazi generals to positions of military power in NATO. It is up to a free Germany to make perfectly clear to the Western World that Nazi psychology has really been brought to an end in West Germany. It will never be very persuasive by elevating Nazi generals to high positions of military power.

IDAHO'S FIRST-PRIZE WINNER IN THE 1961 NEPH ESSAY CONTEST—JOBS FOR THE HANDICAPPED

Mr. DWORSHAK. Mr. President, Idahoans are particularly pleased that Miss Wynona Laughlin, a Melba High School junior, has been named national first-prize winner in the annual NEPH essay contest on the subject "Jobs for the Handicapped—A Community Challenge."

Miss Laughlin, daughter of Mr. and Mrs. Charles Laughlin, lives on a 75-acre island in the Snake River. Her essay won first in the local contest sponsored by the Nampa mayor's committee and then in the State contest sponsored by the Governor's committee. Miss Laughlin is to receive a trip to Washington, D.C., for her $1,000 award at the annual meeting of the President's Committee on April 27.

This is the second time an Idaho high school student has been named as national first-place winner. Miss Alaire Dickson, of Gooding, received this honor in 1956.

We are not only proud of Miss Laughlin, but of our entire EPH program in Idaho, as it is conducted on a year-round basis at community and State levels. Idahoans are keenly aware of the importance of this great area of human resources.

I ask unanimous consent to insert the essay in the body of the RECORD at this point in my remarks.

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

JOBS FOR THE HANDICAPPED—A COMMUNITY CHALLENGE

(By Wynona Laughlin)

Young man, single, with B.A. degree, wants a teaching position in a school where there are no stairs.

That first sentence of the letter of application caught the superintendent's attention—and held it. Because he was curious, his school had no stairs, and he did need an English teacher, he answered the letter. After some correspondence and a personal interview, the superintendent knew why Bob Jones wanted a school where there were no stairs. Bob Jones was in a wheelchair and had been since he was 15 years old. Polio was the cause. In high school, Bob was an honor student and had graduated from college cum laude. After deciding that he wanted to teach, he wrote letters to the few schools in his part of the State which he learned had no stairways in their buildings. Bob was given a contract. When the people of the community heard about this, they were skeptical. Could a man in a wheelchair handle the boys who were sometimes troublemakers? What would the pupils think of a crippled teacher? The superintendent and school board stuck with their decision, and they were always glad that they had done so.

Bob was a born teacher. His pleasant reading voice caused many pupils to wonder why they hadn't liked poetry before.

Soon no one noticed that the teacher never stood. His wheelchair was a familiar sight at all the games and social events. He did his share of all the extra duties demanded of a teacher, such as hall duty, taking money at games, and coaching plays. He joined the men's club and was soon in all community activities. Afer a few years, Bob decided to do graduate work and moved to another school—where there were no stairs—and which was close to the college of his choice. He married last year and is still teaching high school English.

Stairsteps have been used down through the ages in song and story. The Bible tells us that Jacob saw angels ascending and descending a ladder that reached from earth to the heavens. A popular song of a few years back spoke of a stairway leading to the stars. Stair steps lead down as well as up. When speaking of sin, one often hears, "He took the first step on the downward path." Most of us take steps for granted. We never stop to think that stairs for numerous Bobs are unscalable objects. Yet, many of the Bobs do climb, just as ours did. How can the community help more of them to climb? The handicapped can climb economically and spiritually if the community will give them a chance. However, we must do more than just construct buildings with ramps instead of steps.

Joe is blind. One autumn day when he was 15, he and his father went rabbit hunting. In some way, the father's gun discharged accidentally and Joe was shot in the face. He lost the sight of both eyes. The boy continued in high school, and, with the help of his mother's sight, he kept up with his class. He then went to a trade school where he studied piano tuning.

Some of the townspeople scoffed. How could a blind boy tune a piano? He could never make a living at it; his folks were just wasting their money. Joe returned from school and started working in a music store. The proprietor was a little doubtful about hiring him, but as he knew Joe's father he thought he should give the boy a chance. In a few years Joe married a lovely girl who had been in his class in high school. Now he owns his own music store. I met him last summer when he tuned my grandmother's piano. Joe has a nice baritone voice, and at his own graduation, and almost every year since then he was asked to sing. His selection was the "Blind Ploughboy." This is always his song; it brings tears to your eyes but you know that Joe has learned to climb. Joe might have climbed anyway, but the stairsteps provided by the community and by his first employer eased his way.

Another person who managed to climb those stairs was Jeannie. Jeannie was born without legs and with only one arm. That one good arm and hand had only two fingers. For years Jeannie moved about the grounds of the little country school in a child's

wagon. When she was 14, she was fitted with a pair of artificial limbs. Although she still couldn't walk, the legs made her look better and she was very proud of them. Jeannie attended high school. There someone had to help her to each class. The pupils gained much from this experience—they learned consideration. Jeannie was in the choir and sang many solos in community affairs. She even attended the school dances—not dancing, to be sure—but laughing and having as big a time as any of those present. She took a secretarial course in college and became a proficient secretary. Last summer she married.

The students by accepting Jeannie as one of them—not an outsider—provided some of the steps so she could climb. Her first employer provided more steps. But Jeannie did climb, and is now a busy businesswoman and a proud homemaker.

It takes little besides willingness for a community to provide employment for the handicapped. Give them a chance. Maybe a ramp will have to be built so a wheelchair can roll in more easily; maybe someone will have to help an employee to sit because of an artificial limb; maybe a gadget of some kind will be needed on a typewriter. These demand so little effort, and the dividend received will be a good employee. These handicapped are willing to put in a longer working day and are willing to work a little harder than most employees. They feel the need to prove that they, too, can do the job and do it well. All they ask is a chance to show what they can do; but they can't climb if the community won't provide the stairs.

If the community will help with these stairs, many of the handicapped can become self-sustaining citizens just as did Bob and Jeannie and Joe. It may be true that they don't all have the ability to secure an M.A. degree like Bob, or the skill to repair a piano like Joe, or the talent to sing like Joe and Jeannie; but all have some contribution to make to society. However, they cannot climb unless someone provides the stairs.

Everyone wants to advance. The community wants to go forward. The handicapped want to climb. If the community will work with the handicapped, both can join in the chorus:

"We are climbing Jacob's ladder * * *
"We are climbing higher, higher. * * *"

THE CLOSENESS OF THE PRESIDENTIAL ELECTION

Mr. HART. Mr. President, the Survey Research Center of the University of Michigan has in recent years undertaken some of the most critical and significant analyses of our national elections. Its judgments are given the greatest weight by careful observers. On Wednesday, April 19, it will release its analysis of the 1960 presidential election.

A careful reading of these results will do much to remove the myth that has been growing since the results of November that the closeness of the election was due to an almost equal division among the voters on the policy issues advocated by the two candidates.

I ask unanimous consent that a press release summarizing the highlights of the University of Michigan 1960 election study be placed at this point in my remarks.

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

WASHINGTON, D.C.—President Kennedy's Catholicism was clearly the biggest issue of the 1960 election, causing him an estimated net loss of 1.5 million votes, a University of Michigan Survey Research Center team reported Tuesday, April 18.

One out of every nine ballots cast in 1960 reflected a change from normal voting patterns due to religion, Director Angus Campbell, Ph. D., Phillip E. Converse, Ph. D., Warren E. Miller, Ph. D., and Donald E. Stokes, Ph. D., of the center told a news conference held in cooperation with the American Political Science Association and the American Psychological Association.

Largely because of the conflict between religious and partisan loyalties, over one-third of the electorate—36 percent—did not make up their minds until the campaign started—the highest proportion of "late deciders" since the center started its election studies in 1948.

In 1960, as in 1948, the Democratic candidate came from behind to win by a narrow margin in the closing weeks of the campaign, they said. Television contributed to the Democratic campaign trend. Four out of five adults watched at least one of the TV debates, the University of Michigan experts reported. Among viewers whose opinions were modified, Kennedy created a more favorable impression by a margin of nearly 2 to 1 over Nixon.

Authors of a major analysis of "The American Voter" (John Wiley & Sons, 1960), the UM team based its findings on the largest and longest panel study ever made of the national electorate. A scientifically selected sample of more than 1,500 adults was interviewed a total of five times during the 1956, 1958, and 1960 elections. The UM study was supported by a grant from the Rockefeller Foundation.

Among those who voted for President in both 1956 and 1960, one out of four switched from one party to the other at the top of the ticket. This was due largely to religious factors, the UM experts said. Here was the voting pattern of those participating in both elections:

Kennedy: 17 percent Eisenhower voters; 33 percent Stevenson voters; 50 percent of 1960 vote total.

Nixon: 44 percent Eisenhower voters; 6 percent Stevenson voters; 50 percent of 1960 vote total.

Among those switching from Eisenhower to Kennedy, close to 60 percent were Catholic. Among those who voted for Stevenson and changed to Nixon, 95 percent were non-Catholic.

At first glance, this could suggest that Kennedy gained more than he lost as the result of being a Catholic. But the UM researchers pointed out that nearly half of Kennedy's gains among Catholics who had voted for Eisenhower stemmed from normal Democrats returning to the party fold.

The impact of the religious issue was most noticeable in the South, where voting turnout increased by more than 25 percent between 1956 and 1960. In this region, Kennedy's catholicism cost him a net loss of at least 16 percent in the two-party vote division, the UM researchers estimated.

Outside the South, pro- and anti-Catholic influences were more evenly balanced within the electorate. But Kennedy's religion resulted in a net gain of only about 1½ percent.

Nationally, his net loss was over 2 percent of the 68 million votes cast. "There is every reason to believe that these preliminary estimates understate the importance of religion in the 1960 vote and, in particular, underestimate the magnitude of the anti-Catholic vote," Campbell, Converse, Miller & Stokes said.

By the time both conventions had ended, a clear majority of those who had decided how they would vote favored Nixon, the UM researchers reported. At this point in the campaign, Kennedy probably suffered his heaviest losses among those who strongly felt a Catholic should not sit in the White House.

But once the conventions were over, Kennedy picked up strength steadily during the campaign, winning by a margin averaging 2 to 1 among those who made up their minds in the last 2 weeks before election.

Kennedy's success in attracting votes during the campaign was topped only by Truman in 1948:

Percent voting Republican

	1948	1952	1956	1960
Knew voting preference—				
All along	48	51	52	49
Before conventions, when knew candidate would run		96	82	64
At time of conventions	57	65	62	61
During the campaign	44	52	53	45
In the last 2 weeks	21	58	63	33
Don't remember, not ascertained	22	59	63	46

The importance of this trend to Kennedy is underscored by the high proportion of people who decided how they would vote late in the campaign:

[In percent]

	1948	1952	1956	1960
Knew voting preference—				
All along	37	30	44	24
Before the conventions, when knew candidate would run		4	14	6
At time of conventions	28	31	18	30
During the campaign	14	20	12	25
In the last 2 weeks	12	11	8	11
Don't remember, not ascertained	9	4	4	4
Total	100	100	100	100

Reaction to the TV debates tended to follow party lines, with partisans on both sides responding favorably to their candidates. However, Republicans were more impressed by Kennedy than Democrats were by Nixon. And among political independents favorable response to Kennedy ran more than 2 to 1 ahead of Nixon. In terms of public response, it is clear Kennedy won the debates, the researchers said.

Partisan identification

[In percent]

	Democratic	Independent	Republican	Apolitical	Percent of total viewers
Opinion changed:					
Very pro-Kennedy, anti-Nixon	19	15	7	7	18
Mildly pro-Kennedy, anti-Nixon	26	17	8	18	23
No net change in opinion	26	34	32	11	37
Mildly anti-Kennedy, pro-Nixon	5	5	16	4	11
Strongly anti-Kennedy, pro-Nixon	4	9	16	2	11
Did not see debates	20	20	21	58	
Total	100	100	100	100	100

Probably because of the debates, TV extended its lead as the most widely followed and most important single source of information about the campaign for most adults. Its gains were made largely at the expense of radio.

Both newspapers and magazines remained as important as they were in 1952 and 1956, the UM researchers said. The proportion of adults who said they followed the campaign through all four media increased sharply:

[In percent]

	1952	1956	1960
Paid attention to campaign by—			
Watching television	53	74	87
Listening to radio	69	45	42
Reading newspapers	79	69	80
Reading magazines	40	31	41
Following all 4 media	15	13	18
Got most information from—			
Television	31	49	60
Radio	27	11	5
Newspapers	22	24	23
Magazines	5	5	4
Combination of media	9	3	3
Did not follow media	6	8	5
Total	100	100	100

Since 1948, the UM team noted, there has been no overall shift in the partisan preference of adults, even though many individuals have crossed party lines. Self-described Democrats outnumber those who call themselves Republicans by a 3-to-2 margin nationally and by a 4-to-3 margin outside the South.

But when other factors are taken into account, the Democrats have a "normal" voting majority of only 53 or 54 percent nationally. This includes a margin of more than 2 to 1 inside the South, with the Republicans enjoying a slight edge elsewhere.

This basic voting strength is subject to modification by major short-term influences, such as disgust with the "mess in Washington" and a desire to end the Korean war in 1952 and the great personal popularity of President Eisenhower in 1956.

In the last election, "There can be little doubt that the religious issue was the strongest single factor overlaid on these basic partisan loyalties," the UM team states in an article scheduled for publication in the American Political Science Review.

In the South, well over one-third of those who described themselves as Protestant Democrats and said they attend church regularly voted for Nixon. This relationship was almost as strong in the North.

Overall, the researchers comment, "Democrats who were at the same time regular Protestants defected to Nixon at rates far exceeding those which Eisenhower attracted in 1952 or 1956.

"We need not assume, of course, that each defection represents a sermon from the pulpit and an obedient member of the congregation," they add. "Social science theory assures that whether through sermons, informal communication, or a private sense of reserve toward Catholicism, the faithful Protestant would react more negatively toward the presidential candidacy of a Catholic than would more indifferent Protestants."

Among Protestant Democrats who said they never attend church, only 6 percent voted for Nixon.

Because of regional differences in religious preferences and regularity of church attendance, there were marked contrasts in the impact of the Catholic issue inside and outside the South.

In the South, over half the presidential vote is cast by Protestants who attend church regularly. Outside the South, this proportion is only 20 percent, of which only a small fraction are Democrats.

Much the same analysis can be made in measuring the impact of the Catholic vote for Kennedy. While President Eisenhower obtained about half the votes cast by Catholics in 1952 and 1956, the UM researchers note that only a small minority (less than 20 percent) of the Catholics described themselves as Republicans during these elections.

In the absence of a clearly Catholic issue or candidate, the Democrats normally would enjoy a majority of about 63 percent among this group, the UM researchers estimate. Since Kennedy attracted 80 percent of the Catholics voting in the last election, his net gain was 17 percent among Catholics.

Pulling these factors together, the UM researchers make the following estimates:

Outside the South, Kennedy gained over 5 percent of the two-party vote from fellow Catholics, but lost over 3½ percent from Protestant Democrats and Independents, leaving him with a net gain of over 1½ percent.

Inside the South, Kennedy's gain from Catholics was less than 1 percent, his loss from Protestant Democrats and Independents exceeded 17 percent, for a net loss of more than 16 percent.

Nationally, his gains from Catholics amounted to more than 4 percent, his losses from Protestant Democrats and Independents were about 6½ percent, and his net loss over 2 percent of the 68 million votes cast.

WORK OPPORTUNITIES FOR YOUNG PEOPLE TODAY

Mr. HART. Mr. President, sometimes national statistics on the impact of unemployment in various groups in our population have relatively little meaning because we are dealing in such large concepts.

Recently there came to my attention a memorandum prepared by Mr. Louis J. McGuinness, a personal friend and teacher and distinguished community leader. It underlines the difficulties which confront young people in Metropolitan Detroit in obtaining gainful employment. The group Mr. McGuinness points to is in the age bracket of 14–17 years who should still be in school. Hopefully, speedy passage of the education bill can bring the added resources to our educational institutions which will permit them to undertake the types of programs best designed to keep these young people in school and, in addition, from attempting to compete in an already highly overcrowded labor market.

I ask unanimous consent that the memorandum and supporting figures of Mr. McGuinness be made a part of the RECORD.

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

WORK OPPORTUNITIES FOR YOUNG PEOPLE TODAY—WHAT'S HAPPENING TO THEM?

One hears a great deal of talk about jobs these days, and the obvious shortage thereof. The attached table helps to point up this shortage in statistical form, especially as far as young people are concerned. In considering the problem facing young people who are looking for part-time (or full-time) employment, the following things should be kept in mind:

1. The number of young people in the 14-to-17 age bracket has increased markedly in the last 6 years, yet the job opportunities in Detroit for minors have dropped sharply.

2. Because of the competitive factor, both the quality of the jobs that minors can find has dropped, along with the pay per hour and the number of hours worked.

3. It is quite obvious from these figures that most of the boys and girls who drop out of school to work are not going to find "jobs" in the work-permit sense.

4. While the population of Detroit itself has declined somewhat since 1955, the population of the Detroit metropolitan area (DMA) has increased, yet the total job opportunities has decreased for everyone by 12.5 percent.

5. Experts feel that the job situation in Metropolitan Detroit will probably get worse before it gets better. (The work permits for the first 2 months of 1961 are down over 30 percent over 1960.)

6. Tell the young people to stay in school and graduate—with good grades. Those young people who are out of school and looking for employment should first be encouraged to return to school—where they will not, or cannot, they should be encouraged to contact the nearest of the four placement offices operated by the board of education (e.g., Phillips Building, Priest, Davison & Barbour).

LOUIS J. MCGUINNESS,
Work Permit Office,
Attendance Department.

Year	Total permits issued	Total limited permits (14-15)	Total regular permits (16-17)	Regular permits issued to in-school youth (16-17)		Regular permits issued to drop-outs [1] (16-17)		Regular permits issued to graduates (16-17)		Total wage and salary employees in Detroit metropolitan area
				Number	Percent	Number	Percent	Number	Percent	
1955	28,743	5,564	23,179	15,919	69	4,747	20.0	2,513	11.0	1,325,000
1956	24,433	5,238	19,195	12,904	67	4,534	24.0	1,757	9.0	1,275,000
1957	21,602	4,288	17,314	12,140	70	3,462	20.0	1,712	10.0	1,286,000
1958	11,981	2,650	9,331	7,219	77	1,272	14.0	840	9.0	1,142,000
1959	13,262	2,030	11,232	8,647	77	1,242	11.0	1,343	12.0	1,144,000
1960	13,015	2,319	10,696	8,114	76	1,402	13.0	1,146	11.0	1,159,000
Percent of decrease, 1955–60	54.7	58.3	53.9	--------	49	--------	70.5	--------	54.4	12.5

[1] Some of the dropout permits were issued to young people enrolled in the job upgrading program.

A SENSE OF URGENCY IN SPACE EXPLORATION

Mr. HART. Mr. President, the distinguished military analyst of the New York Times had some strong words yesterday on the question of the sense of urgency as it affects space exploration. I commend the reading of this article by Hanson Baldwin, together with the editorial which appeared this morning in the Washington Post, to my colleagues.

In the weeks immediately ahead, all of us in the legislative branch, together with the President and his scientific and military advisers, will be called upon to make some basic decisions as to the effort our Nation must make to pull ahead of the Soviet Union in space exploration.

I ask unanimous consent that these articles be made a part of the RECORD.

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

[From the New York Times, Apr. 17, 1961]

FLAW IN SPACE POLICY—UNITED STATES IS SAID TO LACK SENSE OF URGENCY IN DRIVE FOR NEW SCIENTIFIC CONQUESTS

(By Hanson W. Baldwin)

James E. Webb, head of the National Aeronautics and Space Administration, emphasized once again last week a major weakness of U.S. space efforts.

In testimony to the House Science and Aeronautics Committee, Mr. Webb said the U.S. space program was geared to sound scientific achievements, not to attempts to match spectacular Soviet space feats or to develop giant booster rockets on an all-out basis.

This testimony, given after the first 3 months of President Kennedy's administration, sounds almost like a phonograph record of testimony given during the Eisenhower administration.

This same philosophy, which has cost the Nation heavily in prestige and marred the political and psychological image of U.S. strength abroad, hobbled our space program even before the Russians put the first sputnik into orbit. Now that the Russians have capped their space "firsts" with the tremendous feat of putting a man into orbit, it is high time to discard this policy. In fact, if the United States is to compete in space, we must decide to do so on a top-priority basis immediately, or we face a bleak future of more Soviet triumphs.

The U.S. position in the space race today is a result—curiously enough—of its technical proficiency and of its deficient political and psychological vision.

FACTORS BEHIND FEATS

In many—perhaps most—aspects of space achievement we do not lag behind the Russians, even though world opinion thinks we do. The Russian "firsts" are a product of two factors.

One is a giant rocket engine, far exceeding in thrust any U.S. engine now in operation. Less than a decade ago U.S. nuclear technology found it possible to reduce in size and bulk and lighten a hydrogen missile warhead. The thrust of the missiles we designed—the Atlas, Titan, and others—was tailored to this small warhead.

The Russians, on the other hand, developed a rocket engine of tremendous thrust, about double that of the Atlas, capable of launching across oceans and continents an old-fashioned heavy and cumbersome hydrogen warhead.

This same powerful rocket engine has provided the boosting power for the Soviet space achievements. Vision—a lack of it in the United States at the top echelons of Government and an awareness in the Soviet Union of the tremendous political and psychological significance of spectacular space achievements—also materially affected the space program in both countries.

MILITARY USE DISCOUNTED

We concentrated on the development of ballistic missiles adequate to do the military job of delivering megatons across seas and continents. A large section of the scientific community felt, as did Dr. Lee DuBridge, president of the California Institute of Technology, that the military uses of space were few, that any space program should be handled primarily by a civilian agency, and should be gradual, economic, and scientific in nature.

No one in high place or with great influence was able to convince President Eisenhower—and so far, apparently, no one has been able to persuade President Kennedy—of the tremendous political, psychological, and prestige importance, entirely apart from scientific and military results, of impressive space achievements.

The U.S. space program has achieved some major scientific and military results. There is not much doubt that we are equal to, or ahead of, the Russians in both these aspects of the space race.

There is no nuclear deterrent gap in existence or in sight between the United States and Soviet Russia. There is no hard evidence of any real missile gap. A number of satellites with important military capabilities are in advanced states of development.

Mr. Kennedy has added in the revised defense budget for 1962 a number of safety factors that will speed up military satellite development and will give us a larger number of relatively invulnerable improved military missiles sooner than the Eisenhower administration had planned. We are still, militarily, the strongest power in the world, and Mr. Kennedy seems determined to keep us so.

Scientifically, our space achievements are also impressive. We have launched successfully a total of 38 satellites, including earth and sun satellites; the Russians have launched 12. Twenty-one U.S. satellites are still circling the earth, as compared to one Russian satellite. Two United States and two Russian satellites are orbiting the sun. One Russian capsule was landed on the moon.

Although smaller in size and weight than the Soviet satellites, ours have undoubtedly gathered more scientific data, and we need yield to no one in guidance, sophistication, instrumentation, and miniaturization. The United States unquestionably has scientific, engineering, and technological capabilities equal or superior to those of the Russians and in far greater depth.

REALITY AND IMPRESSION

Nevertheless, even though the United States is still the strongest military power and leads in many aspects of the space race, the world—impressed by the spectacular Soviet first—believes we lag militarily and technologically.

The dangers of such false image to our military power and our diplomacy are obvious. The neutral nations may come to believe the wave of the future is Russian; even our friends and allies could slough away. The deterrent, which after all is only as strong as Premier Khrushchev thinks it is, could be weakened.

There are two things that can be done. It is not easy, as Mr. Kennedy states, to overtake the Soviet lead in big boosters. There is not much more we can, or should, do to speed up Project Mercury, our first man-in-space program; the safety of our astronaut is a first requirement.

But the space race is not over. New triumphs lie in the stars. The next great spectaculars are the construction of an orbiting space station and man on the moon. These are probably years away.

Either of them will require engines of immense thrust; the Saturn project, a booster rocket of 1,500,000-pound thrust, is the first step. The space budget has been increased by President Kennedy in many respects, but the additional funds do not provide for an all-out "crash" effort to expedite Saturn, or to speed up Saturn's more sophisticated and more powerful followups.

[From the Washington Post, Apr. 18, 1961]

CAN WE CATCH UP IN SPACE?

(By George Dixon)

When the Russians beat us in boosting aloft the first satellite, the first moon probe, the first lunar backside camera, the first animals, and the first man, the explanation we were offered each time was: "They've got a bigger booster." And each explanation of how they had a bigger booster was accompanied by an "explanation" of why they had a bigger booster.

I have put quotes around the third "explanation" because it never struck me as quite satisfactory. This, of course, could be due to my IQ, which could use a bigger booster, too. But the answer always left me wanting to ask why—why—why? about the why.

This built up when Yuri Gagarin came down. The bigger booster explanations boosted me out of my office and into that of Senator HENRY M. JACKSON, of Washington, who has concentrated his career on our nuclear and missile development.

The former Democratic National chairman has been warning us since 1955 that bigger rockets would put a Russian in space first. I asked him if there was anything the Russians knew about building bigger rockets that we didn't know.

"I'm afraid not," he admitted. "We know the principle."

"Then, if we know how to build them bigger, why don't we build them bigger?"

Senator JACKSON replied that we were building them bigger, but the Russians kept building them bigger still. He said it was a case of trying to catch up to a headstart.

"All right," I said. "But how did they get this headstart?"

The nuclear Senator, who will be 49 next month, began his answer by throwing in a bit of history. He said the Russians had been interested in rockets since the czarist days of 1900. He said their obsession with rocketry goaded them into "leapfrogging" when they got into the nuclear contest with us.

"Instead of proceeding in scientific step-by-step fashion, as we attempted to do, they 'leapfrogged' half a dozen stages to rockets," he said. "This left them behind us on small warheads and a well-conceived space program but put them ahead of us on rockets, if you can stand the paradox."

I said I could stand it. Senator JACKSON went on:

"They concentrated. They zeroed in. The principal difference between us is that we have done a laboratory job and they've done a construction job."

The solon said we are now struggling to move from the laboratory into construction, but finding the catching-up process very tough.

"So far as I can envision, there are only three firsts left—first with an interplanetary platform, first with a space ship, and first landing on the moon," he said. "If we could get those three last firsts we'd come out ahead."

"What do you think are our chances?"

Senator JACKSON stared morosely at the carpet. Then he said slowly:

"I think the odds are against us. The Russians are determined to follow up the advantage they have because all their firsts add up to a powerful international blackmail weapon. This man in space is going to make them even more arrogant—and I think it is safe to say they're not exactly humble as it is."

I agreed his statement was temperate, then asked dispiritedly: "So you're pessimistic about our chances of catching up?"

The rocket legislator sat straight up.

"No, I'm not," he declared. "Using our orderly scientific buildup as a springboard, we can do some leapfrogging of our own."

MINIMUM WAGE LEGISLATION FOR HOSPITAL EMPLOYEES

Mr. HART. Mr. President, before the Senate votes on the minimum wage legislation, I wish to note for the record the fact that we are excluding from coverage a million and a half workers in one of the lowest paid industries in the Nation—the nonprofit hospitals.

We are all concerned—and rightly so—with the high cost of medical care in this country. But I do not buy the theory that to keep the cost down, we should underpay the workers in our hospitals. And that is exactly what we are doing; substandard wages too often are the rule in the hospital industry.

Hospital employees are excluded from most of the protective labor and social welfare laws, including minimum wage, overtime, and unemployment compensation, collective bargaining and compulsory social security. We are going to have to recognize that these workers also have the right to decent wages and the other conidtions which benefit not only the employee, but society generally. Particularly in the institutions where lives are daily at stake, we should have fair labor standards.

PROGRESS REPORT ON THE NEW FRONTIER—ADDRESS BY SENATOR PELL

Mr. HART. Mr. President, on April 9, 1961, the distinguished junior Senator from Rhode Island [Mr. PELL] delivered an address to the Democratic Women on Wheels of Massachusetts. The address analyzes, and I think without heavy bipartisan overtones, the progress of the Kennedy administration in the weeks past. Recognizing that it would not be received by unanimous consent for printing as a document, I ask unanimous consent that it may be printed in full in the RECORD. I, for one—and I know I speak for other Senators—share the delight which is ours in having Senator PELL with us. I think his temperate address reflects one of the many reasons why we are delighted that he is a Member of the Senate.

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

A PROGRESS REPORT ON THE NEW FRONTIER

(By Senator CLAIBORNE PELL, Democrat, of Rhode Island, to Democratic Women on Wheels of Massachusetts, April 9, 1961, at Framingham, Mass.)

It is a genuine pleasure for me to speak to you at your fourth annual conference. I am well aware that you would prefer the man who talked at your first conference, but he evidently became so inspired after addressing this group that he finds himself tied up this evening with White House business. But, he is ably represented here by his younger, though certainly not smaller or less vigorous, brother.

And, incidentally, his successor in the Senate, BEN SMITH, with whom I serve on the Labor Committee, is doing a fine job of representing you in Washington. He more than carries his own weight—and being a former Harvard fullback, that is considerable. Senator SMITH is well liked and has made a most excellent impression in the U.S. Senate.

In any event, I have personal knowledge of and respect for the outstanding contribution women are making in politics, and, therefore, I particularly welcome this opportunity to meet with your group. I can say this very sincerely because before I ever heard of the Democratic Women on Wheels of Massachusetts, I was quoted in a 1958 issue of Women's Day as saying, "I'd rather have a woman working for me on a campaign than a man." I made this statement when I was managing the national registration campaign in 1956 and nothing has happened since then to persuade me to retract it.

Actually, my wife Nuala campaigned just as hard as I did in the past election, both in person and in radio talks. Our four children seemed, at the same time, to thrive on the whole excitement, since we put them to work also.

In a few moments I would like to briefly review some of the accomplishments of our chief architect of the New Frontier. However, just in case you are not convinced about the importance of women in politics, let me first remind you that, contrary to the popular saying, this is fast becoming a women's world. For instance, there are 5.2 million more women of voting age than there are men. To add injury to insult, women own more property than men. And, by and large, you outlive us.

Be that as it may, the fact that there are 5.2 million more women of voting age than there are men obviously underlines the importance of registering women. This is particularly true since recent interviews conducted by the survey research center of the University of Michigan show that 10 percent more men actually vote than do women. Obviously, we have not been getting enough women registered. And we have not been getting enough women to the polls. Since you ladies tend to outlive us men, the necessity of making sure that women stay registered, and keep voting Democratic, is obvious.

Groups like yours have done a tremendous job of helping to insure that women are intelligently concerned about issues. I daresay that women have even passed some of this concern along to their husbands. But I urge you to remember that knowledge of the issues is not totally effective unless the voter is registered and gets out to vote. The ballot box is the ultimate weapon of intelligent concern, and our party must depend heavily on each of you to make sure that women are registered and vote.

Now, turning to the Washington scene, I want to share with you some of the enthusiasm, the energy, and the imagination which emanates from the White House these days. We are led by a President who reads the newspapers every day and not just on Sundays. We are led by a real President and not just a chairman of the board. We are led by a President who will take his place with our historic great Presidents—Washington, Jefferson, Lincoln, Wilson, and the two Roosevelts, Theodore and Franklin. Without a doubt, we are off to a vigorous start toward the New Frontier.

Two great problems which concern all of us today are peace and jobs. President Kennedy has already taken the lead in both fields.

In his inaugural address, the President clearly outlined what the basis of our foreign policy would be, "Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty."

The President has followed up his remarks by instituting a policy of "quiet diplomacy." His administration is making a thorough review of our defense capabilities, and he is determined to make a renewed try for sound agreement on reducing arms and controlling atomic tests. You might say that we are following the maxim laid down by President Theodore Roosevelt when he advised that "We walk quietly and carry a big stick."

Having dealt firsthand with the Communists when I was an American Foreign Service officer in Czechoslovakia, I know from personal experience that the Communists are not impressed by loud bellicose words. What impresses them is strong determination backed up by adequate defense forces.

Turning to the U.N., we can note with pride the masterful manner in which Adlai Stevenson is representing us. This quiet, reasonable man, this master of words, uses the weapon that is best able to puncture the Soviet bombast and make their bellows shrill. And that is wit, of which Stevenson is the supreme master.

Moreover, the crucially important new nations of Asia and Africa, who fear and deplore the cold war, see a new United States—a United States firm of purpose and dedicated to quietly seeking to relieve international tensions. A United States that is not afraid to vote with Africans for Africa, a policy first advanced by Senator Kennedy, when he made his famous speech some years ago advocating Algeria for the Algerians. A United States dedicated to using the U.N., not as a harsh sounding board for the cold war, but for the positive programs of keeping the cold war out of Africa and making greater use of the specialized agencies of the U.N. for international development.

It has become increasingly evident that the United States will continue to follow a new and independent policy toward the new nations of Africa. This is indeed a heartening development, and it is high time that we recalled our own anticolonial heritage and stopped behaving in the U.N. so as to enable the Communists to masquerade as the true friends of the revolution currently taking place in Asia and Africa today.

Then, in domestic affairs, our President has talked frankly to us about our problems. In sharp contrast to the sirupy words of Republican whitewash artists—President Kennedy has outlined in bold strokes the serious problems which our domestic economy faces. In his state of the Union message on February 2, 1961, he said, "We cannot expect to make good in a day or even a year the accumulated deficiencies of several years. But realistic aims for 1961 are needed to reverse the downtrend in our economy, to narrow the gap of unused potential, to abate the waste and misery of unemployment, and at the same time to maintain reasonable stability of the price level."

In addition, his administration has pointed out that we are in a recession and that for the months of February and March, we had the largest percentage of insured unemployed in our history. He has also stressed the problem of automation. The President has underlined the need to expand our annual rate of growth in order to meet the challenges which face us at home and abroad. For the first time in a long while, the American people are being asked to face reality.

President Kennedy has lost no time in indicating the concern and the determination of the new Democratic administration to do something about the recession and unemployment. Your State and mine are amongst those which particularly suffer from this disease. It is highly significant that the President's first Executive order, issued 1 day after he was in the White House, directed the Secretary of Agriculture to make available additional surplus food to those unfortunate people in the United States who are currently receiving surplus food packages. And, in Massachusetts, over 2,400 people received food packages in February. The President's order also directed that the variety and nutritional value of the food used in these packages be improved.

Mr. Kennedy has repeatedly used the Executive powers of the Presidency to attack the recession and unemployment. Here are just a few of the actions which he has taken:

1. The Department of the Treasury has been directed to follow policies which would reduce long-term interest rates and thereby encourage new investment in housing and business expansion.

2. The FHA has been directed to reduce maximum permissible interest rates on FHA-insured loans from 5¾ to 5½ percent.

3. The Community Facilities Administration has been directed to reduce interest rates on new loans for public facility projects.

4. The Housing and Home Finance Agency has been directed to hasten the initiation or completion of new projects in which a speed-up can be effected without waste.

5. The President has directed that the counseling and placement services of the U.S. Employment Service be expanded.

6. The President has directed that early payments be made on GI insurance dividends.

7. All heads of departments and agencies have been directed to expedite procurement and construction whenever possible.

8. Agencies of the Federal Government establishing new facilities or deciding on the use of existing facilities have been directed to give every reasonable preference to labor surplus areas.

The President has also appointed a Cabinet Committee to look into the textile industry and a Presidential Advisory Committee on Labor-Management Policy has been established to work on questions such as automation and price stabilization.

The White House has given strong support to legislation designed to assist chronically distressed areas. As we in Congress well know, the President has made many legislative proposals. The bill to extend unemployment insurance benefits has already been passed by Congress and signed by the President. As of April 1, unemployed workers started drawing extended unemployment benefits and approximately 3,100,000 people will benefit from this legislation.

In addition, there has been a literal barrage—which has not yet ceased—of Presidential messages dealing with health, housing, natural resources, highway programs, agriculture, and education. I am personally proud to be a cosponsor of the administration bills dealing with distressed areas, raising the minimum wage, aid to education, and health services for the aged.

A number of the President's recommendations are currently being considered by committees of Congress and will come before the House and Senate in the near future. The experience of the past few months has already shown that while the President respects the independence of Congress, he does not hesitate to make known his views. He has used and will continue to use the leadership of the Presidency—and all that this entails—to work for and support measures which he believes are important to the Nation. After 8 years, it is indeed refreshing to have a President who makes full use of his office.

We have seen that, although the Kennedy administration has only been in power for 11 weeks, a new feeling is stirring in Washington. All of the Kennedy program will not be implemented this month or in the months to come. All of the dilemmas and the challenges which face us in the field of foreign affairs will not be settled overnight. All of the problems which this administration inherited from its predecessor will not be solved today, tomorrow, or next month. The important thing is that this administration had demonstrated that it is deeply concerned about America's internal and external problems. What is even more important, it is prepared to try new ideas and to vigorously search for solutions.

However, to move forward, President Kennedy needs your help. These days one often hears the comment, "I am just one person; what can I do?" Here is something very concrete and very important which you can do. If you believe that the Kennedy program is what America needs, then it is vitally important that each of you make yourself a committee of one to make sure that your friends and neighbors understand what the President is trying to accomplish.

To keep up the momentum for progress, the President must have the support of the people. Recent polls tell us that the President is very popular personally. This is not enough—the President's program must also be understood and supported by the public if we are to implement this program.

Moreover, this is not the time to only be concerned with the present. It is not at all too early to start looking toward the congressional elections of 1962. The votes on the House Rules Committee and the minimum wage bill have already demonstrated the vital necessity for giving the President a Congress to work with, which is attuned to the New Frontier.

It seems to me that this is indeed an appropriate time to recall the closing words of the 1960 Democratic platform:

Emerson once spoke of an unending contest in human affairs, a contest between the party of hope and the party of memory.

For 7½ years, America, governed by the party of memory, has taken a holiday from history.

As the party of hope, it is our responsibility and opportunity to call forth the greatness of the American people.

In this spirit, we hereby rededicate ourselves to the continuing service of the rights of man—everywhere in America and everywhere else on God's earth.

ADMINISTRATION SUPPORT OF MIGRATORY LABOR LEGISLATION

Mr. WILLIAMS of New Jersey. Mr. President, momentous events have just occurred in the lives of our migratory farm families. These events, marking the beginning of long and desperately needed change and improvement in the lives of these "excluded" citizens, occurred last week in a public hearing conducted by the Senate Subcommittee on Migratory Labor.

In all probability, our migratory farmworkers do not even know of these events, that the national conscience is at last awakening, that the American public is at last truly concerned for their problems. Our migratory farmworkers have been the excluded, the forgotten, and the disenfranchised for so long—for almost 30 years, in fact—that they know of few reasons to hope for anything better.

But last week, while they toiled in the fields under the mid-April southern sun, this administration, through its spokesmen, the Secretary of Labor, Arthur J. Goldberg, and the Secretary of Health, Education, and Welfare, Abraham Ribicoff, gave our migratory farmworkers new, positive reasons to hope for improved conditions in their lives and work—reasons to hope for betterment in their own lives, but, even more importantly, to hope for better futures for their children.

These were momentous events, Mr. President, because the positions taken by Secretary Goldberg and Secretary Ribicoff before the Subcommittee on Migratory Labor, of which I have the honor to be chairman, demonstrated for the first time in history that a national administration can dare to support legislation to improve the lot of our migratory farm families. Mr. Goldberg and Mr. Ribicoff have made it clear that this national administration cannot accept, and will not accept, continued complacency and indifference to the problems of our migratory farmworkers.

Secretary of Labor Goldberg stressed this fact at a press conference on Friday, April 14, following his appearance before the Subcommittee on Migratory Labor on Wednesday. I quote Secretary Goldberg:

For the first time in history, every agency of the national administration is working together to improve the labor conditions in agriculture. For the first time there is a united Federal effort to move ahead in this neglected field, and to improve a labor system that has been based for a quarter of a century upon underemployment, unemployment, and proverty both at home and abroad.

Unfortunately, this attempt has not received the public attention to which it is due. It has been shouldered out of the news by a host of other items. Yet public understanding is essential if any light is to cast into the shadowy migrant world where poverty, privation, lack of opportunity, and illiteracy are the stuff of everyday life.

That the working conditions of the migratory farmworker are a matter of serious and immediate concern to the Nation was also emphasized by Secretary Goldberg. On this point, he said:

The present administration has taken the position that the time for study has passed, and that the time for action is now, that the United States can no longer afford this black mark on its domestic economy.

In their appearances before our subcommittee, both Secretary of Labor Goldberg and Secretary of Health, Education, and Welfare Ribicoff in eloquent, forceful, and unequivocal terms called for early action to deal effectively with this blight on our society.

In speaking of the urgent need for Federal action in the areas of education and health, Secretary Ribicoff told our subcommittee:

Migrant agricultural families—and particularly their children—constitute the most educationally deprived group in our Nation. Among adult members of the families, illiteracy is extremely high and there is lacking even basic training in healthful living. The vast majority of these children never attain the bare minimum of education needed to take part in our society. Thus, the educational deprivation of migrant children perpetuates their economic and social status.

Concerted State action is absolutely essential, and interstate cooperation is also required because the whole problem is interstate in character. We are firmly convinced that Federal assistance and encouragement for such efforts are required if most of these citizens are ever to achieve a bare minimum of education.

Secretary of Labor Goldberg, speaking generally on the need for Federal action, called attention to one of the most pernicious elements of our migratory farmworker situation. In his testimony, he pointed out that this Government extends "better protection to the foreign

labor we bring into this country than we now accord to our own domestic farm labor."

The statements made by Secretary Goldberg and Secretary Ribicoff are in keeping with their roles as two of our Nation's most outstanding advocates of human rights and equality of treatment for all citizens. Because of the historical significance of the testimony of Secretary Goldberg and Secretary Ribicoff in expressing the views of the administration on the problems of our migratory farmworker, I ask unanimous consent to have included in the RECORD at this point excerpts from the testimony submitted by Secretary Goldberg and Secretary Ribicoff on Wednesday and Thursday, respectively, of last week.

An excellent editorial entitled, "The Forgotten People," published in the New York Times on April 17, 1961, summarizes the events of last week and notes that the administration's support for measures "to improve conditions of migrant workers marks the most promising advance so far toward that much-needed objective."

In addition to this editorial, the first section of the Sunday, April 16, 1961, New York Times contained a very informative article which discusses Secretary Goldberg's press conference mentioned above and which quotes some of his comments.

I ask unanimous consent to have the editorial and article printed in the RECORD following the excerpts from the testimony of Secretary Goldberg and Secretary Ribicoff.

There being no objection, the excerpts, the editorial, and the article were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM THE TESTIMONY OF SECRETARY GOLDBERG GIVEN BEFORE THE SUBCOMMITTEE ON MIGRATORY LABOR ON WEDNESDAY, APRIL 12, 1961

I want to emphasize in opening my testimony that I am not testifying merely as the Secretary of Labor here today, and I am not presenting a viewpoint which is only the viewpoint of the Department of Labor. I am presenting to you the viewpoint of the President and the administration, encompassing all of the departments of our Government with respect to this very important legislation.

Perhaps this is unique in the consideration of this type of legislation before the Congress. But I think it is long overdue that the administration present an administration viewpoint on the serious subjects which are a matter of concern to you, to the Congress, and to the country at large.

The administration regards the matters which are the subject of this legislation to be of serious concern to the Nation, and of high priority in the legislative matters which are subject to congressional consideration. * * *

We deem this, as I have indicated, a great problem, and I know no better way to express the dimensions of that problem than to repeat what this committee, this subcommittee, said in introducing a report entitled "The Migrant Farmworker in America," which was prepared at the direction of this subcommittee, and printed last year.

In the introduction there is a vivid and accurate description of the situation of the migrant worker. I read now from the introduction:

"The migrant and his family are lonely wanderers on the face of our land. They are living testimonials to the poverty and neglect that is possible even in our wealthy and dynamic democracy that prides itself on its protection and concern for the individual. Behind the screen of statistics showing migrant labor toiling often for as little as 50 cents an hour and working only 131 days a year, we see families crowded into shelters that are more like coops for animals, with children undernourished and in poor health, 2 or 3 years behind in school, with little chance to develop their talents and become useful, fully useful to themselves or their country. This is the ugliest kind of human waste. The plight of the migrant and his family is a charge on the conscience of all of us."

The statement made by the subcommittee is an accurate statement of the situation, and it is one that has existed for a long time.

* * * * *

Let us analyze what protections now exist in law for migratory workers. The only Federal protection is the legislation enacted in 1956 giving the Interstate Commerce Commission authority to issue motor carrier safety regulations governing the interstate transportation of migratory farmworkers in privately owned trucks and buses. The Interstate Commerce Commission has issued safety regulations which already have proved to be of value in connection with protecting the safety of migratory workers being transported in interstate commerce in connection with the work which they are called upon to do.

There is a significant aspect of this legislation which we ought to mention. Any doubts in anybody's mind about the Federal character and the constitutional basis for enacting legislation in the area of migratory workers are laid to rest by the substantial basis for the enactment of the law already on the statute books with respect to motor carrier safety regulations.

This law is based upon the interstate character of the migratory labor situation. We have no more solid basis for Federal regulation than our constitutional right and our constitutional duty to protect the interstate commerce of our Nation.

The very word "migratory" indicates the Federal character of the problem we are dealing with, the national character of the problem. When we say "migratory" in the United States, we do not mean migratory within a State.

We mean migratory between our States. The character of migrant labor is that it is used as the Department of Labor statistics amply demonstrate, and as this committee has pointed out in its prior study—migratory labor is used in commerce and in the various States.

* * * * *

Approximately half of the States that use migratory labor now have regulations or laws that deal with labor camps, or camps for agriculture and migratory labor. This is a welcome development, but I would be less than candid if I did not report to you that our studies indicate that only a handful of these laws are really adequate in that much more has to be done in this area.

Many of these laws are very limited in scope, and in many States, while they have enacted some laws, they have provided no funds or very inadequate funds to implement the regulation. But even where camps are dealt with, or even where States have created migratory labor committees, which several or many States have done—24 States—even where this has been done, the studies that we have made of the migratory labor problem indicate that in several significant areas including the areas we are going to deal with today, there is no legislation, or where there is legislation the States themselves, by and large, acknowledge that their legislation, because of the interstate character of migrant labor, cannot cope with the problem.

For example, a few States, I think maybe eight or nine, have adopted laws dealing with regulation of crew leaders or contractors, one of the subjects we are going to consider today. It is the opinion of at least six of those States, addressed to us, the Bureau of Employment Security of the Department of Labor, that their regulations are not adequate because if they attempt to license crew leaders, crew leaders can evade their regulations by not meeting their licensing requirements by going to other States with their crews that do not have licensing requirements.

* * * * *

Even with respect to employment of children during school hours in agriculture in violation of existing law, investigators of the Wage and Hour and Public Contracts Division in a report just handed to me today found 4,470 children, and this is not a total census investigation, but a sample investigation—we have not had the funds to do a comprehensive investigation—4,470 children under the age of 16 years employed in agriculture during school hours in the year ending June 1960.

Of these children found working on farms contrary to our existing child labor provisions, 21 percent were under 9 years, including some as young as 6 and 7 years of age; 52 percent were 10 to 13 years of age; and the balance were 14 or 15 years of age. Violations were uncovered in 33 States, and in Puerto Rico.

This indicates we are having a serious problem even with respect to the employment of children now presumably protected by the law. But imagine if we had conducted an investigation of what happened with respect to the employment of children in the presently exempt provision of the law, which is now to be covered by your bill.

There is no possible justification on the basis of anybody's opinion about the proper protection of children, the working children 9 years of age on the Nation's farms for many, many hours a week. Yet I must report to you that the coverage that we have had, this is illegal work, clearly proves that there are many, many children of very tender age being employed in very difficult occupations.

* * * * *

The common pattern of employment of migratory labor is for a crewleader or a contractor to organize the group, to transport them, to pay them, and to provide, presumably, for their housing, for their health, or presumably to see to it that it is provided, and education.

The data we have and the data this committee has assembled indicates that while there are contractors who try conscientiously to do a god job, there are also contractors who cheat, who defraud their workers, who defraud employers, and who should be subject to regulation as they carry people into interstate commerce to perform this type of agricultural activity.

There are many types of fraud which are practiced by people in this area, and fraud which occurs because the migrant laborer who is very often uneducated, who very often has language problems, since he comes from our Mexican citizens, Texas-Mexican citizens, some of them, from our Indians, some of our Negro citizens who have not had the advantage of education because of their economic situation, who are not in a position to protect themselves. Deductions are made from their wages which are unauthorized and unwarranted.

There is a lack, in many instances in this area, of proper financial supervision. We supervise today the financial practices of labor unions. Congress has enacted such a law in the Landrum-Griffin Act and in the

Welfare Fund Disclosure Act. We supervise the activities of businessmen in the SEC, and presumably both groups are in much better position to know their rights and know their responsibilities.

We have adequate precedent in all laws for enacting overdue legislation in this area. This legislation would not hinder any legitimate contractor. This legislation, in fact, would assist the legitimate, honest operator in the field.

* * * * *

I urge and the administration urges prompt consideration by the Congress of the legislation that I have discussed today. They are only a beginning of the legislative program that is essential for the promotion of the welfare of these citizens of our country.

The sooner these measures are put on the statute books, the sooner we can begin the difficult task of bringing relief and a better life to these underprivileged citizens.

* * * * *

Mr. Chairman, may I say on behalf of the administration, that we would like to commend the chairman for his work in this field. He has pioneered for the Congress and for the people this concern over this subject and we are glad to adopt your program as the administration program.

EXCERPTS FROM THE TESTIMONY OF SECRETARY RIBICOFF GIVEN BEFORE THE SUBCOMMITTEE ON MIGRATORY LABOR ON THURSDAY, APRIL 13, 1961

These bills are addressed to relieving a deplorable situation. Domestic agricultural migrants and their families number nearly 1 million persons—a population as large as that of any one of 15 States—who live and work for varying periods of time each year in about 1,000 counties, largely concentrated in 31 States. The estimate is that there are from 350,000 to 500,000 children who belong to these families. Migrant agricultural workers and their families are without many of the necessities that characterize our way of life, and their condition is a matter of nationwide concern.

Educational bills, S. 1124 and S. 1125. These two educational bills contain four separate appropriations authorizations for Federal grants to the States to help finance closely related programs. S. 1124 authorizes the appropriation of such amounts as may be necessary to pay, during the first 2 years, 75 percent of the average daily expenditures per public school child in a State for each day's attendance in public schools of a child of a migrant agricultural worker. During the final 3 years of the program, 50 percent of such cost would be paid. The State education agency would act as a channel for Federal funds going to the local educational agencies.

S. 1124 also would authorize the appropriation of $250,000 for each of the 5 years to be allotted among the States for the purpose of surveying the needs and developing programs of education for these children and to coordinate such programs with those of other States. Finally, the bill authorizes the appropriation of $300,000 during each of the 5 years for grants to the States to finance the costs of summer schools for migrant children.

S. 1125 would authorize the appropriation of $250,000 for each of 5 years for grants to the States for programs of basic education and training in healthful living for adult agricultural migrants and their spouses.

* * * * *

We recognize both the national interest involved in improving education for migrant children and the necessity for Federal action to encourage and assist States.

Health bill S. 1130. Efforts have been made by some communities to adapt their local health services to the facts of migrant families' living and working conditions. The efforts are sporadic and scattered, unrelated to each other, and lack effectiveness in meeting family need.

The usual approach to the problem is on an emergency basis. A child's death from insecticide poisoning attracted newspaper reporters to a migrant labor camp within an hour's drive of Chicago last summer. The child was almost forgotten as reporters discovered the depressed conditions of migrant families. Housing hardly fit for human beings served as their temporary homes.

Within a short drive of any one of a number of cities, closely similar conditions could be found during each crop season. The families live at our back doorstep, unnoticed and forgotten.

To discuss the health situation further would be only to repeat what you have learned in your last 18 months of committee hearings in different parts of the country. Migrant workers and their families are more vulnerable than the general population to illness and accidents as a result of their substandard living and working conditions, their own ignorance and poverty, and community neglect. Meeting their health needs is an almost impossible task for many of their work communities. Some have meager health resources even for permanent residents. Many require far greater expansion and adaptation of service to the migrants' special situation than is now realistically possible if they are to serve the health needs of migrant workers and their families effectively.

Part of the underlying difficulty, of course, lies in the fact that the people are on the move. No single community or State feels that the problem is theirs alone. Your committee wisely has acted on the assumption that the problem should be shared by government at all levels and that employers, community groups, and migrants themselves also have a role.

* * * * *

Under existing circumstances, migrants themselves are expected to adjust to the local pattern by which health services are provided as they move from place to place. A public health nurse reported last summer on the confusion that results. Several women had made their plans for saving funds for maternity care prior to leaving their homes in the South where local clinics provided free prenatal services. In their northern work area, no such clinics existed. Some went without care. Projects to assure continuity of care would be very important.

We believe the need for action in the educational and health areas is urgent. We strongly advocate passage of legislation as a positive attack on the problem.

* * * * *

I personally believe that you and your committee are entitled to a debt of gratitude from the entire Nation for your outstanding work calling upon the conscience of America toward this important problem. I think that what you and your committee have done has helped really for the first time to alert the Nation and all our people. You may be assured that you have the wholehearted support of this administration and my Department.

[From the New York Times, Apr. 17, 1961]

THE FORGOTTEN PEOPLE

Support by the Kennedy administration for a series of bills before the Senate to improve conditions of migrant workers marks the most promising advance so far toward that much-needed objective. This commitment was made last week by Labor Secretary Goldberg at a hearing before the Subcommittee on Migrant Labor. It covers five measures introduced by Senator HARRISON A. WILLIAMS, JR., cosponsored by four other Democratic Senators and Republican Senator JAVITS.

They are part of a series of 11 measures which Mr. WILLIAMS has introduced composing a broad program of relief and protection for the migrants. It has been formulated after 18 months of study and hearings by the subcommittee, of which Mr. WILLIAMS is chairman, made in the States where most migrants are employed.

The sweep of the program is indicated by the subjects of the bill. Those under immediate consideration, and endorsed by Mr. Goldberg, would license crew leaders and labor contractors, prohibit migrants' children from working during school hours, provide Federal grants for adult workers and their children and establish a National Citizens Council on Migratory Labor. Other bills introduced by Senator WILLIAMS cover minimum wages, housing aids for farmers, stabilization of the farm work force, labor relations, and health and welfare services.

Senator WILLIAMS has mounted a well-prepared and comprehensive attack on the problems of migratory workers. As Secretary Goldberg said at the hearing, migrants are excluded from "nearly all the Federal and State laws which protect other workers." They are the forgotten people among us.

[From the New York Times, Apr. 16, 1961]

UNITED STATES TO EASE PLIGHT OF MIGRANT LABOR—GOLDBERG PLEDGES A UNITED FEDERAL EFFORT TO BETTER FARM WORKING CONDITIONS

WASHINGTON, April 15.—Arthur J. Goldberg, Secretary of Labor, pledged today a united Federal effort to improve working conditions for the Nation's 400,000 migrant farmworkers.

The administration policy, Mr. Goldberg told reporters, was undertaken with the full support of Secretary of Agriculture Orville L. Freeman.

Under the Eisenhower administration, the Secretary of Labor, James P. Mitchell, urged strong Federal programs to help migrant labor while Ezra Taft Benson, the Secretary of Agriculture, opposed them.

Mr. Goldberg today emphasized administration support for bills dealing with health, education, and child labor introduced by Senator HARRISON A. WILLIAMS, JR., New Jersey Democrat, and head of the Senate Subcommittee on Migratory Labor.

"The truth is," Mr. Goldberg said, "that the farm labor system is based on underemployment, unemployment, and poverty both at home and abroad. Even more shocking, public policy is directed toward the perpetuation of this system."

DEPRESSED GROUP

Mr. Goldberg said he might tour some farm areas to focus public attention on the most depressed group on the American labor force.

Public understanding is essential, he said, if any light is to be cast into the shadowy migrant world where poverty, privation, lack of opportunity, and illiteracy are the stuff of everyday life.

Every year, Mr. Goldberg said, 400,000 American farmworkers are forced to migrate with their families in order to avoid either unemployment or low wages at home. Their average yearly income is under $1,000.

He continued:

"Because they are constantly on the move, their children are denied the opportunity to receive a decent education, and restrictive residence requirements deny them public health and welfare services."

Mr. Goldberg said that the Kennedy administration's view was that "the time for study has passed; the time for action is now."

The administration, Mr. Goldberg said, is opposed to any extension of the Mexican farm labor import program, unless "it is

amended to protect American workers from unfair foreign competition." Such amendments have been introduced by Representative MERWIN COAD, Iowa Democrat, in the House.

The amendment would require a domestic grower to hire foreigners for only part of his labor force and also that he first offer domestic workers a minimum wage equal to the State average for farm labor.

The American Farm Bureau Federation, the National Grange, and a dozen organizations of growers and canners oppose any limits on the current program.

Last year, 315,000 Mexican "braceros" worked on harvests in the United States, mostly in the west and southwest. The farm organizations contend that domestic "stoop labor" is not available and that consequently the small farmer would be ruined by limitation of the program.

Last week, testifying before the Williams subcommittee, Mr. Goldberg pledged administration support to bills that would restrict employment of children in farmwork, regulate migrant crew leaders, and provide special education and training for migrant workers and their families.

The Secretary stressed that he considered these measures as first steps. The administration, however, is not now pushing for a minimum wage for migrant workers, which was proposed by Mr. Mitchell.

FOREIGN COMPETITION—ADDRESS BY HENRY FORD II

Mr. JAVITS. Mr. President, I call to the attention of my colleagues a speech delivered before the Southern Research Institute at Birmingham, Ala., by Henry Ford II. It is entitled simply "Foreign Competition." But within the scope of this subject, the speech deals with the basic structure of United States foreign economic policy and its relation to the domestic economic scene.

In the end, the success of our leadership of the free world and the health and vigor of our domestic economy depend on the ability of the United States to compete in world markets and to compete for investment opportunities, especially in the developing areas where we must establish a basic demand for industrial and agricultural goods. I believe that Mr. Ford's impressive statement of the problems and opportunities we face, provides the perspective within which the Members of Congress can give consideration to legislation for trade adjustment assistance, export promotion, productivity councils, and to other measures designed to further this Nation's economic growth.

The course we must take is clear. We must expand our foreign trade—not contract it. This means that first, we must increase our productivity through tax incentives, labor-management cooperation at the local, industrywide and national levels, and programs which will assist workers, businesses, and communities adversely affected by imports. Second, we must stimulate private U.S. investment in the less developed areas, in the full realization of the fact that during the past decade the U.S. balance of payments benefited by the return of $8 billion more in profits from oversea investments than was newly invested by the United States. Furthermore, investment is the principal means of establishing a market in the newly emerging nations. Third, we must augment and expand the export services provided by the Government and make the U.S. businessman aware of the opportunities residing in the growing export markets. And fourth, we must enlist private industry in a cooperative effort with Government in technical assistance and other foreign economic policy programs so that we may use to the fullest our vast reservoir of economic strength. There are several bills, introduced during this session of the Congress, designed to carry out some of these needed efforts. Therefore, I ask unanimous consent to have the text of Mr. Ford's address printed in the RECORD.

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

FOREIGN COMPETITION

(Remarks delivered by Henry Ford II, chairman of the board and president of Ford Motor Co., before the Southern Research Institute at Birmingham, Ala., April 5, 1961)

I am very happy to be once again in Alabama. Yours is a State in which Ford Motor Co. has an important and growing stake. We have increased our investment here because we see a wonderful future for the Deep South. We believe that nowhere in America today is the spirit of competition and enterprise more on the move.

There never was a time when the two words, competition and enterprise, had more meaning than today. Today we find that an aggressive spirit of enterprise is sweeping the free world and competition of all sorts is mounting. Not only do we face the traditional inner competition of the American economy, not only is there the ever stiffer friendly competition of free world nations, but we now face also a kind of all-out hostile economic competition of global proportions—the economic challenge of world communism.

All three forms of competition—in their practical effect—are similar and related. I would like to talk to you today about this new, three-way economic competition as a businessman, speaking from the perspective of a company that has experienced just about every conceivable competitive situation in almost every imaginable kind of market.

A look at our balance sheet will show that Ford Motor Co. is an American company with by far its greatest stake in the American market. It also will show how the roots we have sunk in foreign soil have begun to bear substantial fruit. What the balance sheet cannot show but can only suggest is the fact of an increasingly vital international business relationship that is contributing, I believe, not only to our stockholders, but also to our country, to the economies of foreign countries, and to important major free world goals.

I do not mean to imply that Ford Motor Co. alone can have a really measurable impact on world economies but only to emphasize that all the actions of any component of industry, of labor, and of agriculture that bear on the challenge of world competition are vital to our future.

To call the 1960's the decade of decision for America may sound melodramatic and trite; but it is certainly true. We have simply run out of adequate ways to describe this fantastic time we live in.

Though each age sees itself as the turning point of history—at least in the speeches of politicians—the credentials of the 1960's for this uncomfortable but challenging distinction are outstanding. In these years it may be irrevocably decided how and where the atomic race will end.

At the very least, the economic and political fate of continents and the conditions of life of billions of people may be unalterably set during these few years—the 1960's. There are those, indeed, who say that in the nonmilitary competition with communism the turning point has passed and the play has already been called against us. They argue that the present world competition is of a kind which democratic governments and private economies are not suited to wage. They say it is not realistic to hope that we will make the hard and painful effort necessary to overcome that disadvantage.

Such thinking overlooks our truly great assets and tends to paralyze our will to do the things we can and must do so that freedom will survive.

The first thing to do, it seems to me, is to try to see clearly the logic of the present challenge and the course of action indicated.

For this as for every other crucial moment, there is an iron logic of right and wrong, sound or unsound action. No matter how complicated the circumstances, how seemingly at odds the interests involved, this logic is usually clear enough. Often the trouble is not that we don't know what is good for us, but that we don't like it. We don't like it because it interferes with our comfort, our desires, our passions or our preconceptions. That, of course, is why so much of history is a record of folly and disaster.

Today, one thing should be clear to everybody: We are at economic war with world communism. There is no possible way to disengage our domestic economy from that war. Everything we do or don't do at home and abroad affects it.

In this economic war, it appears that we have turned a major corner in the last few years.

During the 1950's, we fought and won the struggle of economic recovery for the industrialized nations of the West. To the very great credit of the American people, our friends, allies, and indeed our enemies of World War II are back on their feet and, on the whole, booming.

The challenge of the 1960's is entirely different, a good deal more complicated and tougher to solve. That challenge is to mobilize the united resources of the free world—especially the North Atlantic community of nations and Japan—in a vast cooperative effort to strengthen the economies of emergent nations in Asia, Africa, and Latin America and guide them in the paths of freedom.

In practical terms, this means working with others to assure a strong and growing flow of trade, of capital, of technology throughout the free world. It means also concerted international economic development activities in Asia and Africa.

We cannot begin to do this job alone. Without the full cooperation of the advanced nations of the West, the whole game could easily be lost in underdeveloped areas in the next 20 years.

The United States cannot mobilize such cooperation by command. It can neither pay the piper nor call the tune as it has often done in recent years. It must lead and persuade. And that in turn means that our Government's economic actions and policies will directly strengthen or weaken the political cooperation on which so much depends.

In this economic war with world communism, the first principle of survival is that we and other nations must accept the fact and implications of our total involvement, our total engagement, our total commitment in and to the free world and its common objectives.

In entering this new phase of economic competition with the Soviet bloc, we face new problems—many of which are the logical consequence of our own successful economic policies.

Foreign industries, many of them rebuilt with the aid of Marshall plan dollars and with the help of American business know-how, have achieved standards of efficiency and economies of scale that, combined with lower wage scales, enable them now to challenge American industry in both our foreign and home markets. If the relative cost trends of the 1950's persist, such competition will continue to increase. That is not to say that American industry cannot compete. On the whole it can. It is to say that our foreign competitors are now able to give us a real run for the money, and the present cost trend is in their favor. That fact has been dramatically apparent to the automobile industry in recent years.

In terms both of world and U.S. domestic interests, there is a right way and a wrong way to go about meeting such competition.

In a broader sense, however, there is only one workable way for us to meet the challenge of friendly competition. That is to be more competitive. We must trade more, not less; exchange more, not less, of goods, capital and technology. Only through friendly, free and open competition can we build at home and in the non-Communist world the strength, the cohesion and the unity to meet the hostile competition of world communism.

Fortunately, what is good, right and healthy for us at home is also good, right and healthy for us in our international relations and goals. There is not one set of economic laws for home consumption and another that takes over at the water's edge. The need at once to cooperate with and freely compete with friendly countries will make us take the kind of economic action that, in any case, would be best for us.

In other words, our foreign and domestic economic goals and the means to achieve them are fully compatible.

We are now in an embarrassing dilemma in our international balance of payments. Meeting that problem is partly a matter of Government policy; but it is equally a matter of increasing our export surplus. In order to do that, we must be more efficient and more competitive. If we do become more competitive, we not only help to solve our payments problem; we simultaneously reduce our unemployment, raise our living standards and move toward the economic breakthrough that we would all like to see.

In 1960 we exported $4,700 million more of merchandise than we imported. Of the goods we imported, a large part consisted of bulk raw materials and commodities not produced in the United States—coffee, tea, spices, natural rubber, and various scarce metals, for example. Thus our foreign trade creates added work opportunities for tens of thousands of Americans. Indeed, there are more Americans employed in producing goods for export than in any single industry in the United States—my own industry included.

Despite this export surplus, we had a balance of payments deficit in 1960 because the surplus was not sufficient to compensate for all our foreign military and economic aid outlays, plus a substantial flow of short-term funds seeking higher interest rates abroad.

If we tried to cut down the competition that comes in, we would inevitably lose our export markets as others retaliated. American industry, labor, and agriculture would have far more to lose than they might hope to gain by briefly stifling competition. We would lose the all-important discipline that foreign competition imposes on our domestic costs and prices—and which is first-rate and anti-inflationary medicine.

My own industry has largely held the price line on automobiles for the past 2 years despite rising costs of labor, materials, and purchased parts. Foreign competition without question supplied a strong stimulus to change our products and improve our manufacturing efficiency in ways that enabled us to hold the line. That has been true also of many other commodities.

Some producers may find their desire for protected markets in conflict with the Nation's need to expand trade and cooperation. Fortunately, for most producers there is no such clear-cut dilemma. Forced to compete, they find ways to compete successfully.

Let me add this thought: In the world's history there is much more precedent for protectionism than for free competition. All countries have industries they traditionally protect. And there is real justice in the idea that, since a liberal trade policy is essential for our Nation as a whole, special hardships that might be created by such a policy ought not to be borne by a limited group in the society. I believe we can and should seek constructive means to ease the problems of producers who are put at an unfair disadvantage with low-labor-cost foreign producers as a result of our trade policy.

It should be clear, however, that the best answer to our international payments problem is to export more. Since others must sell more to us if they are to buy more from us, that necessarily entails increased two-way trade. We can, if we will, increase our export surplus by seeking foreign markets more aggressively, by concentrating on discovering and producing the things that we can produce cheaper and better than others, by seeking more favorable foreign tariff treatment for our products.

Above all, however, increasing our export surplus requires that American industry must become more efficient, more competitive in its costs, more productive.

And I believe, sooner or later, we're going to have to accept the fact that there is no easy, royal road to higher productivity.

At least until recently, American industrial efficiency was the envy of the world. To achieve a further breakthrough, therefore, will not be easy, though it is entirely possible.

It means breaking down a series of barriers to progress, most of them being barriers of psychology or tradition.

It means being more self-disciplined than our foreign competitors.

It means greater determination by both management and labor to attack production costs, eliminate featherbedding and other work-spreading devices that now impede our efficiency and our ability to compete.

It means finding ways to do work faster, easier, more cheaply.

It means cutting fat and waste out of our management structures, programs and practices.

It means labor unions not seeking wage or benefit levels that are inflationary and impair our Nation's ability to compete. This—and not flooding the market with artificially inflated wages—is the way to get more real purchasing power.

It means keen and timely management sensitivity to and responsiveness to market forces in its pricing actions.

It means Government pursuing sound fiscal and tax policies that encourage investment in new and improved plant and facilities at a faster rate than in the past.

It means intensified research and management effort to develop and bring to market significantly new, different and desirable products. American industry is not doing this fast and hard enough to stimulate the kind of increased consumption we seek.

These are all necessary and desirable prerequisites to a new economic breakthrough. They are also the best medicine I can think of for the stubborn problem of unemployment that worries us all today.

Yet, even without any heroic improvement in our national economic performance, we should be able to bring about a considerable increase in our export surplus and thus solve our payments problem.

The truth is that the United States is still viewing the export market from the perspective of the Marshall plan years. It is time for a new look at our U.S. trade policies. We are no longer dealing with competitors unable to take care of themselves, but with foreign manufacturers whose products, efficiency, volumes and prices compare favorably with our own. We are dealing with countries whose currencies are strong.

Such countries can now afford the luxury of American-type consumer goods—the household appliances, television sets, even automobiles—as well as agricultural and other products that are now almost completely excluded. We never will know whether we have what it takes to sell those markets so long as many insurmountable trade barriers prevent our even trying.

If American industry and labor are going to fight their competitive battle in the marketplace, and not in the halls of the Tariff Commission—it seems only reasonable to ask that our own Government seek a more fair reciprocity of tariff treatment for U.S. industrial and farm products.

I might add that even in all existing circumstances it should be possible for industry to make some better than token contribution to our balance of payments deficit by a really vigorous effort to step up exports.

Because export business is good business, and because it is particularly important now to the United States, I think it would be a good idea if every company sat down and seriously investigated possible ways of increasing its export sales. Many would find some marginal sales that had escaped them. If everybody were to make only a fractional improvement, it could have a material effect on the payments balance.

But the payments problem is not exclusively an export problem; it is as much or more an investment problem. In many markets the United States cannot materially increase its exports and must share—if at all—via the investment route.

Though I believe Europe should sharply reduce its trade barriers to automobiles, for purely economic reasons I see no basis for a large increase soon in U.S. automobile exports to Europe. Looking at the total world market outside the United States, we have figured that U.S. automobiles can compete freely in only a small, 10-percent segment that still admits competition from any source.

If we want to participate in Europe's rich automotive market, we must do so largely from the inside—through investment.

And whether we like it or not, the rest of the world is on a do-it-yourself binge. Africa, Asia, Latin America are going all out into the industrial age. They not only want automobiles, air conditioners and TV, they want to build their own. It does no good to tell them this is all very unsound, that they ought not to try to do so much so fast, that they should relax and buy from us a lot cheaper than they can make it. They just won't go along; they are deeply committed to fast industrialization.

If we want to share in those markets, rich and vast as they will someday surely be, if we want to try to have some influence on how they grow and where they are headed, we are going to have to do so mainly from the inside—from their inside. We are going to have to go in with our capital and

tools and know-how and help them get the things they want.

It is disturbing today to find in our country a tendency to see only danger where we should see great opportunity, to flee a kind of competition we should be seeking—and seeking eagerly.

Investment competition throughout the world is fierce. And there is one thing we can be sure of: If we, by tax changes or other means, discourage U.S. enterprises from seeking profitable opportunities abroad, German, French, English, and perhaps even Soviet funds will rush to fill the vacuum. Foreigners today must think it just doesn't make sense for Americans to discourage such U.S. investments abroad. To most countries, foreign investment has always been a vital source of economic benefit and foreign exchange.

In every recent year, returns from direct U.S. capital invested abroad have exceeded the outflow of new investment funds.

I might mention in passing that in the past 10 years, despite substantial recent acquisitions in Canada and England, Ford Motor Co. has contributed in excess of $1,600 million to the U.S. balance of payments. We hope and trust that our expanded foreign operations will increasingly benefit the U.S. balance of payments as well as the economies of the host countries.

This kind of productive foreign investment is most valuable to the United States in many ways. It brings in money. It promotes exports. It strengthens the domestic industry and enables it to compete better at home and abroad. Usually, it adds to the production of goods in the United States.

For example, according to a Commerce Department study covering the year 1957—the last year for which such details are available—American-owned automobile companies in Europe imported from the United States material, equipment, and spare parts to the amount of $440 million. The same concerns exported to the United States manufactures totaling only $195 million. Moreover, part or most of the dividends from earnings on such exports would return to the United States, thus helping meet our payments problem.

Further, as American investment in Western Europe has increased recently, exports to Western Europe have also greatly increased—by almost 50 percent last year. More foreign investment has meant expanded trade that is beneficial to the United States.

One aspect of the intensified competition that worries people is foreign sourcing—the purchase abroad of materials, goods, and components. It is disturbing to see vigilante warfare being conducted against such imports; for willful inefficiency is never the way to prosperity and security.

It is basic in the friendly world economic relationships we seek that manufacturers in all countries must, if they are to compete, find the most economic sources within the trading area for parts, tools, raw materials, and the like.

In our own case, as we look at the competition in world markets, in swift-growing Europe today, and tomorrow's burgeoning markets in Latin America, Africa, and Asia, we see increasing opportunity to expand the employment, production, and profits of all our components by viewing all operations of Ford Motor Co. in worldwide perspective.

We are convinced, for example, that if all our facilities shop the world for the best values, we can materially increase the competitive efficiency of each company component.

Price is not the only factor in shopping the foreign market. Such attributes of the supplier as reliability, technical competence in problem solving, and ability to respond to fluctuations in demand also determine the value of the product or service he is selling.

From year to year the automobile industry has had a substantial export surplus. In 1960 it was half a billion dollars. And I believe that expanded international sourcing will increase the U.S. automotive export surplus, if we merchandise parts and vehicles aggressively. It can mean added sales, added jobs and added profits for the American automotive industry and its suppliers, if we keep our costs competitive.

At present, for example, we have people in Japan and Europe trying to sell Ford-made automotive components that we in America can still manufacture more cheaply than they. Though the general competitive tide has been unfavorable, American industry is still far from licked.

If what industry sells abroad is helpful to the American economy, what it buys may be equally helpful. In many instances, a low cost imported part or component may make it economically feasible to produce or assemble in the United States a complete product that otherwise would be produced abroad, or not at all. Clearly such imported parts create jobs. They create added production and added work for Americans. To try to exclude them would be a serious and unhappy mistake.

I want to stress that when industries or companies invest abroad, they do not do so in the expectation of clobbering their own export markets or putting themselves out of business at home. Our industry invests in the automobile business abroad, as well as at home, because there are markets with tremendous growth potential abroad—markets that we cannot hope to share in any other way. By entering those markets we can help make American industry more competitive at home and abroad, and therefore more prosperous and a better source of jobs and incomes for Americans.

In discussing the importance of private foreign investment to the American economy and our country's foreign goals, I have not yet discussed what is perhaps most important of all—how private investment may be a vital working arm of our economic policies abroad.

A company like ours, with factories and outlets all over the world, is a vast international clearinghouse for new ideas, techniques and technologies in manufacturing, finance, engineering, marketing and distribution. It draws on the aggregate skills and experience of many countries and cultures, combines and enriches them all. It promotes economic cooperation across national boundaries and encourages the most efficient utilization of the resources of its total orbit.

Increasingly, such enterprises must promote the business climate and conditions in Asia and Africa and Latin America that will help satisfy the demands of rising human aspirations and at the same time build richer world markets.

Instead of thinking of ways to hinder foreign investment, we in the United States should be seeking a way to bring the many benefits of private investment to areas where capital would not normally be put at risk because of local political instability, threat of expropriation, inadequate profit potential, or other reasons. Such areas are targets for our Communist competitors, who may and do take actions motivated by political considerations alone.

In order to overcome this handicap, I believe American industry should cooperate with the Government in a program aimed at making private enterprise competitive with communism in the underdeveloped areas. It should be possible, at rather low cost, to bring together the unlimited needs of these areas and presently unused capabilities of American industry, labor and agriculture to serve a vital role in the economic cold war.

Ford Motor Co. would be prepared to do its part in such a program. It would do so in the real expectation that our whole economy would benefit in years to come from the expanded markets that would result from such action, as well as from maintaining freedom.

I believe that the present world challenge of peaceful economic competition is one we are well equipped to meet. If American industry, agriculture and labor will work toward the goal of greater efficiency in all we do, and if our Government pursues sound growth-promoting policies at home and, in its foreign trade relations, we should be able not only to achieve the things we want at home but also to rout the forces of communism in the ultimate competition of the 1960's. The South—as one part of America—can make a most valuable contribution to this effort. Ford Motor Co.—as one component of the automotive industry—hopes to do its share. Working together, there are—it seems to me—no definable limits to what our joint endeavors might accomplish.

RELATIONSHIPS BETWEEN THE UNITED STATES AND CUBA

Mr. HUMPHREY. Mr. President, the Washington Post under date of April 4, 1961, published an editorial entitled "The Dividing Line." The editorial refers to the 36-page pamphlet issued by the Department of State concerning the relationships between the United States and Cuba under the dictatorship of Fidel Castro.

The editorial has been discussed widely, but I believe the Washington Post editorial of April 4 states succinctly the general thesis of the document and that it should have wide reading and understanding.

I ask unanimous consent that this editorial, together with an editorial entitled "Invasion of Cuba," published in the Washington Post of April 18, 1961, be printed in the RECORD. The second editorial reminds us of the gravity of the current international situation in this hemisphere, particularly the problems which are involved in the present civil war in Cuba and what the civil war may mean to the United States of America and our relationships with our neighboring American Republics.

Also, I ask unanimous consent that an editorial entitled "Partnership in Progress," published in the New York Times of March 31, 1961, be printed in the RECORD.

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

[From the Washington Post, Apr. 4, 1961]

THE DIVIDING LINE

If there were any doubts about the U.S. position on Cuba, the 36-page pamphlet issued by the State Department ought to resolve them. Written under the personal supervision of President Kennedy, the statement makes clear that the United States does not oppose Fidel Castro because he led a revolution. It opposes him, rather, because the Cuban Prime Minister has plunged his country into the terror and totalitarianism he once professed to despise. This is the point that we hope will be pondered within Cuba and elsewhere in Latin America.

The pamphlet contains hard facts to buttress the melancholy conclusion that Castro has instituted a repressive tyranny and has delivered his country to the Sino-Soviet bloc. Here are the names, the dates,

the events which compose the chronicle of disenchantment with Fidel Castro. "Never in history has any revolution so rapidly devoured its children," the document states. "The roster of Castro's victims is the litany of the Cuban revolution."

The State Department pamphlet makes a persuasive case that Castro's chief target is less Yankee imperialism than the democratic movements for change elsewhere in Latin America. It recites chapter and verse on Cuban efforts to undermine and defame democratic-minded Latin American leaders. It notes the shoddy cynicism involved in the Cuban attempts to side with the Trujillo dictatorship in assailing Venezuela's President Romulo Betancourt. It makes clear that in opening the gates to the Sino-Soviet bloc, Castro has imperiled the inter-American system and has made Cuba a pawn in the cold war.

Wisely, we think, the pamphlet lays little emphasis on the expropriation without compensation of foreign property. Serious as it is, this is a matter which could be negotiated. It is not in any event on a par with the sinister political envelopment of Cuba. The administration recognizes that the clock cannot be turned back and that any potential successor government must be expected to conserve the positive gains of the Castro revolution.

In short, the line that divides Cuba from its neighbors is not economic but political. In calling upon Fidel Castro to sever his country's ties with an alien totalitarian system, the United States is not asking Cuba to abandon its revolution. Instead, the plea is to rescue a once-promising revolution from its destruction by an external power that is using Cuba to provoke an international civil war.

There is no illusion, to be sure about the possibility of such a change. Cuba's foreign masters are so solidly entrenched that even if Fidel Castro should attempt to break away it is debatable whether he could succeed. But the pamphlet serves the purpose of making the record clear. It acknowledges "past omissions and errors in our relationships" with Cuba. One of the omissions was the official silence in Washington when Fulgencio Batista turned Cuba into a police state. In the case of Castro, the same mistake is not being repeated.

[From the Washington Post, Apr. 18, 1961]

INVASION OF CUBA

Most Americans will make no secret of their sympathy with the efforts of Cubans to overthrow the Communist-dominated regime of Fidel Castro. The principal immediate question arising from the invasions of Cuba is whether they are in sufficient strength to hold on against the Communist arms available to Castro. An attempt that failed might aggravate the problem in many ways.

But there probably is no optimum time for a campaign to rid Cuba of the men who betrayed its revolution to Moscow. Arguments are heard that Castro might fall of his own weight if the economic situation became bad enough. But against these arguments are some persuasive counterarguments. The Soviet Union and/or China might well not allow Castro to fall. The difficulties of overthrow would increase as Communist institutions became more ingrained and Communist arms and training took more effect. The imminent arrival of Soviet destroyers and Communist-trained jet pilots, as reported by Marquis Childs today, emphasizes the point.

No doubt there will be uneasiness about U.S. complicity in the efforts. Secretary Rusk has asserted that the invasions did not come from American soil, and that Americans are not participating, but there have been many reports of substantial American help to the insurgent Cubans. The Castro government already has sought to indict the United States in the United Nations, with pious assistance from the Soviet Union and the Communist bloc. An unpleasant period for American diplomacy may lie ahead.

Let us assume that the United States has in fact given physical as well as moral support to the anti-Castro Cubans. Is this an evasion of American principles and international commitments? Is it hypocrisy to say that this situation is different from that of Britain and France at the time of Suez? Is it just a matter of whose ox is gored?

It would be easy to dissolve doubts in mere rationalization. The United States is committed in a series of international undertakings to consultative and nonviolent methods in the settlement of disputes, and this country has paid obsequious service to the doctrine of nonintervention. Yet it would be altogether self-defeating to become so wrapped up in narrow legalisms as to miss the point.

In the first place, it is Cubans rather than Americans who are directly involved in the invasions. Hundreds of thousands of the best people of Cuba have fled from the Castro tyranny and are dedicated to its overthrow. That is a major difference from Suez. In the second place, there is no law or treaty which precludes American help to people who are seeking to regain their freedom. Nor could there be. Assistance to the cause of liberty is one of the most basic of all American principles.

There is another essential point. The fundamental objection to what Castro has brought about in Cuba is that it affords a beachhead for an alien power system in the Western Hemisphere. The Communists have intervened in Cuba, and quite unabashedly. They thus are trying to alter the world balance of power.

The Communists know perfectly well that the American republics cannot tolerate this, any more than the Soviet Uunion could tolerate an American-dominated regime in Poland or Rumania. Indeed, the statement adopted by the 10th Inter-American Conference at Caracas in 1954 declares flatly that domination of any American state by the international Communist movement would constitute a threat to the sovereignty and political independence of the hemisphere.

It would be monstrous to permit a semantic preoccupation with form to obscure the substantive issues in Cuba. The Communists have been quick to endorse and aid movements over the world that they think will favor their cause, from Greece in 1946 to Laos and Cuba today. We know what we mean by freedom, and we know that the Communist system is the opposite. We need apologize to no one for our championship of freedom for Cuba.

It would be foolish, of course, to overlook the dangers attendant upon American blessings for the Cuban effort to overthrow Castro. One problem is that of world opinion. The degree of Communist domination of Cuba is not clear to some people in this hemisphere, let alone elsewhere. Too long an American association with the rightwing Batista dictatorship has made it difficult to point up the far greater dangers of the totalitarian left.

A second problem involves the possibility of a long-drawn-out civil war in Cuba. That might split the countries of the hemisphere and cause the world generally to choose sides. It might also create pressure upon the United States for direct intervention. The Communists have boasted that they will make the United States pay for its attitude toward Soviet intervention in Hungary.

These considerations need to be kept constantly in mind, for they have an important tactical bearing upon the American relationship to what may be done in Cuba. It is imperative to make clear at every opportunity this country's hope for a liberal government and social and economic justice for the Cuban people.

But the overriding problem remains that of the increasing Communist grip on Cuba. The success of the efforts to break that grip is an immediate and proper concern of the United States. And Americans whose credo is liberty have nothing to be ashamed of—indeed, they have every reason for pride—in their sympathy and support for Cubans who are seeking to liberate their country from tyranny.

[From the New York Times, Mar. 31, 1961]

PARTNERSHIP IN PROGRESS

The basic philosophy and practical procedures of President Kennedy's program for aid to the underdeveloped countries are rapidly winning such widespread international acceptance as to raise genuine hope for his projected new partnership between the northern and southern halves of the world and, with Latin America, an alliance for progress.

The absolute necessity of such aid as an economic arm of free world defense and a lever for free world prosperity has long been acknowledged by many countries participating in individual or collective-aid programs. Now President Kennedy's concept of such aid as a moral obligation, resting on donors and recipients alike, finds similar acceptance.

Such acceptance is the basis of the agreement reached at London by the 10-nation Development Assistance Group that will become a formal committee of the Organization for Economic Cooperation and Development, now being created to coordinate, among other things, foreign-aid programs. On that basis the group agreed, first of all, that it must be the common objective of all members to increase the aid total beyond present levels, sustained to a disproportionate extent by the United States. On the same basis it further agreed that the aid burden must rest in "fair shares" on all donor countries and that each should contribute in proportion to its economic capacity, with due regard to other relevant factors.

The group rejected any mechanical measuring stick, but the goal remains a contribution for each member of around 1 percent of the gross national product, which would yield around $8 billion a year.

In the matter of practical procedure the group agreed that the key to the success of any aid program is an assured and continuing basis. Such a basis is necessary not only to permit long-range planning and development projects which are difficult under the system of annual appropriations. It is also necessary, as President Kennedy has pointed out, to enlist the recipient countries in carrying out their reciprocal obligation of self-help that must include sweeping political, economic, and social reforms.

Pending adoption of such a procedure, the prospective donor countries—the newer ones especially—are rather hesitant in acknowledging their own obligation. But the recognition of this responsibility is gaining ground—in Latin America, in Asia, and in Africa. Therein lies hope that the recipient nations will not merely expect to take, but will join in national development programs that will assure justice and freedom for all.

VISIT BY WALTER LIPPMANN TO SOVIET UNION

Mr. HUMPHREY. Mr. President, it may be that other Senators have earlier placed in the RECORD three articles written by Mr. Walter Lippmann relating to

his recent visit with the Secretary of the Council of Ministers of the Soviet Union, Mr. Khrushchev.

The first article is entitled "War Threat Fading, Khrushchev Believes," and was published in the Washington Post of April 17, 1961. The second article is entitled "Lippmann Believes Khrushchev Feels Red Triumph Is Inevitable," and was published in the Washington Post of April 18, 1961. The third article is entitled "Germany Is Key Issue to Khrushchev," and was published in the Washington Post of April 19, 1961. I feel certain that the editorials were also published in other newspapers.

Mr. President, the articles are "must" reading. They reveal the thinking of the dictator of the Soviets at a time when we have every reason to be ever more deeply concerned about what is taking place behind the Iron Curtain, particularly what is taking place in the Kremlin and in the mind of the Soviet leader.

I commend the articles to the reading of Senators, not because every phrase or statement should be accepted at face value, but rather because the articles are the result of the brilliant mind of one of the most able analysts of the political scene in our time. Mr. Lippmann is truly a political scientist. I remind Senators that Mr. Lippmann is not merely a columnist; he is a student of politics of the international scene. He is one of the most respected political commentators and political scientists in the world.

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

[From the Washington Post, Apr. 17, 1961]

WAR THREAT FADING, KHRUSHCHEV BELIEVES

(By Walter Lippmann)

On this, our second visit, my wife and I were taken on a long journey by plane and auto to Mr. Khrushchev's country place in Sochi on the Black Sea. Before we left Moscow, accompanied by two interpreters and an official of the press department, there was much mystery about all the details of the coming visit, such as when and where we were to see the great man. In fact, as it turned out, he had no other appointments after 11:30 in the morning, when he met us in the pinewoods near the entrance of his place. Eight hours later, a bit worn by much talk and two large meals, we insisted on leaving in order to go to bed.

I would not like to leave the impression that all 8 hours were devoted to great affairs of the world. Perhaps, all told, 3½ hours were spent in serious talk. The rest of the time went into the two prolonged meals at which Mr. Khrushchev, who is on what appears to be a nonfattening diet, broke the rules, saying joyously that the doctor had gone to Moscow for a day or two. The talk was largely banter between Mr. Khrushchev and Mikoyan, who joined us for lunch, and the banter turned chiefly on Armenian food and Armenian wine and Armenian customs, which include the compulsion to drink all glasses to the end at each toast. Though we drank a bit more than we wanted, Mikoyan chose to regard us as American ascetics who only sipped their wine. Finally, Mr. Khrushchev took pity on us by providing a bowl into which we could pour the wine as fast as Mikoyan filled our glasses.

Between this heroic eating and drinking, we walked around the place, which is large, met Mr. Khrushchev's grandson and Mikoyan's granddaughter, inspected the new and very gadgety swimming pool and, believe it or not, played badminton with Mr. Khrushchev.

In the serious talks, I might say that my wife made fairly full notes, I made a few jottings, but there was no transcript and the translation was done very ably by Mr. Victor M. Sukhodrev who is an official in the Foreign Ministry. It was understood that I was free to write what I liked when I had left Russia and to quote Mr. Khrushchev or not to quote him as seemed desirable. I shall set down my own understanding and interpretation of the most important and interesting points that he made.

For an opening I reminded him that we had last seen him in October 1958, nearly a year before his visit to the United States. Much has happened in these 2½ years and would he tell me what seemed to him the most important events for good or evil?

After a moment or two of hesitation, he replied that during this period the two main forces in the world—the capitalist and the socialist—have concluded that it was useless to test one another by military means. I took him to mean by test the backing of their political aims by the threat of war.

In contrast with 1958, when he professed to believe that the United States and Germany might attack him, he spoke with confidence that because of the growing strength of the Communist orbit, the threat of war from our side was dying down. As a result, the United States was abandoning the "Dulles doctrine" that the neutrality of small states is "immoral." He himself welcomed President Kennedy's proposals for a neutral Laos.

You think then, I asked him, that there has been a change in U.S. policy? To this he replied that while there were some signs of a change, as for example in Laos, it was not a radical change, as could be seen in the U.S. attitude toward disarmament. What, I asked him, is wrong with the U.S. attitude? We cannot see, he replied, that any change is imminent when the subject of disarmament is put in the hands of such a believer in armaments as Mr. McCloy. We think well of Mr. McCloy and during his time in Germany we had good relations with him. But asking him to deal with disarmament is a case of asking the goat to look after the cabbage patch.

I interjected the remark that the final decisions would be made by the President. But Mr. Khrushchev insisted that the forces behind the Kennedy administration he summed up in the one word "Rockefeller." The view that he is running the Kennedy administration will be news to Governor Rockefeller. I should add that Mr. Khrushchev considers me a Republican, which will be news to Mr. Nixon.

Then we got onto the subject of nuclear testing. He said that the Western Powers were not ready to conclude an agreement, and that this was shown, among other things, by the demand for 21 or perhaps 19 inspections a year. He had been led personally to believe that the West would be satisfied with about three symbolic inspections. Nineteen inspections, our present demand, were nothing but a demand for the right to conduct complete reconnaissance of the Soviet Union.

I asked him about his attitude toward underground testing. He replied that the U.S.S.R. has never done any underground testing and never will. I asked why? Because, he said, we do not see any value in small tactical atomic weapons. If it comes to war, we shall use only the biggest weapons. The smaller ones are very expensive and they can decide nothing. The fact that they are expensive doesn't bother you because you don't care what you spend and, what is more, many of your generals are connected with big business. But in the U.S.S.R. we have to economize, and tactical weapons are a waste.

I report this without having the technical expertise to comment on it.

Then he went on to say that the second reason why he had no great hopes of an agreement was that the French are now testing and are unlikely to sign the agreement. It is obvious, he said, that if the French are not in the agreement, they will do the testing for the Americans. To which, I said, and the Chinese will do the testing for you. He paused and then said that this was a fair remark. But, he added, while China is moving in the direction where she will be able to make tests, she is not yet able to make them. When the time comes that she can, there will be a new problem. We would like all states to sign a nuclear agreement.

Finally, he came to his third reason why an agreement may not be possible. It turns on the problem of the administrator of the agreement. Here, he was vehement and unqualified. He would never accept a single neutral administrator. Why? Because, he said, while there are neutral countries, there are no neutral men. You would not accept a Communist administrator and I cannot accept a non-Communist administrator. I will never entrust the security of the Soviet Union to any foreigner. We cannot have another Hammarskjold, no matter where he comes from among the neutral countries.

I found this enlightening. It was plain to me that here is a new dogma, that there are no neutral men. After all the Soviet Union had accepted Trygve Lie and Hammarskjold. The Soviet Government has now come to the conclusion that there can be no such thing as an impartial civil servant in this deeply divided world, and that the kind of political celibacy which the British theory of the civil service calls for is in international affairs a fiction. This new dogma has long consequences. It means that there can be international cooperation only if, in the administration, as well as in the policymaking, the Soviet Union has a veto.

Our talk went on to Cuba, Iran, revolutionary movements in general, and finally to Germany. I shall report on these topics in subsequent articles.

[From the Washington Post, Apr. 18, 1961]

LIPPMANN BELIEVES KHRUSHCHEV FEELS RED TRIUMPH IS INEVITABLE

(By Walter Lippmann)

In this article I shall put together those parts of the talk which dealt with the revolutionary movements among small nations.

Mr. Khrushchev spoke specifically of three of them—Laos, Cuba, and Iran. But for him these three are merely examples of what he regards as a worldwide and historic revolutionary movement—akin to the change from feudalism to capitalism—which is surely destined to bring the old colonial countries into the Communist orbit. I could detect no doubt or reservation in his mind that this will surely happen, that there is no alternative, that while he will help this manifest destiny and while we will oppose it, the destiny would be realized no matter what either of us did.

Speaking of Iran, which he did without my raising the subject, he said that Iran had a very weak Communist Party but that nevertheless the misery of the masses and the corruption of the government was surely producing a revolution. "You will assert," he said, "that the Shah has been overthrown by the Communists, and we shall be very glad to have it thought in the world that all the progressive people in Iran rec-

ognize that we are the leaders of the progress of mankind."

Judging by the general tenor of what he said about Iran, it would be fair to conclude that he is not contemplating military intervention and occupation—"Iran is a poor country which is of no use to the Soviet Union"—but that he will do all he can by propaganda and indirect intervention to bring down the Shah.

In his mind, Iran is the most immediate example of the inevitable movement of history in which he believes so completely. He would not admit that we can divert this historic movement by championing liberal democratic reforms. Nothing that any of us can say can change his mind, which is that of a true believer, except a demonstration in some country that we can promote deep democratic reforms.

His attitude toward Cuba is based on this same dogma. Castro's revolution is inevitable and predetermined. It was not made by the Soviet Union but by the history of Cuba, and the Soviet Union is involved because Castro appealed for economic help when the United States tried to strangle the revolution with an embargo.

He said flatly, but not, I thought, with much passion, that we were preparing a landing in Cuba, a landing not with American troops but with Cubans armed and supported by the United States. He said that if this happened the Soviet Union would oppose the United States.

I hope I was not misled in understanding him to mean that he would oppose us by propaganda and diplomacy, and that he did not have in mind military intervention. I would in fact go a bit further, based not on what he said but on the general tone of his remarks, that in his book it is normal for a great power to undermine an unfriendly government within its own sphere of interest. He has been doing this himself in Laos and Iran and his feeling about American support of subversion in Cuba is altogether different in quality from his feeling about the encouragement of resistance in the satellite states of Europe, Mr. Khrushchev thinks much more like Richelieu and Metternich than like Woodrow Wilson.

I had an overall impression that his primary interest is not in the cold war about the small and underdeveloped countries. The support of the revolutionary movement among these countries is for him an interesting, hopeful, agreeable opportunity, but it is not a vital interest in the sense that he would go to war about it. He is quite sure that he will win this cold war without military force because he is on the side of history, and because he has the military power to deter us from a serious military intervention.

His primary concern is with the strong countries, especially with the United States, Germany, and China. I could not ask him direct questions about China. But there is no doubt that in his calculations of world power, China is a major factor. I felt that he thought of China as a problem of the future, and that may be one of the reasons why for him the immediate and passionate questions have to do with Germany and disarmament. In my next article, I shall deal with what he had to say about Germany, which he discussed at some length.

For the present I should add a few miscellaneous impressions. During our walk after lunch, Mikoyan being with us then, I tried to find out what they thought of President Kennedy's purpose to bring the American economy not only out of the current recession but out of its chronic sluggishness. For quite evidently, much of his buoyant confidence in the historic destiny of the Soviet Union is based on the undoubted material progress of Soviet industry as compared with our slow rate of growth.

I had put the question to Mikoyan, assuming that he was the economic expert, but he deferred at once to Mr. Khrushchev. To Mr. Khrushchev it was certain that President Kennedy cannot succeed in accelerating American economic growth. He had, he told me, explained that to Mrs. Roosevelt when he was in New York during the American election. Why can't President Kennedy succeed? Because, he said, of Rockefeller, and then added, Du Pont. They will not let him. This was, it appears, one of those truths that cannot be doubted by any sane man.

None of this, however, was said with any personal animus against President Kennedy. Rather it was said as one might speak of the seasons and the tides and about mortality, about natural events which man does not control. While he has no confidence in the New Frontier, he has obvious respect for the President personally, though he confessed he could hardly understand how any man who had not been in a big government for a long time could suddenly become the head of it. Moreover, as I shall report tomorrow in talking about the German question, it is clear, I think, that he looks forward to another round of international negotiations before he precipitates a crisis over Berlin.

[From the Washington Post, Apr. 19, 1961]

GERMANY IS KEY ISSUE TO KHRUSHCHEV

(By Walter Lippmann)

It was clear to me at the end of a long talk that in Mr. Khrushchev's mind the future of Germany is the key question. I sought first to understand why he thinks the German problem is so urgent, and so I asked him whether, since agreement was so far off, a standstill of 5 or 10 years might not be desirable. He said this was impossible. Why? Because there must be a German solution before "Hitler's generals with their 12 NATO divisions" get atomic weapons from France and the United States. Before this happens there must be a peace treaty defining the frontiers of Poland and Czechoslovakia and stabilizing the existence of the East German state. Otherwise, West Germany will drag NATO into a war for the unification of Germany and the restoration of the old eastern frontier.

His feeling of urgency, then, springs from two causes: His need to consolidate the Communist East German state—known for short as GDR—and second his need to do this before West Germany is rearmed.

He said several times that he would soon bring the German question to a head. Quite evidently, the possibility of nuclear arms for West Germany is not immediate. Bonn does not now have the weapons and although the possibility of it is real enough, the threat is not so urgent as to be a matter of a few months. The more immediately urgent consideration is, no doubt, the need to stabilize the East German regime, particularly in view of the flow of refugees.

My general impression was that he was firmly resolved, perhaps irretrievably committed, to a showdown on the German question. But it was evident also that he dreaded the tension—he referred to this several times—and is still looking for a negotiation which will work out a postponement and an accommodation.

In the talks it transpired that he is thinking of the problem as having three phases.

The first is what he considers the real and also the eventual solution. He has no hope, however, that the West will now accept it. His thesis is as follows. The two Germanys cannot be reunited. The West will not agree to a unified Communist Germany and the Soviet Union will not agree to the absorption and destruction of the GDR by West Germany. There are in fact two Germanys. The way to proceed is, then, to "codify" the status quo in the form of peace treaties with what he called the three elements of Germany. These three elements are West Germany, East Germany, and West Berlin.

This codification would require de facto but not diplomatic recognition of the GDR. It would fix by international statute the position of West Berlin as "a free city," with its right of access and its internal liberty guaranteed by the presence of "symbolic contingents" of French, British, American, and Russian troops, by neutral troops under the aegis of the U.N., and by the signatures of the two Germanys and the four occupying powers.

As I said above, Mr. Khrushchev does not expect at this time to reach this solution. He has, therefore, a second position which he called a fallback position. This is essentially that of the Soviets at the last Geneva conference of the foreign ministers. It would call for a temporary agreement. In the Russian view but not in our view this temporary agreement would have a short and fixed time limit of perhaps 2 to 3 years. During this time the two German states would be invited to negotiate on a form of unification—perhaps, though he did not say so specifically in this talk, a kind of loose confederation. At the end of the fixed period of time, if a new agreement about West Berlin along the lines I have outlined previously was reached, it would be embodied in a treaty. If no agreement was reached, the legal rights of occupation would lapse.

This German solution was, as we know, refused by the West. But if there is to be another round of negotiation, variants on it are likely to be the substance of the bargaining.

If this fails, Mr. Khrushchev's third position is that he will sign a separate peace treaty with East Germany. Then the GDR will, in the Soviet view, be sovereign over the rights of access to West Berlin. If the Western Powers refuse to do business with the GDR and use force to enter West Berlin, then the Soviet Government will use the Red army to blockade West Berlin.

Though it would be foolish to undervalue his determination, the threat is not quite so fierce as it sounds. For he most certainly does not want a military showdown, and "doing business" with the GDR is a flexible and not a rigid conception.

I have confined myself strictly to reporting my understanding of the Soviet policy on Germany. If I may venture an opinion of my own, I would make these points.

First, Mr. Khrushchev will not precipitate a crisis until he has had a chance to talk face to face with President Kennedy.

Second, he will surely sign a separate peace treaty if he cannot negotiate a temporary accommodation which is described under his "second position."

Third, the crucial points which will determine whether the German question is resolved by negotiation or goes to a showdown are whether the prospect of nuclear arms for Germany increases or diminishes, and whether or not we say that the freedom of West Berlin, to which we are pledged, can be maintained only by a refusal to negotiate about this future.

I have been asked many times since we left the Soviet Union to come to London whether I found the whole interview encouraging or depressing. I found it sobering. On the one hand, the evidence was convincing that the U.S.S.R. is not contemplating war and is genuinely concerned to prevent any crisis, be it in Laos, in Cuba, or in Germany, from becoming uncontrollable. On the other hand, there is no doubt that the Soviet Government has a relentless determination to foster the revolutionary movement in the underdeveloped countries.

This relentless determination springs from an unqualified faith in the predestined acceptance of communism by the underdeveloped countries. The Soviet Government

has great confidence in its own military forces. But it regards them not as an instrument of world conquest but as the guardian against American interference with the predestined world revolution.

I was sobered by all this because I do not think there is any bluff in it.

FREEDOM IN AFRICA

Mr. HUMPHREY. Mr. President, on Monday, April 17, it was my privilege to speak in New York City at a rally known as African Freedom Day. The program was in observance of African freedom and was in conjunction with the commemoration of African Freedom Day as expressed by the President of the United States and the two Houses of Congress. Senators may recall that the House of Representatives passed one resolution, and the Senate passed a second resolution, expressing the good will of the United States of America toward the free nations of Africa in terms relating to their independence and freedom. The language of the resolutions has already been printed in the RECORD.

The outstanding program in New York City was held at the assembly hall of Hunter College. It was participated in by some of the outstanding leaders of the African countries, particularly the leaders of areas which are seeking to attain their freedom. Tom Mboya, from Kenya, for example, was one of the speakers. He is a thoroughgoing democrat. He is a liberal. He is a great leader of his people. His message would be worth the study of every citizen of this Nation.

It was my privilege to have a very small part in this program and to address the audience in a brief commemoration observance. I had an experience at that assembly which will always be a memorable one in my life. The large audience was composed of very fine people who are deeply interested in the problems of the world, and particularly in our relationships with Africa, especially with the new nations of Africa and the colonial areas which are seeking freedom.

The newspapers commented upon the fact that the Senator from Minnesota in delivering his address was interrupted by heckling. I would be less than candid if I did not say that there were persons in the audience who saw fit to shout such words as "the Congo," "Castro," "Cuba," "Lumumba," and other words and phrases which were not ascertainable or not audible.

Mr. President, one of the comments by the press was to the effect that the audience was made up predominantly of Negroes; and the indication in the press comment was that all the fine people there joined in that demonstration. I should like the record to be clear; let me read from the Associated Press dispatch:

> The heckling from the predominantly Negro audience began only moments after Senator HUMPHREY opened his address at the rally sponsored by the American Committee on Africa. It rose in tempo as the Senator declared, "The American people want all men to win and sustain freedom. We want all people to achieve and enjoy the dignity of freedom."
>
> Although most of the shouts were unintelligible, the word "Cuba" was audible several times. Senator HUMPHREY paused at one point to say, "May I say that this is the fullest expression of freedom—what we hear here tonight."

Mr. President, I mention this only because I think one who reads the article might feel that the overwhelming majority of the audience was in disapproval of the statement that "The American people want all men to win and sustain freedom." However, Mr. President, the majority of the audience was not in disapproval of that statement. Instead, the overwhelming majority of that audience was enthusiastically in approval of the statements made by the President of the United States and in the resolution of the Senate and the statements made by the Senator from Minnesota in conveying the greetings of our people and expressing the thought and the hope of complete freedom and independence for the peoples of Africa.

There were in the audience a few persons who are best described as hecklers. Some persons of that sort were at the United Nations, the same afternoon; and they heckled Mr. Adlai Stevenson. More than a thousand paraded in the streets of New York, and shouted in behalf of Fidel Castro. There are extremists, and frequently they are found in audiences before which great causes of liberty, freedom, and social justice are supported and heralded. But extremists do not represent the consensus or the majority of our people, Mr. President. In fact, these extremists represent only their own point of view.

I must say that I consider it a high compliment to have been heckled by some extremists, some pro-Castroites, some proleftists, or whatever they may be called, when I stated that "Independence, freedom, and anticolonialism are hallmarks in our history." It seems to me that it is a rich privilege to have someone wish to heckle us when we refer in those terms to our history.

At one point in the course of my speech I said:

> We do not want just stability in Africa. We want progress and growth and achievement. Stability implies lack of change, the status quo.
>
> Freedom is born in pain, in struggle, in sacrifice. Our history reminds us of this.
>
> The man who asks only for stability in Africa is wrong. Stability for Africa is regarded by many to mean continued hunger, sickness, poverty, and illiteracy.
>
> We welcome change for Africa and her peoples. That is why this Nation has pledged to share its resources—and we ask other nations to share theirs—to help the African people make the economic and social progress—the changes toward which they strive.

Mr. President, someone may wish to shout down a person who makes a statement of that sort; but certainly it is a privilege to speak for freedom; and I want this record to show quite plainly that the struggle in our Nation between the forces of democracy and the forces of reaction, either of the left or of the right, is ever becoming more sharply defined. On the one hand, we see the extremists of the John Birch Society. We see extremists who are filled with hate and bitterness—those who condemn this country from many street corners, at almost every opportunity, as we seek to extend the hand of cooperation and fellowship to underprivileged peoples. We see extremists who would wreck our labor movement, who would destroy our social structure, if they had their way.

I think the vast majority of the American people understand that the contest between freedom and totalitarianism is ever becoming more meaningful and more vehement. By that, I mean that the ideological propaganda attack is upon us. Our embassies are stoned. Americans are abused. The air waves are filled with the hate and poison of abuse and misrepresentation.

All I ask is that we be unafraid; that we stand our ground, state our convictions, and recognize the sins and the omissions in our national life; and that we point out that democracy is dedicated to change, that democracy is dedicated to new beginnings, to overcoming trouble, and to finding a better life for all mankind.

I called upon those whom I addressed at the meeting to stand with us in our war against man's ancient enemies; and at that time I said:

> Hunger, poverty, sickness, and illiteracy are the enemies of freedom and dignity. We must join together—unite as one—to overcome these ancient enemies of humanity.
>
> We do not ask that the people of Africa accept our ways, our policies, or our system; nor do we consider neutralism a political sin. We, too, have had in the early years of our Republic an adherence to neutralism, to noninvolvement. Read George Washington's Farewell Address. Our hope is that the people of Africa can work against the scourge of hunger, illness and ignorance, rather than waste their energies and resources in a cold war struggle that can benefit neither them nor the rest of humanity.

Interestingly enough, Mr. President, at that very point the hatemongers began; the extremists began to shout their unintelligible comments—one over here, one over there, a handful at most, but always present, in recent days—to attempt to disrupt and to divert attention, to attempt to capture a headline.

In connection with that splendid conference in New York and the thoughtful and thought-provoking speeches made there by great African leaders, let me say that it is nothing short of tragic that about the only mention of it, of any consequence, which appeared in the press was the one to the effect that a handful of psychopaths shouted some comments so unintelligible that the reporter could not even understand them, except for the word "Cuba." In short, the main press comment in connection with the conference was that a few hecklers interrupted the speaker. As a matter of fact, they did not stop the speaker; they merely interrupted him.

Mr. President, I say that if America is going to tell its story both to the world and to its own citizens, if it is going to tell them about what we are seeking to do in the world, in the cause of justice and freedom, then, indeed, those who write the news should report the

substance, not the extravagance. They should report the thinking, not merely some expressions of passion and emotion. They should report to the American people what the leaders of countries or peoples are asking the world to understand, rather than indicate that public meetings are but sessions at which the noisy, the impolite, the intemperate, or the emotional can cause disturbances which work their way into page 1 headlines, as a result of some emotional and physical extravagances and abuses.

Mr. President, I ask unanimous consent that excerpts from my remarks at the meeting on African Freedom Day be printed at this point in the RECORD.

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

EXCERPTS OF REMARKS BY SENATOR HUBERT H. HUMPHREY, AFRICAN FREEDOM DAY, NEW YORK, N.Y., APRIL 17, 1961

I am grateful that you have allowed me to join with you for this African Freedom Day program. I am honored to share this platform with the distinguished representatives of several new African nations. I am hopeful that this observance—and others like it—will serve to remind the American people of the yearning and struggle of the people of Africa for freedom. Independence, freedom, and anticolonialism are hallmarks in our history.

We need to know—constantly and more deeply—that the people of Africa today struggle toward a life for which Americans have fought and died—a life of individual dignity, national independence, and political freedom which we have won, and our fight continues as we here in America strike down the walls of segregation and discrimination.

But it was many years ago that we won freedom for our people and our lands. We must regain a sense of excitement about it. Freedom must be for us what it is to the people of Africa today—an exciting, dynamic, vital, precious, imperative condition of life and right of every man.

If I could make just one request of my countrymen relating to their attitudes toward Africa, it would be this: Let us dismiss from our minds any attitude of authority or influence of superiority. Let us, above all, approach the people, the governments, and the nations of Africa as equals—partners, friends, and neighbors.

And I go even further. I would suggest that this Nation would do well to approach the vibrant and noble struggle of the African people with a touch of humility.

This I know: The American people want all men to win and sustain freedom. We want the people of Africa to live, work, and prosper under full freedom. We want the people of Africa to achieve and enjoy the dignity of freedom.

We know that there can be no human and individual dignity where men are beaten down by the burdens of hunger or bound by the chains of squalor.

We know also that there can be no freedom where there is no right to choose. Freedom is not passive; it is not merely an absence of restraint. Freedom is a positive, dynamic force—the opportunity to freely choose. Yes, to accept or reject.

We believe that the people of Africa must be given a chance for freedom of choice, the opportunity to plan and achieve the cultural, political, economic, and social development to which they are entitled.

We do not want just stability in Africa. We want progress and growth and achievement. "Stability" implies lack of change, the status quo.

Freedom is born in pain, in struggle, in sacrifice. Our history reminds us of this.

The man who asks only for stability in Africa is wrong. Stability for Africa is regarded by many to mean continued hunger, sickness, poverty, and illiteracy.

We welcome change for Africa and her peoples. That is why this Nation has pledged to share its resources—and we ask other nations to share theirs—to help the African people make the economic and social progress—the changes toward which they strive.

We in America do not seek to dominate. We do not seek to control. We do not seek to tell Africans how to live or how to work or how to govern. We want only to share what we know and what we have, so that our African neighbors may build and grow as they choose.

Hunger, poverty, sickness, and illiteracy are the enemies of freedom and dignity. We must join together—unite as one to overcome these ancient enemies of humanity.

We do not ask that the people of Africa accept our ways, our policies, or our system; nor do we consider neutralism a political sin. We, too, have had in the early years of our Republic an adherence to neutralism—to noninvolvement. Read George Washington's Farewell Address. Our hope is that the people of Africa can work against the scourge of hunger, illness, and ignorance rather than waste their energies and resources in a cold war struggle that can benefit neither them nor the rest of humanity.

There may be forces in the world today which are afraid to leave Africans free to develop, free to choose their own form of government, free to build their own social and economic systems. We Americans are not afraid. We are confident that the people of Africa will choose liberty and democracy—if they have the opportunity for choice. Yes, we believe that Africans want freedom from hunger, disease, ignorance, and illiteracy. We are ready to help.

That is why we wish to offer education, not domination. That is why we wish to offer food, not force. That is why we wish to offer help, and not harassment.

We offer the hand of friendship. We hope it will be accepted. We say: "Stand, and walk proudly. Walk to freedom and dignity." Look to the future; waste not our energy and emotion on the sins of yesterday.

Mr. HUMPHREY. Mr. President, I may say it was a great privilege to appear; and we in this Nation, regardless of any interruptions, regardless of the attempts of those who would try to stop the onward march of freedom, will continue in our efforts, and we will not be diverted from our task. We are unafraid. As I said to some at the meeting, we welcome the contest; we welcome the fray; we welcome the opportunity to pit ourselves, to put ourselves not only against the problems of the day, but against those who create the problems of the day.

ADJOURNMENT

Mr. HUMPHREY. Mr. President, in accordance with the suggestion previously made, I move that the Senate now stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 10 minutes p.m.) the Senate adjourned until tomorrow, Thursday, April 20, 1961, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 19, 1961:

U.S. ATTORNEY

William T. Thurman, of Utah, to be U.S. attorney for the district of Utah for the term of 4 years, vice A. Pratt Kesler.

COMMISSION ON CIVIL RIGHTS

The following-named persons to be members of the Commission on Civil Rights:

Erwin H. Griswold, of Massachusetts.

Spottswood W. Robinson III, of the District of Columbia.

CONFIRMATIONS

Executive nominations confirmed by the Senate, April 19, 1961:

GOVERNOR OF GUAM

William P. Daniel, of Texas, to be Governor of Guam for a term of 4 years.

FEDERAL TRADE COMMISSION

Philip Elman, of Maryland, to be a Federal Trade Commissioner for the unexpired term of 7 years from Sept. 26, 1956.

HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 19, 1961

The House met at 12 o'clock noon.

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

Joel 14: 1: *The ways of the Lord are right and the just shall walk in them.*

Almighty God, grant that during this day we may be courageous and zealous in seeking to find the right ways and means of solving the perplexing problems lest human life end in delusion and disaster.

Show us how we may make further advances and participate more helpfully in the sublime adventure of leading mankind away from the devastating spirit of hatred into the spirit of love.

Deliver us from all cold and complacent tempers of mind toward those members of the human family who are held in hard places by the clutch of circumstance and unable to carry their heavy burdens.

Bless our President, our Speaker, and our chosen representatives with a patient and persevering faith as they confront duties and demands which only the range and reach of Thy divine wisdom and grace can help them meet and master.

Hear us in the name of our blessed Lord who alone can draw humanity away from the horrors of war and into the orbit of peace. Amen.

THE JOURNAL

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the