Support for Additional Juvenile Court Judges in Washington, D.C.

EXTENSION OF REMARKS

OF

HON. ABRAHAM J. MULTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 22, 1961

Mr. MULTER. Mr. Speaker, I commend to the attention of our colleagues the following exchange of correspondence which took place between the Honorable W. W. Woolfolk, judge of the juvenile court of Fulton County, Ga., and myself.

Judge Woolfolk is a distinguished jurist and his views on the value of an independent juvenile court should be of great interest to all of those interested in preserving the juvenile court in the District of Columbia.

The correspondence follows:

JUNE 20, 1961.

Hon. W. W. WOOLFOLK,
Juvenile Court,
District Court Building,
Atlanta, Ga.

DEAR JUDGE: Last week it was my extreme pleasure to meet with Mayor and Mrs. Stephens of East Point, Ga. They told me of the fine work you are doing in your court.

You may know that in the District of Columbia a controversy has arisen as to whether or not our juvenile court should be abolished and its jurisdiction transferred to the criminal court. An additional proposal is that the age limit be reduced from 18 to 16 so as to preclude those over 16 years of age being treated as juveniles and requiring that they be treated as criminals as a matter of law.

If time permits, I would appreciate your views on both of these topics and would like to have your permission to use your comments both before congressional committees and on the floor of the House.

Thanking you for any cooperation you may be able to extend to me, I am,

Sincerely yours,

ABRAHAM J. MULTER.

FULTON COUNTY JUVENILE COURT,
Atlanta Ga., July 31, 1961.

Hon. ABRAHAM J. MULTER,
House of Representatives,
Washington, D.C.

DEAR MR. MULTER: Please pardon my delay in responding to your letter of June 20 relative to the juvenile court of the District of Columbia. I was attending the National Council of Juvenile Court Judges in San Francisco, June 26–30, and found your letter here upon my return, after an extensive tour of the West.

During the meeting in San Francisco, I had an opportunity to discuss the matter with Judge Ketcham and informed him at that time that I had written Congressman DAVIS in support of the juvenile court movement and suggested that he modify his stand in the matter with reference to a reorganization bill placing the juvenile court in a municipal court setup.

The juvenile court movement is based upon the theory of individualized justice, with emphasis on what society can do for a child, rather than what to do against them for their misdeeds. A part of the social approach to this problem is the proper diagnosis as to why a child has come in conflict with the law and what are the factors to be dealt with in bringing about his, or her, rehabilitation. These techniques are peculiarly a part of the modern juvenile court philosophy and procedure and are not found in the adversary procedure as administered in criminal courts.

There was a strong resolution passed by the National Council of Juvenile Court Judges condemning the reorganization bill and supporting the continuance of a straight lie, well staffed juvenile court in the District of Columbia. A separate juvenile court would not only serve to rehabilitate the emotionally and socially maladjusted child who comes before the court but also would serve as a shining example both national and international, as the American method of handling the problems of children who come in conflict with the laws of society.

The juvenile court, when properly staffed and administered, is the greatest protection society can have against the rising tide of crime and it is both shortsighted and costly to destroy the juvenile court in the District of Columbia and put in its place a miniature criminal court procedure to handle children who are emotionally and socially maladjusted.

I hope that you are successful in helping to maintain the juvenile court system in the District of Columbia and can give Judge Ketcham enough assistance to do the job well.

Sincerely yours,

W. W. WOOLFOLK, *Judge.*

National Lottery of Bolivia

EXTENSION OF REMARKS

OF

HON. PAUL A. FINO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 22, 1961

Mr. FINO. Mr. Speaker, I would like to tell the Members of this House about the national lottery of Bolivia. This lottery is operated solely for the benefit of health and welfare agencies in the country.

In 1960, the gross receipts of the Bolivian lottery came to about $1 million. The profits in that year amounted to some $400,000. This income was not retained by the Government but was distributed to several welfare and charitable organizations. Half of the money went to the Bolivian Red Cross.

Bolivia is not a rich country by any means, and a national lottery offers needed revenues. These moneys are well used. America, with all its affluence, could derive tremendous financial benefits from a lottery. Why are we holding back?

SENATE

WEDNESDAY, AUGUST 23, 1961

The Senate met at 10:30 o'clock a.m., and was called to order by Hon. MAURINE NEUBERGER, a Senator from the State of Oregon.

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

Our Father God, in this still moment when all earth's strident noises are hushed and our own voices silenced, we would lift our little lives so that they may touch Thine that we may toil in these fields of time in the sense of the eternal.

With all mankind standing in the valley of decision, with humanity facing the blessing or the curse, make us crusaders of a golden tomorrow for Thy children under all skies when the shared plenty of the good earth shall wash the aching misery of the earth's blighting slums into watered gardens of life abundant. We ask it in the hallowed name of Him for whose kingdom's coming we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 23, 1961.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. MAURINE B. NEUBERGER, a Senator from the State of Oregon, to perform the duties of the Chair during my absence.

CARL HAYDEN,
President pro tempore.

Mrs. NEUBERGER thereupon took the chair as Acting President pro tempore.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, August 22, 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.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Madam President, under the rule, there will be the usual morning hour. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

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

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. PROXMIRE, and by unanimous consent, the Subcommittee on Rivers and Harbors of the Committee on Public Works was authorized to sit during the session of the Senate today.

COMMITTEE MEETING DURING SENATE SESSION TOMORROW

On request of Mr. MANSFIELD, and by unanimous consent, the Committee on

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Government Operations was authorized to meet during the session of the Senate tomorrow.

EXECUTIVE SESSION

Mr. MANSFIELD. Madam President, I move that the Senate go into executive session, to consider the nominations on the Executive Calendar under new reports.

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

EXECUTIVE MESSAGES REFERRED

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

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

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

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

H. Singleton Garrett, of Virginia, to be collector of customs for customs collection district No. 14, with headquarters at Norfolk, Va.; and

Daniel W. McKinnis, Jr., of Tennessee, to be collector of customs for customs collection district No. 43, with headquarters at Memphis, Tenn.

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

Joseph F. Donelan, Jr., and sundry other persons, for appointment and promotion in the foreign service.

By Mr. BIBLE, from the Committee on the District of Columbia:

Donald C. Hyde, of Ohio, Thomas L. Farmer, of the District of Columbia, G. Franklin Edwards, of the District of Columbia, and Frederick Gutheim, of Maryland, to be members of the Advisory Board of the National Capital Transportation Agency.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Chief Clerk proceeded to read sundry nominations for members of the St. Lawrence Seaway Development Corporation.

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

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

Mr. AIKEN subsequently said: Madam President, earlier today the Senate approved the nomination of Dr. N. R. Danielian to be a member of the Advisory Board of the St. Lawrence Seaway Development Corporation.

Dr. Danielian was one of the earlier earnest proponents of the St. Lawrence Seaway, and for 20 years he devoted the major part of his time toward promoting this great development between the United States and Canada. During that time he not only developed much of the technical information which was necessary in connection with promoting the seaway but also he traveled extensively throughout the country explaining the seaway to groups in various parts of the United States. In some places he would tell of the commercial advantages to be derived from the development, and in other places he had to allay the fears of those who were worried that such a development might affect their business adversely.

Eventually, however, his efforts were crowned with success. The seaway is now an accomplished fact. It is in full operation.

Madam President, the appointment of Dr. Danielian to the Advisory Committee is a well deserved, if belated, recognition of his efforts on behalf of this great international project.

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

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Madam 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 ACTING PRESIDENT pro tempore 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 Reconstruction Finance Corporation Liquidation Fund, covering the quarterly period ended June 30, 1961 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON REVIEW OF UTILIZATION OF ENGINES ON STORED AIRCRAFT IN DEPARTMENT OF THE NAVY

A letter from the Assistant Comptroller General of the United States, transmitting, pursuant to law, a report on the review of the utilization of engines on stored aircraft in the Department of the Navy, dated August 1961 (with an accompanying report); to the Committee on Government Operations.

PROPOSED CONCESSION CONTRACT AT ECHO BAY, NEV.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract at the Echo Bay site within Lake Mead National Recreation Area, Nev. (with accompanying papers); to the Committee on Interior and Insular Affairs.

JOINT RESOLUTION OF WISCONSIN LEGISLATURE

Mr. PROXMIRE. Madam President, I ask unanimous consent that a joint resolution passed by both houses of the Legislature of Wisconsin be printed in the RECORD at this point, and appropriately referred.

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

JOINT RESOLUTION 93

Joint resolution urging the congressional conference committee on H.R. 4130 to adopt the provisions of the House bill

Whereas the U.S. Congress has under consideration H.R. 4130, which provides for a loan fund for Menominee Enterprises, Inc., to assist the Menominee people in developing and diversifying industry in Menominee county; and

Where the House bill contains further provisions for $540,000 in aid for health, education and welfare programs in Menominee County for the first year, and to continue such aids on a declining basis over the ensuing 5 years; and

Whereas the present tax base in Menominee County is inadequate to properly finance the basic and essential health, education, and welfare programs; and

Whereas the U.S. Senate has not concurred in the allowances made in H.R. 4130 for health, education, and welfare aids; and

Whereas the bill is now in joint conference committee: Now, therefore, be it

Resolved by the Senate (the assembly concurring), That the congressional conference committee be urged to adopt the provisions in the House bill; and be it further

Resolved, That copies of this resolution be sent to the members of the conference committee and the members of the Wisconsin delegation in Congress.

W. P. KNOWLES,
President of the Senate.
LAWRENCE R. LARSEN,
Chief Clerk of the Senate.
D. J. BLANCHARD,
Speaker of the Assembly.
ROBERT G. MAROTZ,
Chief Clerk of the Assembly.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Res. 198. Resolution authorizing additional expenditures by the Committee on Interior and Insular Affairs (Rept. No. 764).

By Mr. CANNON, from the Committee on Rules and Administration, with an amendment:

S. Res. 192. Resolution to print as a Senate document, with additional copies, a hearing before the Judiciary Internal Security Subcommittee entitled "Analysis of the Khrushchev Speech of January 6, 1961" (Rept. No. 765); and

S. Res. 193. Resolution to print as a Senate document, with additional copies, the hearings before the Judiciary Internal Security Subcommittee entitled "Communist and Workers' Parties Manifesto," and so forth (Rept. No. 766).

PRINTING OF 3,000 COPIES OF COMPILATION OF HEARINGS, REPORTS, AND COMMITTEE PRINTS OF SUBCOMMITTEE ON NATIONAL POLICY MACHINERY—REPORT OF A COMMITTEE

Mr. JACKSON, from the Committee on Government Operations, reported an original concurrent resolution (S. Con. Res. 39) to print 3,000 copies of a compilation of the hearings, reports, and committee prints of the Subcommittee on National Policy Machinery, which was referred to the Committee on Rules and Administration, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be

printed for the use of the Senate Committee on Government Operations three thousand copies each of volumes 1, 2, and 3 of a compilation of the hearings, reports, and committee prints of its Subcommittee on National Policy Machinery issued during the Eighty-sixth and Eighty-seventh Congresses.

EVERETT J. COLYAR AND DELLAMAE I. COLYAR—REPORT OF A COMMITTEE

Mr. CANNON, from the Committee on Rules and Administration, reported an original resolution (S. Res. 199) to pay a gratuity to Everett J. Colyar and Dellamae I. Colyar, which was placed on the calendar, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Everett J. Colyar, brother, and Dellamae I. Colyar, sister of Glen W. Colyar, an employee of the Senate at the time of his death, a sum to each equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

BILLS INTRODUCED

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

By Mr. SCOTT:

S. 2455. A bill for the relief of Mrs. Elizabeth Lovic; to the Committee on the Judiciary.

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

S. 2456. A bill to provide for the conveyance of a portion of the Henry G. Shirley Memorial Highway and other highways on the Pentagon road network to the Commonwealth of Virginia, and for other purposes; to the Committee on Public Works.

By Mr. RUSSELL (by request):

S. 2457. A bill to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes; to the Committee on Armed Services.

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

By Mr. HAYDEN:

S. 2458. A bill to provide that certain real property of the United States and of the State of Arizona shall be made a part of Saguaro National Monument; to the Committee on Interior and Insular Affairs.

By Mr. HUMPHREY:

S. 2459. A bill to provide for redistricting of any of the several States by the Director of the Bureau of the Census for the election of Representatives in Congress in certain cases in which the State fails to redistrict in the manner provided by the law thereof, and for other purposes; to the Committee on the Judiciary.

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

CONCURRENT RESOLUTION

PRINTING OF 3,000 COPIES OF COMPILATION OF HEARINGS, REPORTS, AND COMMITTEE PRINTS OF SUBCOMMITTEE ON NATIONAL POLICY MACHINERY

Mr. JACKSON, from the Committee on Government Operations, reported an original concurrent resolution (S. Con. Res. 39) to print 3,000 copies of a compilation of the hearings, reports, and committee prints of the Subcommittee on National Policy Machinery, which was referred to the Committee on Rules and Administration.

(See the above concurrent resolution printed in full when reported by Mr. JACKSON, which appears under the heading "Reports of Committees.")

RESOLUTION

EVERETT J. COLYAR AND DELLAMAE I. COLYAR

Mr. CANNON, from the Committee on Rules and Administration, reported an original resolution (S. Res. 199) to pay a gratuity to Everett J. Colyer and Dellamae I. Colyar, which was placed on the calendar.

(See the above resolution printed in full when reported by Mr. CANNON, which appears under the heading "Reports of Committees.")

CLARIFICATION OF REEMPLOYMENT PROVISIONS OF THE UNIVERSAL MILITARY TRAINING AND SERVICE ACT

Mr. RUSSELL. Madam President, by request, I introduce, for appropriate reference, a bill to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes. This bill is requested by the Department of Labor, and is accompanied by a letter of transmittal explaining the purpose of the bill. I ask unanimous consent that the letter of transmittal be printed in the RECORD.

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

The bill (S. 2457) to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes, introduced by Mr. Russell, by request, was received, read twice by its title, and referred to the Committee on Armed Services.

The letter presented by Mr. RUSSELL is as follows:

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 15, 1961.

Hon. LYNDON JOHNSON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am enclosing copies of a draft bill, "to amend and clarify the reemployment provisions of the Universal Military Training and Services Act," and a summary statement describing the proposed legislation. The joint resolution effective August 1, 1961, authorized the President to order up to 250,000 members of the Ready Reserve to active duty for up to 12 months, and authorized extensions of enlistments or other periods of military service for up to 12 months.

Many of the persons who may be called into service under this authority have already served most or all of the 4 years permitted under present law for reemployment rights, and unless this limitation is revised, these persons will be without the right to return to their civilian employment when their military service is ended. The purpose of the amendments to section 9(g)(1) and 9(g)(2) is to permit further military service after August 1, 1961, the effective date of the joint resolution, even though the serviceman had already served the maximum of 4 years permitted under existing law. Such service after August 1, 1961, is also limited to a maximum of 4 years, and the 4-year limit is retained for the period between June 24, 1948, and August 1, 1961.

Section 9(g)(4) is amended, and a new section 9(g)(5) is added, to eliminate the requirement that those reporting for induction or entry into the Armed Forces, or for taking a physical examination in connection therewith, must request a leave of absence for this purpose. The request for leave is not required if the person is accepted for military service, and he may not know in advance whether he will be accepted or not, so that it is somewhat inconsistent to require him to request leave to protect his rights if he is rejected. Absences for these purposes are not usually repetitive and so impose no particular burden of adjustment on the employer. Moreover, the requirement of a request for leave presents difficult problems of administration; indeed, as to those who seek to enlist, there is no effective channel through which they can be informed that a request for leave is necessary to protect them if they are rejected.

A clarifying clause has been added in the new section 9(g)(5) to assure those who are accepted for military service that they are entitled to retain their jobs pending their actual entry into service. This period sometimes is as long as several months, during which the employee should be protected.

These proposals are part of the legislative program of the Department of Labor, and the Bureau of the Budget advised on August 14, 1961, that these amendments would be in accord with the program of the President.

Enactment of these proposals is not expected to require an increase in funds for administration and enforcement.

Sincerely yours,
ARTHUR J. GOLDBERG,
Secretary of Labor.

EXPLANATORY STATEMENT TO PROPOSED AMENDMENTS TO THE UNIVERSAL MILITARY TRAINING AND SERVICE ACT

A joint resolution effective August 1, 1961 (S.J. Res. 120), provides authority until June 1, 1962, for the President to order not more than 250,000 members of the Ready Reserve to active duty for not more than 12 months. It would also authorize until July 1, 1962, the extension, for not more than 12 months, of enlistments, appointments, and other periods of obligated service which would otherwise expire before July 1, 1962. The service performed thus may occur almost 2 years beyond the effective date of the joint resolution.

At the present time, the Universal Military Training and Service Act does not extend reemployment rights to any ex-serviceman whose period of military service exceeds a 4-year limitation specified in sections 9(g)(1) and 9(g)(2).

Many reservists and national guardsmen, during the Korean conflict and later, have already served all or a major part of the 4 years permitted under present law for reemployment rights purposes. If the additional service they now perform under the expanded defense program results in an aggregate of more than 4 years, they will have no reemployment rights. The purpose of the amendments to sections 9(g)(1) and 9(g)(2), therefore, is to permit an additional 4-year period for service after the effective date of the joint resolution. The amendments, however, retain the 4-year limit for the period it was in effect up to such date.

Section 9(g)(4) of the present act requires a request for leave by trainees and those reporting for entrance into military service who are rejected. The proposed amendments would remove the request for leave requirement with respect to rejectees, but retain it insofar as persons taking short periods of training duty are concerned, where the repetitive nature of the absence to perform the military obligation makes it desirable that the employer be informed concerning the schedule of absences. The reason for removing this requirement insofar as it pertains to rejectees is that the rejectee may have no knowledge that he will be rejected at the time he leaves his position to enter the service. If he is accepted, the request for leave provision does not apply, and it is somewhat anomalous to impose the requirement in the event of rejection. The absence is not of the repetitive character which might require a continuing adjustment by the employer. Furthermore, such a requirement in these cases presents difficult problems of proof and administration; and no effective channel exists by which a person seeking to enlist can be informed that if he is rejected, he should have requested a leave of absence to protect his reemployment rights.

Clarifying language has been added to assure that those who are called for preinduction examination and are accepted are entitled to remain in their employment pending their induction. The period between this examination and induction is sometimes several months, during which the employee should be protected against loss of his job.

CONGRESSIONAL REDISTRICTING

Mr. HUMPHREY. Madam President, I introduce, for appropriate reference, a bill which would authorize the Director of the Bureau of the Census to redistrict the States which lose seats in the House of Representatives when the State legislatures fail to act on redistricting.

As my colleagues know, present Federal law provides that when there is a decrease in the number of Representatives and the State legislature fails to redistrict the Representatives shall be elected from the State at large—2 U.S.C. 2a(c). Under the terms of the bill which I am offering today, this provision would be deleted, and instead of the Representatives being elected at large—in cases where the State legislatures have failed to redistrict—the Director of the Bureau of the Census would be authorized and directed to redistrict so as to provide a number of districts equal to the number of Representatives to which the State is entitled.

The bill specifically provides that in such redistricting by the Director of the Bureau of the Census the following standards shall apply:

(A) The districts shall vary no more than 15 percent in population from the average population (as determined by the Director of the Bureau of the Census) for congressional districts in such States.

(B) The districts shall be contiguous.

(C) The districts shall be compact.

(D) Existing districts shall be retained.

I want to emphasize, Madam President, that this bill would in no way usurp the right of the States to redistrict. It would simply provide that when the States fail to redistrict on or before January 1 of the year in which an election occurs, that the Director of the Bureau of the Census will redistrict.

As a result of the 1960 census there are a total of 25 States whose representation in the House of Representatives has been altered. Of these 25 States, 16 have lost one or more seats. As of this time, there are four States in which the entire House delegation may be forced to run at large next year due to the failure of their State legislatures to agree on redistricting plans. These States are Illinois, Massachusetts, Pennsylvania, and my own State of Minnesota. These four States have a total representation of 71 in the House of Representatives under the 1960 census. This means that unless the State legislatures of these four States act to redistrict, or unless the bill which I introduce today is enacted by the Congress, that approximately 16 percent of the House of Representatives will not be chosen on a district-by-district basis, but rather on a statewide basis.

May I make it clear, Madam President, that I do not offer this legislation in any partisan political fashion. It would be difficult to make an intelligent prediction on what the results might be if candidates for the House of Representatives were forced to run at large. It might turn out that in such statewide elections that my own party might gain an advantage. The opposite might well prove to be the case. But this is not what concerns me. This is not why I offer this legislation today. I offer it because I believe that the voters are entitled to be represented in the House by a person chosen specifically to represent their own particular area—a Representative who is aware of the problems of the area and who can concentrate his attention on the particular constituency which he represents. A Representative elected at large quite understandably will not be in a position to render the same kind of service as he would be if elected on a district basis.

Madam President, I hope that serious consideration will be given to this proposal. Companion measures have been offered in the House of Representatives. It is my understanding that hearings will begin soon in the House on this proposal. It deserves our careful study and I am hopeful that it will be favorably acted upon.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2459) to provide for redistricting of any of the several States by the Director of the Bureau of the Census for the election of Representatives in Congress in certain cases in which the State fails to redistrict in the manner provided by the law thereof, and for other purposes, introduced by Mr. HUMPHREY, was received, read twice by its title, and referred to the Committee on the Judiciary.

CHANGES OF REFERENCES

Mr. SALTONSTALL. Madam President, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of S. 2365, a bill for the relief of James W. Boyer, Jr., and that this bill be referred to the Committee on the Judiciary. I also ask unanimous consent that the Committee on Armed Services be discharged from further consideration of S. 2378, a bill to provide for the conveyance of certain real property of the United States to the State of Maryland, and that this bill be referred to the Committee on Government Operations.

S. 2365 is in the nature of a private relief measure, and as such appears to be within the purview of the Committee on the Judiciary. S. 2378 provides for the conveyance of certain real property that has been reported as excess to the General Services Administration by the Department of Defense. Since the conveying agency would be the General Services Administration, it appears that the subject of this bill is one for the Committee on Government Operations instead of the Committee on Armed Services.

Mr. HUMPHREY. Let me ask whether this is the wish of the full committee?

Mr. SALTONSTALL. Yes, this is the wish of the full committee, and I am making this request at the request of the chairman of the Committee on Government Operations.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts? Without objection, it is so ordered, and the bills will be rereferred.

WILDLIFE AND GAME REFUGES—AMENDMENT

Mr. MOSS. Madam President, S. 174 has been reported to the Senate by the Committee on Interior and Insular Affairs. This is the wilderness bill, one section of which provides that additional lands may be taken at a later time. In order to bring this section, which deals with wildlife refuges and game refuges, into conformity with other types of public lands which are covered by the bill, I send to the desk an amendment which I ask to have printed and lie on the table.

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

PEACE CORPS ACT—AMENDMENT

Mr. HICKENLOOPER submitted an amendment, intended to be proposed by him, to the bill (S. 2000) to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower, which was ordered to lie on the table and to be printed.

DEPARTMENTS OF STATE AND JUSTICE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL, 1962—AMENDMENT

Mr. HUMPHREY (for himself and Mr. CLARK) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 7371) making appropriations for the Departments of State and Justice, the judiciary, and related agencies for the fiscal year ending June

30, 1962, and for other purposes, which was ordered to lie on the table and to be printed.

FEDERAL ASSISTANCE TO SCHOOLS IN FEDERALLY IMPACTED AREAS—ADDITIONAL COSPONSORS OF AMENDMENTS

Under authority of the order of the Senate of August 17, 1961, the names of Senators BRIDGES, DIRKSEN, HOLLAND, MILLER, TOWER, SCHOEPPEL, BUSH, BEALL, MUNDT, KUCHEL, YOUNG of North Dakota, and SCOTT were added as additional cosponsors of the amendments submitted on August 17, 1961, by Mr. GOLDWATER (for himself and other Senators), intended to be proposed by them, jointly, to the bill (S. 2393) to extend for 1 year the temporary provisions of Public Laws 815 and 874 relating to Federal assistance in the construction and operation of schools in federally impacted areas, and to provide for the application of such laws to American Samoa.

NOTICE OF RECEIPT OF NOMINATION BY COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Madam President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the nomination of Mr. Charles F. Darlington, of New York, to be Ambassador to the Republic of Gabon.

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

NOTICE OF HEARING ON SENATE BILL 1477, TO AMEND SECTION 144 OF TITLE 28 OF THE UNITED STATES CODE

Mr. COTTON. Madam President, on behalf of the Senator from Connecticut [Mr. DODD], and on behalf of a subcommittee of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, August 30, 1961, at 9 a.m., in room 2228, New Senate Office Building, on S. 1477, a bill to amend section 144 of title 28 of the United States Code.

At the indicated time and place persons interested in the legislation may make such representations as may be pertinent.

The subcommittee consists of the Senator from Connecticut [Mr. DODD], as chairman, and myself.

NOTICE OF HEARINGS ON NOMINATIONS OF EDWARD S. NORTHROP TO BE U.S. DISTRICT JUDGE, DISTRICT OF MARYLAND, AND FRANK J. BATTISTI TO BE U.S. DISTRICT JUDGE, NORTHERN DISTRICT OF OHIO, NEW POSITIONS

Mr. EASTLAND. Madam President, on behalf of the Committee on the Judiciary, I desire to give notice that public hearings have been scheduled for Thursday, August 31, 1961, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Edward S. Northrop, of Maryland, to be U.S. district judge, district of Maryland, a new position.

Frank J. Battisti, of Ohio, to be U.S. district judge, northern district of Ohio, a new position.

At the indicated time and place persons interested in the hearings may make such representations as may be pertinent.

The subcommittee consists of the Senator from South Carolina [Mr. JOHNSTON], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

NOTICE CONCERNING NOMINATION BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Madam President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Victor L. Wogan, Jr., of Louisiana, to be U.S. marshal, eastern district of Louisiana, term of 4 years, vice Edward T. Pettibon.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Wednesday, August 30, 1961, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARINGS ON CONSTITUTIONAL AMENDMENTS CONCERNING POLL TAX

Mr. KEFAUVER. Madam President, the Subcommittee on Constitutional Amendments will hold hearings on Friday, August 25, on Senate Joint Resolution 58 and Senate Joint Resolution 81, both of which propose amendments to the Constitution which would abolish the poll tax as a prerequisite for voting in Federal elections. These resolutions were the subject of previous hearings held by the subcommittee in the general field of our Federal elections system, but it has been decided to set aside one additional day for the purpose of these resolutions only.

The hearings will begin at 10 a.m. in room 457 of the Old Senate Office Building. Persons wishing to appear as witnesses should contact the subcommittee counsel, Mr. James C. Kirby, Jr., at extension 5581, or room 141 of the Old Senate Office Building.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 270. An act for the relief of Mrs. Jeliza Prendic Milenovic; and

S. 427. An act for the relief of Mardiros Budak and Armenuhi Maryam Budak.

The message also announced that the House had passed the bill (S. 739) to amend the Civil Service Retirement Act, as amended, with respect to the method of computing interest earnings of special Treasury issues held by the civil service retirement and disability fund, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 31) relating to certain aliens, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 32. An act authorizing the establishment of the Fort Smith National Historic Site, in the State of Arkansas, and for other purposes;

H.R. 1010. An act to amend the Classification Act of 1949, as amended, to provide a formula for guaranteeing a minimum increase when an employee is promoted from one grade to another;

H.R. 1313. An act for the relief of Eddis G. Ellzey;

H.R. 1347. An act for the relief of Adolf M. Bailer;

H.R. 1361. An act for the relief of James M. Norman;

H.R. 1375. An act to provide for the conveyance of certain real property of the United States to the former owner thereof;

H.R. 1377. An act for the relief of Nicholas E. Villareal;

H.R. 1434. An act for the relief of Wade H. Ashley, Jr.;

H.R. 1527. An act for the relief of Mrs. Josephine Dubins;

H.R. 1569. An act for the relief of Isei Sakioka;

H.R. 2334. An act for the relief of Washington George Brodber Bryan;

H.R. 2470. An act to provide for the establishment of the Lincoln Boyhood National Memorial in the State of Indiana, and for other purposes;

H.R. 2666. An act for the relief of Adelina Benedict (nee Rosasco);

H.R. 3408. An act for the relief of Constantinos A. Grigoras (Gregoras);

H.R. 3596. An act to direct to Secretary of the Interior to convey certain lands to Purvis C. Vickers, Robert I. Vickers, and Joseph M. Vickers, a copartnership doing business as Vickers Bros.;

H.R. 4028. An act for the relief of Lennon May;

H.R. 4194. An act for the relief of Mrs. Ann W. Edwards;

H.R. 4876. An act for the relief of Mary C. Atkinson;

H.R. 5054. An act for the relief of Wolfgang Stresemann;

H.R. 5334. An act for the relief of Mrs. Helena Sullivan;

H.R. 5559. An act for the relief of Ralph E. Swift and his wife, Sally Swift;

H.R. 5613. An act for the relief of Fernando Manni;

H.R. 5729. An act for the relief of Mrs. Chew Sheung Tai;

H.R. 5859. An act for the relief of Harold A. Saly;

H.R. 6080. An act for the relief of Eileen L. Broe;

H.R. 6126. An act for the relief of Theodore T. Reilmann;

H.R. 6649. An act for the relief of C. W. Jones;

H.R. 7061. An act to amend title 39 of the United States Code to provide for payment for unused compensatory time owing to deceased postal employees, and for other purposes;

H.R. 7264. An act for the relief of M. C. Pitts;

H.R. 7326. An act for the relief of E. La Ree Smoot Carpenter;

H.R. 7473. An act for the relief of Albert R. Serpa;

H.R. 7707. An act for the relief of Andrew Telesfor Kostanecki;

H.R. 7763. An act to provide for planning the participation of the United States in the New York World's Fair, to be held at New York City in 1964 and 1965, and for other purposes;

H.R. 8141. An act to revise the laws relating to depository libraries;

H.R. 8341. An act to authorize the Secretary of the Interior to conduct a study covering the causes and prevention of injuries, health hazards, and other health and safety conditions in metal and nonmetallic mines (excluding coal and lignite mines);

H.R. 8599. An act to amend various sections of the Atomic Energy Act of 1954, as amended, and the Euratom Cooperation Act of 1958, and for other purposes;

H.R. 8603. An act to amend the Federal Property and Administrative Services Act of 1949 to provide for public information and publicity concerning instances where competitors submit identical bids to public agencies for the sale or purchase of supplies, equipment, or services, and for other purposes;

H.R. 8625. An act for the relief of Dennis H. O'Grady; and

H.R. 8626. An act for the relief of Wilfrid M. Cheshire.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Acting President pro tempore:

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

S. 242. An act for the relief of Mary Dawn Polson (Emmy Lou Kim) and Joseph King Polson (Sung Sang Moon);

S. 333. An act for the relief of Godofredo M. Herzog;

S. 606. An act to provide for the construction of a shellfisheries research center at Milford, Conn.;

S. 650. An act to amend the Watershed Protection and Flood Prevention Act to permit certain new organizations to sponsor works of improvement thereunder;

S. 702. An act to authorize the Secretary of Agriculture to exchange certain lands in the State of Wyoming with the town of Afton, Wyo.;

S. 705. An act for the relief of Norman T. Burgett, Lawrence S. Foote, Richard E. Forsgren, James R. Hart, Ordeen A. Jallen, James M. Lane, David E. Smith, Jack K. Warren, and Anne W. Welsh;

S. 731. An act for the relief of Charles F. Tjaden;

S. 841. An act to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act, and for other purposes;

S. 848. An act to authorize the Secretary of Agriculture to convey a certain parcel of land to the town of Tellico Plains, Tenn.;

S. 883. An act to extend the application of the Federal Boating Act of 1958 to the Commonwealth of Puerto Rico, the Virgin Islands, and Guam;

S. 1054. An act for the relief of Huan-pin Tso;

S. 1100. An act for the relief of Sang Man Han;

S. 1179. An act for the relief of Alicja Zakrezewska Gawkowski;

S. 1205. An act for the relief of Roger Chong Yeun Dunne;

S. 1222. An act relating to documentation and inspection of vessels of the United States;

S. 1289. An act to amend sections 337 and 4200 of the Revised Statutes of the United States so as to eliminate the oath requirement with respect to certain export manifests;

S. 1335. An act for the relief of W. P. J. Martin;

S. 1347. An act for the relief of Georgia Ellen Thomason;

S. 1443. An act for the relief of Mrs. Tyra Fenner Tynes;

S. 1450. An act for the relief of Shim Dong Nyu (Kim Christine May);

S. 1492. An act to amend the act of March 24, 1948, which establishes special requirements governing the selection of superintendents of national cemeteries;

S. 1527. An act for the relief of James D. Jalili;

S. 1622. An act to amend the Atomic Energy Community Act of 1955;

S. 1697. An act to approve the amendatory repayment contract negotiated with the Huntley Project Irrigation District, Montana, to authorize its execution, and for other purposes;

S. 1873. An act to amend the act entitled "An act to authorize the Commodity Credit Corporation to donate dairy products and other agricultural commodities for use in home economics courses," approved September 13, 1960 (74 Stat. 899), in order to permit the use of donated foods under certain circumstances for training college students;

S. 2034. An act to amend the Communications Act of 1934, as amended, in order to expedite and improve the administrative process by authorizing the Federal Communications Commission to delegate functions in adjudicatory cases, repealing the review staff provisions, and revising related provisions;

S. 2079. An act to retrocede to North Carolina jurisdiction over the southern eastbound lanes of North Carolina Highway 24, and the eastern northbound lanes of U.S. Highway 17, as these highways traverse and parallel Camp Lejeune, N.C.;

S. 2187. An act to implement the provisions of the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954;

S. 2245. An act to amend the act granting the consent of Congress to the negotiation of certain compacts by the States of Nebraska, Wyoming, and South Dakota in order to extend the time for such negotiation; and

S.J. Res. 76. Joint resolution authorizing the Secretary of the Interior during the calendar year 1962 to continue to deliver water to lands in certain irrigation districts in the State of Washington.

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were severally read twice by their titles and referred, or placed on the calendar, as indicated:

H.R. 32. An act authorizing the establishment of the Fort Smith National Historic Site, in the State of Arkansas, and for other purposes; and

H.R. 2470. An act to provide for the establishment of the Lincoln Boyhood National Memorial in the State of Indiana, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1010. An act to amend the Classification Act of 1949, as amended, to provide a formula for guaranteeing a minimum increase when an employee is promoted from one grade to another; and

H.R. 7061. An act to amend title 39 of the United States Code to provide for payment for unused compensatory time owing to deceased postal employees, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1313. An act for the relief of Eddis G. Ellzey;

H.R. 1347. An act for the relief of Adolph M. Bailer;

H.R. 1361. An act for the relief of James M. Norman;

H.R. 1377. An act for the relief of Nicholas E. Villareal;

H.R. 1434. An act for the relief of Wade H. Ashley, Jr.;

H.R. 1527. An act for the relief of Mrs. Josephine Dubins;

H.R. 1569. An act for the relief of Isei Sakioka;

H.R. 2334. An act for the relief of Washington George Brodber Bryan;

H.R. 2666. An act for the relief of Adelina Benedict (nee Rosasco);

H.R. 3408. An act for the relief of Constantinos A. Grigoras (Gregoras);

H.R. 4028. An act for the relief of Lennon May;

H.R. 4194. An act for the relief of Mrs. Ann W. Edwards;

H.R. 4876. An act for the relief of Mary C. Atkinson;

H.R. 5054. An act for the relief of Wolfgang Stresemann;

H.R. 5334. An act for the relief of Mrs. Helena Sullivan;

H.R. 5559. An act for the relief of Ralph E. Swift and his wife, Sally Swift;

H.R. 5613. An act for the relief of Fernando Manni;

H.R. 5729. An act for the relief of Mrs. Chew Sheung Tai;

H.R. 5859. An act for the relief of Harold A. Saly;

H.R. 6080. An act for the relief of Eileen L. Broe;

H.R. 6216. An act for the relief of Theodore T. Reilmann;

H.R. 6649. An act for the relief of C. W. Jones;

H.R. 7264. An act for the relief of M. C. Pitts;

H.R. 7326. An act for the relief of E. La Ree Smoot Carpenter;

H.R. 7473. An act for the relief of Albert R. Serpa;

H.R. 7707. An act for the relief of Andrew Telesfor Kostanecki;

H.R. 8625. An act for the relief of Dennis H. O'Grady; and

H.R. 8626. An act for the relief of Wilfrid M. Cheshire; to the Committee on the Judiciary.

H.R. 1375. An act to provide for the conveyance of certain real property of the United States to the former owner thereof; to the Committee on Agriculture and Forestry.

H.R. 3596. An act to direct the Secretary of the Interior to convey certain lands to Purvis C. Vickers, Robert I. Vickers, and Joseph M. Vickers, a copartnership doing business as Vickers Bros.; and

H.R. 8599. An act to amend various sections of the Atomic Energy Act of 1954, as amended, and the Euratom Cooperation Act of 1958, and for other purposes; placed on the calendar.

H.R. 7763. An act to provide for planning the participation of the United States in the New York World's Fair, to be held at New York City in 1964 and 1965, and for other purposes; to the Committee on Foreign Relations.

H.R. 8141. An act to revise the laws relating to depository libraries; to the Committee on Rules and Administration.

H.R. 8341. An act to authorize the Secretary of the Interior to conduct a study covering the causes and prevention of injuries,

health hazards, and other health and safety conditions in metal and nonmetallic mines (excluding coal and lignite mines); to the Committee on Labor and Public Welfare.

H.R. 8603. An act to amend the Federal Property and Administrative Services Act of 1949 to provide for public information and publicity concerning instances where competitors submit identical bids to public agencies for the sale or purchase of supplies, equipment, or services, and for other purposes; to the Committee on Government Operations.

HELEN HIETT WALLER

Mr. MANSFIELD. Madam President, in this morning's issue of the New York Herald Tribune is a notice to the effect that an old friend of many years, Mrs. Helen Hiett Waller, director of the New York Herald Tribune Forum, has passed on to her reward. It was my privilege to know Mrs. Waller for many years. She was a woman of great ability, outstanding intelligence, and sterling integrity. Those of us who had the opportunity to know her will miss her because of the many contributions which she made to the welfare of our country.

I ask unanimous consent that a news story published in the New York Herald Tribune be printed at this point in the RECORD.

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

MRS. HELEN HIETT WALLER, DIRECTOR OF FORUM, DIES—HERALD TRIBUNE AID, 47, WAS HURT WHILE CLIMBING IN THE FRENCH ALPS

CHAMONIX, FRANCE, August 22.—Mrs. Helen Hiett Waller, 47, director of the New York Herald Tribune Forum, died today of an embolism at the Chamonix Mount Blanc Hospital here in the French Alps. She had suffered internal injuries while mountain climbing in late July.

She and her husband, Theodore Waller, vice president of Grolier, Inc., New York, and president of its subsidiary Teaching Material Corp., were climbing on Mount Perseverance, near Chamonix, when she was struck by a falling rock which caused internal injuries. She was operated on a few days later and was thought to be well on the way to recovery.

LIVED IN EUROPE 7 YEARS

Mrs. Waller, a native of Pekin, Ill., and a 1934 graduate of the University of Chicago, had an extensive foreign background for her work as Herald Tribune Forum director. She toured the world arranging the annual visits of hundreds of national leaders and high school students to the forum in New York.

A resident of Europe from 1934 to 1941, she worked first with the League of Nations, editing a monthly review of international affairs. To study the Nazi method of indoctrinating youth, she lived for a time in 1937 in a German girls' labor camp.

When World War II began, she was in London, working for her Ph. D. at the London School of Economics and Political Science. Immediately, she joined the Paris staff on the National Broadcasting Co., reporting from Paris until France fell, then from Madrid. Later, for her exclusive radio reporting of the 1940 bombing of Gibraltar, she became the first woman to win a National Headliners' Award.

Eased out of Spain by the Franco government, she returned to the United States in 1941. For a year and a half she gave lectures and broadcast a daily 15-minute news program over NBC. Then she returned to Europe as a war correspondent and finished out the war there.

Upon joining the Herald Tribune's forum department in 1945, Mrs. Waller was initially concerned with directing the annual forum, founded in 1930 and discontinued in 1955, which brought to New York each autumn leaders in government and other fields from many parts of the world.

SPOKE FIVE LANGUAGES

Fluent in French, Italian, Spanish, and German, she arranged the forum visits and frequently took part in introductions and questionings at the sessions held at the Waldorf-Astoria.

Beginning in 1946, she also directed the Herald Tribune forum for high schools which has brought 444 students from 74 countries to the United States for forum participation and 3 months' residence in the homes of American students in the metropolitan area.

In 1955, after the forum program presented by students in the United Nations General Assembly Hall, she took the group on a world tour, appearing before student audiences in London, Paris, Cairo, Beirut, Karachi, and New Delhi.

Beginning in 1953 she was moderator of the annual television forum series, "The World We Want," which was distributed nationwide, and for the last 3 years moderated the CBS-TV forum-based "Young Worlds" program. She received a number of awards and was author of "No Matter Where," 1944, based on her European experience. She contributed to "Deadline Delayed," 1947, written by members of the Overseas Press Club.

Surviving, in addition to her husband, who also is vice president and director of the library and educational division for Americana Corp., are two sons, Jonathan and Mark Waller; a daughter, Miss Margaret Ann Waller; her mother, Mrs. Stella Hiett, and a sister, Mrs. Margaret Whiteside.

Mr. GRUENING. Madam President, I should like to associate myself with the tribute paid by our majority leader to Helen Hiett Waller. I, too, knew her and greatly admired her. She was in charge of the New York Herald Tribune Forum some 14 years ago when Mrs. Rogers, the publisher of the Herald Tribune invited a discussion of the merits of statehood for Alaska and Hawaii. I presented the case for Alaska. The beloved Delegate, from Hawaii, Joe Farrington, presented the case for Hawaii. The forum was a great help to our then struggling causes. During that period Helen Hiett, who subsequently became Mrs. Waller, was a great help to us. We shall all miss her. She was a woman of fine and sterling character.

Mr. DIRKSEN. Madam President, the announcement of the passing of Helen Hiett Waller has a rather deep personal significance for me. In days when there were not schoolbuses and we had to go to school a rather considerable distance on shoe leather, I used to peddle the milk from four cows that I milked and then proceed to school. On those occasions, in the mornings, I would encounter a girl in pigtails who was also en route to school—a very open-faced, charming girl with expansive blue eyes. I expect from that moment on we became the closest of personal friends. She was born and lived for a time in my hometown before she went to larger pastures, where her talents were fully appreciated.

That was Helen Hiett, who later became Helen Hiett Waller. Over the years I managed to keep in touch with her. She did a great deal of work abroad and at home, and was a truly talented person who constantly sought to make an objective contribution to human values and human welfare. So I feel a deep sense of personal loss at her passing.

LOBBYING

Mr. GRUENING. Madam President, our distinguished colleague, the junior Senator from Ohio [Mr. YOUNG] has often illuminated Senate debates with his pertinent and perspicacious comments, and regaled his colleagues with his wit and humor. He is no less adept with the pen, no less skilled with the written than with the spoken word.

An extremely timely article, now that Congress is nearing—we trust—the end of a session, with much legislation still to be acted upon, is an article by the Senator from Ohio entitled, "Lobbying Is Here To Stay," published in the Cleveland Plain Dealer.

I ask unanimous consent that this article be printed at this point in my remarks.

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

LET'S FACE IT—LOBBYING IS HERE TO STAY

(By Senator STEPHEN M. YOUNG)

More than a century ago, a hard-nosed Missourian furnished a solution for the lobbying problem, which for simplicity and effectiveness will never be surpassed.

Several lobbyists were pressuring the influential Senator Thomas Hart Benton to help them nail down a profitable ship subsidy. To their surprise, Benton quickly agreed. But he threw in one condition, that "when the vessels are finished they will be used to take all such damned rascals as you out of the country."

Today, Senator Benton's inspired remedy might be impossible. Thanks to the activities of the "new lobby" such a solution would mean a big population loss. The new lobbyists—propagandists for thousands of pressure groups—try to make lobbyists out of the general public. They stir up citizens to do the job for them through letter-writing campaigns and other home State pressures on Congressmen.

Pressure mail, which regularly floods my office is easy to spot. In May, I received thousands of letters from various cities in Ohio, each envelope being addressed—"STEPHEN A. YOUNG." The lobbyist directing this campaign was careless about my middle initial, which happens to be "M." These requested that I oppose Senate bills 1089 and 1197, which the writer stated should be defeated if the Nation's railroads are to survive as a basic transportation industry.

Numbering Senate or House bills indicates to a Member of the Congress that the letter is probably written at the urging of the employer or the Washington lobbyist of the industry. Most Senators do not know bills by numbers.

Frankly, 20,000 letters obviously written in response to pressure from chamber of commerce officials, employers or labor union officials, are less effective than a few hundred letters apparently written personally, expressing the view and belief of the writer.

I know that my senatorial colleagues, like myself, pay great attention to individual letters and telegrams.

Frequently a letter writer unintentionally causes some hilarity among members of a Senator's staff. An example following my vote on a controversial proposal, was a post card: "You sure have long furry ears." This was appreciated as a very polite way of a constituent calling his Senator a jackass.

Many citizens call, frequently in groups, to present their demands. A Senator is glad to give as much time as he can spare to meeting these constituents. Sometimes he profits by the arguments made. If, however, he is in complete disagreement, he feels it is his duty to listen to their arguments. After all, they have come a long way.

The "old lobby"—men who work mainly through personal contact with legislators—are still around. We welcome useful, reliable information from the modern-day lobbyists who are experts in their field. Most of them conduct themselves honestly and aboveboard. Those who don't are punishable by law.

The Federal Lobbying Act of 1946 requires lobbyists to register and file reports of their activities and expenses. A 1954 Supreme Court decision held a lobbyist is someone having direct communication with legislators. This bars Congress from policing the indirect communications of the new lobby.

But the abuses in political pressure today are precisely in this area where control cannot be exercised without abridging the constitutionally guaranteed right of Americans to advocate and promote what they believe is in their interest and to oppose what isn't. They are in the realm of the spare-no-expense, no-holds-barred publicity and public relations campaigns which excite voters to turn the heat on legislators. They are the abuses of distortion, exaggeration, and oversimplification.

One of the biggest fights came in the late summer of 1959 when Congress was considering alternative bills to curb certain abuses in labor unions. I can think of no better example of the agonies the new lobby can visit on a legislator than to describe the experience during this time of a young first-term Congressman from an industrial district in a southern State.

As soon as the Landrum-Griffin bill was introduced in the House, the Congressman's office phone began to ring without letup.

The first caller, demanding that he vote for the bill, warned, "Don't make it difficult for us to support you next time. Campaigns are expensive, you know."

For as many as 14 hours a day, the Congressman was welded to his telephone trying to explain his position to irate employers. He told constituents he was supporting a more moderate reform bill which had the blessing of House Speaker SAM RAYBURN. With a Democratic majority in both Houses he thought this bill had the best chance.

But this explanation didn't satisfy his callers. Prodded by the State chamber of commerce and manufacturers associations, the home district businessman and industrialists squeezed relentlessly. They even badgered the Congressman's father, then recovering from two heart attacks, with a steady drumfire of calls to his house.

The palms of the Congressman's hands broke out in mottles. He suffered stabbing pains in the arms, shoulders, and chest. The cause was diagnosed as extreme tension. He said the pressure was worse than he had experienced as a combat fighter pilot during World War II.

Convinced his position was right, he held out and was the only Congressman from his State to vote against the bill.

He is no longer a Member of the House.

The propagandists of the American Medical Association make even the business lobbyists look like amateurs. In fighting medical care for the aged through social security the AMA is bucking popular sentiment, the Kennedy administration and the National Conference on Aging (called by and addressed by President Eisenhower). The AMA has a record as one of America's outstanding "againsters." It was against the social security program in the first place.

When I was Ohio Congressman at Large in 1949, I was alarmed by the extent and effectiveness of the AMA campaign against President Truman's national health insurance program. It used $4,678,157.35 to torpedo that proposal. Its paid propagandists made the words "socialized medicine" political poison. Americans were warned not only their health, but their liberties, were at stake if they failed to do battle against "big government" for their sacred right to pay through the nose. Doctors' offices were mobilized into propaganda outlets and it was a rare practitioner who didn't grasp the opportunity to lecture on the sins of "socialized medicine" while the captive patient was saying "ah."

The organization is even carrying out a vigilante-type operation against its own membership. During a debate at the AMA midwinter meeting, one doctor was labeled a "renegade" and asked to resign from a committee because he testified for the Forand bill.

Excesses like these led to one doctor's saying, "I wish we could all be Americans first and physicians second." The Washington Post commented: "Isn't there a psychiatrist in the house? Isn't there at least someone who can administer a sedative or tranquilizer to some of the more excitable members of the American Medical Association?"

Some medical societies still urge doctors to press their political opinions on susceptible patients. But one sociologist advises against this because, "The doctor's indispensable professional mystique might be permanently reduced in the eyes of that patient."

With shrill untruths and all the techniques of political pressure, the small group of political doctors that directs the AMA is going all out in its opposition. But no matter how much it misuses the privilege, I concede the AMA is as entitled to the right of petition and free speech as any other organization.

The paid mercenaries don't always win. The powerful American Meat Institute, which coordinated opposition to the humane slaughter bill of 1958, was shellacked by the Humane Society of the United States, which employed no paid lobbyists. The society's 3-year campaign resulted in one of the heaviest storms of mail in congressional history and succeeded in passing the bill over the combined opposition of meatpackers, livestock and wool growers, the White House, the Departments of Agriculture and Interior, and the Budget Bureau.

In addition to the letter campaign more than 1,000 news stories, feature articles and editorials were placed in the Nation's press in a single year. More than 4 million pieces of literature were distributed by volunteers. Americans were informed of the needlessly cruel treatment of animals in slaughterhouses and packing plants: struggling, screaming hogs pulled by moving cables through the shackling pen, then aloft to the killing floor; dumb cattle stunned by the brutal pole-ax before the death blow. The Humane Society and its supporters simply urged use of electrical stunning methods and anesthetization.

Financing came through small contributions from thousands of Americans who wanted to help. Certainly there was no slush fund comparable to that with which the American Meat Institute entered the fray. The AMI used a big crew of full-time lobbyists and public relations men. It rented a suite of entertainment rooms at a leading Washington hotel to soften up Congressmen with good food and ample drink. (This is known as the "social lobby" or the "indigestion circuit." Its premise is that the way to a Congressman's vote is through his stomach.)

The blandishments of smooth-working professionals, obviously motivated by self-interest, collapsed under the attack of thousands of Americans whose common cause was simple, humane concern and whose sincere demands impressed Congress. House Members passed the humane slaughter bill by an overwhelming voice vote. The Senate quickly registered its approval 72 to 9.

My examples of lobbying tactics have been drawn from current history. Lobbying actually began even before we had our own government in this country. Wealthy merchants entertained New England Representatives on their way to the First Continental Congress and urged them to oppose "any dangerous ideas of independence."

At present the individual Senator or Representative is far from powerless when he feels pressure groups threaten legitimate necessary legislation. As a U.S. Senator, I have access to one of the best forums in the Nation, the floor of the Senate. Without abusing the right, I can rise to my feet at any time during a Senate session and bring pressure of my own on a pressure group. I can question the honesty of its propaganda, the sincerity of its intentions. I can wonder if a pressure group truly represents in its propaganda statements, the sentiments of its membership—I am convinced some of them don't.

I regularly issue a newsletter, as do most other Senators and Representatives. A Congressman also has a "lobby" of his own in supporters and friendly newspaper editors back home.

These may appear to be feeble weapons to combat the costly, nationwide drives of major pressure groups. But good news space in a paper draws more readers than a propaganda advertisement.

For years, legislators have bewailed the existence of pressure groups—an exercise in futility, for they are as inevitable as daybreak, and are beyond the discipline of control.

Whether we like it or not, political pressure by organized interests is a reality in mid-20th century America; indeed, these groups are now an integral part of our political process. Large, rich ones are as entitled to air their views as poor, small ones. Though we may regret the discrepancy, we cannot muffle the one without gagging the other.

Pressure group chicanery will remain a problem until the offenders themselves develop greater responsibility and restraint. So let's face it, we're stuck with it. There is no discount on democracy, and unfortunately, democracy comes at a price. Occasional cynical advantage of constitutional rights by organizations driven by self-interest is part of that price.

RESOURCE DEVELOPMENT AT HOME IS NOW MORE THAN EVER IMPERATIVE

Mr. GRUENING. Madam President, now that the two Houses of Congress have, with somewhat different versions, passed a multibillion-dollar foreign-aid program, it behooves us to consider, at least as sympathetically, our domestic needs, and I deeply hope, with no less, and even more, solicitude and concern. Indeed, if we are going to support this mammoth assistance program to over 100 foreign countries, as well as the additional defense needs caused by the international crisis, the development of our own resources is not merely desirable but imperative.

Recently, the Senate Interior Committee held hearings on S. 2246, the Water Resources Planning Act of 1961. It aims at orderly, planned development of our great national water resources to the utmost degree: to utilize our rivers and lakes for irrigation and hydroelectric

development; to guard the regions through which our rivers flow from wasteful soil erosion and from destructive floods; in short, to utilize and conserve, as it has not been in the past, this portion of our God-given heritage.

One of the most eloquent presentations in behalf of this vital legislation was made by our distinguished colleague, the senior Senator from Wyoming [Mr. McGEE].

Our ability to meet the twofold challenge of communism and revolution, which are not to be assumed to be identical in every case—

The Senator from Wyoming pointed out—

depends upon the adequacy of our economy to provide the necessary tax dollars.

The wisdom of such a policy cannot be overemphasized. Regrettably there are those who, because of our vast, new, and growing commitments for defense and foreign aid, urge retrenchment of domestic programs. They are, in the judgment of the Senator from Wyoming and in mine, sadly in error.

Resource development, in all of its aspects, development of human and material resources—at home—is absolutely essential to the carrying out of our responsibilities as a nation, indeed, to our survival as a free people.

I ask unanimous consent that the Senator's dynamic presentation be printed at this point in my remarks.

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

STATEMENT OF SENATOR GALE W. McGEE ON S. 2246, WATER RESOURCES PLANNING ACT OF 1961, BEFORE A HEARING OF THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, AUGUST 16, 1961

The purpose of this statement is to support S. 2246, the Water Resources Planning Act of 1961, which you, Mr. Chairman, have introduced in furtherance of the proposal in President Kennedy's letter of July 13, 1961, to the President of the Senate.

The President's letter and the legislative proposal which he has offered, are striking and timely recognition of the seriousness of the need for an immediate start on the program of water resource development which was outlined in the report of the Senate Select Committee on "National Water Resources." The President has recognized not only that the task of water resource development must be done, but also that it makes a critical difference how the task is done.

Certainly the first step toward insuring that the progress which we need is forthcoming is the preparation of the sound, basic, comprehensive water resource plans, which this bill will encourage and help to make possible.

The President quite correctly states in his letter, "Maximum beneficial use of water rests upon comprehensive and coordinated planning by both Federal agencies and States. This draft legislation will encourage and make possible such planning."

I have often urged before, and I should like to urge once again on this occasion, that the ability of America to face up to the twofold challenge of communism and of revolution—and these challenges should not be assumed to be identical in every case—depends upon the adequacy of our economy to provide the tax dollars to support the vast public programs in foreign aid, in defense, and in the building of our own society which alone will do the job. The ability of our economy to support these programs is based squarely upon the extent to which we conserve and develop our natural resources, and the most indispensable of these resources is water.

If the results of the Water Committee study could be stated in one sentence, it would be this: Unless we do this job of water resource planning, development, and construction, we will have placed a limit upon our own capacity to grow, which is many times more suffocating and restricting than any limit which could be imposed by the forces of communism and revolution.

I have stressed and restressed since my first address to the Senate early in 1959, that the understanding of this vital relationship constitutes the real key to the future toward which the American people and free peoples everywhere are striving.

We have heard much talk in the last few weeks which seems to indicate that the only way to make an adequate defense effort in response to the Berlin crisis was to abandon just such domestic programs as resource development, so that we could concentrate on the production of arms and the training of armies. I submit that the question is not essentially whether we can produce enough weapons, it is whether the economic and political institutions which we have created, can find within themselves the vitality and the resurgent strength which will give us, as Americans, the confidence to meet the challenge which our own economic development contains in a time of destructive external peril. This is a challenge which requires judgment, will, and, perhaps more than anything else, nerve. I have illustrated the nature of this relationship before by citing the testimony before the Water Resources Committee of the county assessor of Carbon County in my own State of Wyoming.

This testimony shows the dramatic effect which individual water resource development projects can have in enabling the economy of Carbon County to support more people at an adequate standard of living, and thus to increase its own tax rolls so that the public goals of its people can be met. This example multiplied throughout the Nation, will also make it possible for the United States to achieve its national goals.

The legislation before us is also wise because it provides for the joining of national and local interest. The proposed Water Resources Council, which supply the overall national perspective, while the river basin commissions will assure the close identification of the program with local concern and experience. It is particularly significant that this bill would make available funds to the States to help finance programs of water resources planning to be undertaken and administered, in coordination with the Federal and State agencies having responsibilities in this field, by the States themselves through their own administrative agencies.

This is the type of program which, because it provides both for the recognition of the States traditional role in the development of their water resources and of the urgent necessity that the States act, will work. As a matter of fact, in recent weeks representatives of the Wyoming Natural Resources Board have visited my office in order to obtain my assistance in making effective contact with the Department of Interior so that Wyoming could begin as soon as possible to develop comprehensive programs of water resource development planning.

We who live in the Western States have been conditioned by our history to understand the important role which water resource development must play in the efforts of society to reach common economic goals. This interest on the part of the State of Wyoming demonstrates this understanding, but even more it demonstrates our understanding of the fact that because of the West's vast untapped reserves—both of minerals and space—the West will be called upon to contribute more proportionally to the achievement of America's goals than will the other sections of the country. The West is ready to undertake this responsibility.

The Bureau of Reclamation reported to the Water Resources Committee that "the amount of physically feasible water resource development remaining in the 17 reclamation States is enormous." According to that report, there are more than 1,000 reclamation projects, both public and private upon which construction has not yet been undertaken, but which can be put into operation before the end of the century.

It is still a fact that three-fourths of the water in our western rivers flows unappropriated into the ocean. It is natural then that with the enormity of the task before us, and with the West's natural perception of the role which it must and can play in future water resource development, there is a profound sense of urgency on the part of the citizens of our Western States to get on with the job. It is not significant that this sense of urgency was repeated time and time again in the hearings which our Water Committee held throughout the Western States. Perhaps even more significant than this fact, however, is that this same intense appeal was echoed in every State we visited in whatever section of the country it happened to be.

The enactment of this legislation will be a major step forward, but it in no sense diminishes the desirability of its early enactment to remind the committee that there is another measure pending before it which is especially essential. I refer to S. 239, the proposed Resources and Conservation Act. President Kennedy's proposed Water Resources Planning Act is an important step forward in one large area of natural resource development. Such a step forward in the field of water resources, both confirms and underscores the necessity for a comparable advance with respect to all of our other resources.

A sound, vigorous and productive national economy depends on the availability of enough water of acceptable quality, but it also depends on and is inextricably intertwined also with the development of forest, mineral, recreational, soil, and other natural resources. It is my conviction that until we are moving forward across the entire natural resources front, we will be leaving a large part of the task undone, and we will be limiting the effectiveness of what we do with respect to water resources.

In conclusion then, in urging that S. 2246 be enacted, I am also urging that S. 239 be enacted, because I believe this is the way to equip the Nation for action on the truly comprehensive resources development programs which constitute the irreducible minimum of national effort necessary to our survival and to the survival of the ideals to which we are dedicated in this perilous and contending era.

PLIGHT OF WISCONSIN'S DAIRY FARMERS

Mr. PROXMIRE. Madam President, I have recently received a letter from a Wisconsin dairy farmer from Stoughton, Wis., which expresses, I think, very vividly and dramatically the plight of the dairy farmer. I ask unanimous consent that the letter be printed at this point in the RECORD.

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

STOUGHTON, WIS.,
August 4, 1961.

DEAR SENATOR PROXMIRE: I am writing to let you know something of the plight of a young farm family.

We purchased a 120-acre farm this past spring. We milk about 25 cows and raise 4½ acres tobacco. With farm conditions what they are we have worked just about every Sunday and nights until 9:30 or 10 o'clock. My husband's day begins at 5 a.m. There just isn't the money to hire any help. Even with doing most all the work ourselves we can't begin to keep up with our bills.

We have three children and are unable to give them more than the mere essentials. And, incidentally, our standard of living is fairly simple.

The way things look now either I or my husband will have to find off-the-farm employment. What I'm wondering is how the economy can ever absorb all the farmers who are seeking city employment. It seems that the majority of farmers in this locality are faced with the same problem. Entire families have to pitch in and still just manage to hang on.

Doesn't it seem that if the farmers were given a fair return that it would bolster the entire economy? With the huge investment the farmer has, together with the weather gamble, etc., I just can't understand how a factory worker or common laborer can make $3 and $4 an hour. It seems that things are getting pretty much out of perspective.

We realize that this farm problem is not simple, but sometimes it seems the only ones really concerned are the farmers. We participated in the feed-grain program and feel it was a step in the right direction.

Sincerely,

——— ———.

JOBLESS BENEFITS

Mr. PROXMIRE. Madam President, recently the Governor of my State, Gov. Gaylord Nelson, issued a release in celebration of the first jobless benefit check ever issued in the country from the State unemployment compensation fund. Wisconsin has a long and distinguished record on the subject of unemployment compensation. The release from the Governor's office, which is quite concise, states that record, I think, very vividly. I ask unanimous consent that it be printed in the RECORD at this point.

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

PROCLAMATION OF GOVERNOR NELSON, OF WISCONSIN

Whereas, 25 years ago, on August 17, 1936, Wisconsin paid the first jobless benefit check ever issued in this country from a State unemployment compensation fund; and

Whereas the benefit program thus launched has helped hundreds of thousands of Wisconsin workers during the past quarter century, has sustained their buying power during layoffs, and has thereby strengthened the entire economy of this State; and

Whereas Wisconsin was the first State to pass an unemployment compensation law, and to build reserves and pay benefits thereunder; and

Whereas Wisconsin's pioneer law and those active in its development helped to secure, under the 1935 Social Security Act, a nationwide system of State unemployment compensation laws, which now protect many millions of American workers; and

Whereas Wisconsin, with the full cooperation of its labor and management groups, has continued to lead in this field and to strengthen its jobless benefit system:

Now, therefore, I, Gaylord A. Nelson, Governor of the State of Wisconsin, do hereby proclaim the silver anniversary date of America's first jobless benefit check; namely, August 17, 1961, as "Unemployment Compensation Day," to be observed by such ceremonies, discussions, and publications as will further public understanding of this program, will recognize the part played by various individuals and organizations in its development, will consider present and future problems, and promote further improvements in the general public interest.

FIRST AMERICAN JOBLESS CHECK PAID 25 YEARS AGO

Twenty-five years ago, on August 17, 1936, Wisconsin paid the first unemployment benefit check ever issued in this country under a State law.

That check No. 1 anniversary was celebrated in Madison today, during a meeting of the law's labor-management advisory committee.

The ceremony was attended by a group of 25-year employees, former employees, State officials, and various labor-management and public representatives.

It featured four individuals who were present 25 years ago: Paul Raushenbush, longtime administrator; Arthur Wegner, the law's first treasurer, who signed check No. 1; J. F. Friedrick, a labor representative on the law's advisory committee ever since 1932; and Harold W. Story, a management spokesman.

Since 25 years ago, Wisconsin workers have drawn over 16.8 million checks for weeks of partial or total unemployment. Those checks, issued by the State industrial commission under Wisconsin's unemployment compensation law, have totaled over $436 million.

In addition to the benefit checks paid to jobless workers under Wisconsin's law, the industrial commission has during the past 17 years issued, at Federal expense under various Federal programs, over 2.7 million jobless benefit checks—amounting to over $64 million.

Nationwide, during the past 25 years, jobless benefits have totaled over $28 billion under State laws.

Mr. PROXMIRE. Madam President, I ask unanimous consent that the statements of those who participated in the conference on August 17, 1936, together with a table showing the top basic benefit per week in each of the 50 States, the top normal duration in weeks in each of the States, and the maximum basic benefits, be printed at this point in the RECORD, because I am proud of the fine record that my State has.

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

[Excerpts from news story—25 years ago, Aug. 17, 1936]

WISCONSIN PAYS FIRST JOBLESS BENEFIT CHECK—$15 CHECK IS FIRST BENEFIT PAID IN AMERICA

Wisconsin paid today the first unemployment benefit check ever drawn on a State unemployment fund under any American unemployment compensation law.

Wisconsin was the first State to pass such a law, and to collect contributions. It was the first State to have its law approved under the Federal social security program. Now Wisconsin has also issued the first check for unemployment benefits.

The check was for $15, paid for 1 week of total unemployment. Benefits are now being paid in Wisconsin about 18 months before payments are scheduled to start in any other State.

* * * * *

Wisconsin officials recognized as an historic occasion the signing of the first check under any American unemployment compensation law. At the ceremony all three members of the Wisconsin Industrial Commission added their signatures while Paul Raushenbush, director of the commission's unemployment compensation department, acted as master of ceremonies.

Representatives of organized employers and of organized labor were also present to witness the signing of America's unemployment benefit check No. 1.

There were three other interested spectators at the check-signing ceremony. One of these was Prof. John R. Commons, who started urging such legislation in Wisconsin more than 15 years ago. Another was E. E. Witte, who served for a short time as acting director of unemployment compensation in the summer of 1934, before he was called to Washington to work on the Federal social security program. The third was H. W. Story, consultant to the commission.

Here are some of the statements made by those who participated in the ceremony on August 17, 1936:

Prof. John R. Commons: "It is more than 15 years ago since I urged the 1921 Wisconsin Legislature to pass a law which would pay benefits to unemployed workers, and would also encourage more regular employment by employers. I am glad that Wisconsin now has such a law in full operation. I look forward to the day when every State in this country will give its workers similar protection against unemployment."

Voyta Wrabetz, chairman of the industrial commission: "This first unemployment benefit check marks an important forward step in the direction of greater economic security and social justice for all the people in America. We are proud of Wisconsin's leadership in this field."

Henry Ohl, president of the Wisconsin State Federation of Labor: "This is an important day in American history, because this first benefit check stands for a principle which is vital to workers and the entire community. This principle is that employers must accept responsibility for giving their men steady work and an adequate annual wage; or else pay benefits to these workers during slack period, when they are laid off and cannot find other work."

George Kull, secretary of Wisconsin Manufacturers' Association: "Wisconsin employers can rightly take credit for the cooperation they have given the administration of this law. Most employers believe that the Wisconsin law is sounder in principle and more consistent with American traditions than any other type of unemployment compensation law."

H. W. Story, consultant to the commission: "The most striking feature of our Wisconsin law is that each individual employer's contribution rate will rise or fall in accordance with his own unemployment benefit experience. This should encourage every employer to give the steadiest employment he can, which should make for steadier workers, buyers, and citizens, and save the employer money besides."

E. E. Witte, formerly acting director: "Unemployment benefit laws cannot work miracles; but they can and will provide workers a first line of defense during short periods of unemployment. Such benefit payments should help to maintain purchasing power during slack periods."

Paul Raushenbush, administrator: "We have started to pay unemployment benefits

in Wisconsin. That is fine, and mighty important; but let's not forget that steady work and wages will always be better than unemployment benefits. One of our most vital economic problems is to provide more regular employment, and thereby higher annual wages. Our Wisconsin law encourages each employer to do what he can toward solving that problem."

Maximum "basic" normal benefits under State unemployment compensation laws as of Aug. 1, 1961 (excluding dependents allowances, if any) (excluding "extended" durations)

State	A Top basic benefit per week	B Top normal duration in weeks	C Maximum basic benefits (A×B)
Alabama	$28.00	20	$560.00
Alaska	[1] 45.00	26	1,170.00
Arizona	35.00	26	910.00
Arkansas	30.00	26	780.00
California	55.00	[2] 26	1,430.00
Colorado	[3 4] 45.00	32½	1,462.50
Connecticut	[1] 45.00	[2] 26	1,170.00
Delaware	40.00	26	1,040.00
District of Columbia	[1] 30.00	26	780.00
Florida	33.00	26	858.00
Georgia	35.00	26	910.00
Hawaii	55.00	[5] 26	1,430.00
Idaho	43.00	[2] 26	1,118.00
Illinois	[1] 38.00	[2] 26	988.00
Indiana	36.00	26	936.00
Iowa	[1] 30.00	26	780.00
Kansas	[3] 42.00	26	1,092.00
Kentucky	37.00	26	962.00
Louisiana	35.00	28	980.00
Maine	34.00	[5] 26	884.00
Maryland	[1] 35.00	[5] 26	910.00
Massachusetts	[1] 40.00	30	1,200.00
Michigan	[1] 30.00	26	780.00
Minnesota	38.00	26	988.00
Mississippi	30.00	26	780.00
Missouri	40.00	26	1,040.00
Montana	34.00	26	884.00
Nebraska	34.00	26	884.00
Nevada	[1] 37.50	26	975.00
New Hampshire	40.00	[5] 26	1,040.00
New Jersey	50.00	26	1,300.00
New Mexico	36.00	30	1,080.00
New York	50.00	[5] 26	1,300.00
North Carolina	35.00	[2 5] 26	910.00
North Dakota	36.00	[5] 24	864.00
Ohio	[1] 42.00	26	1,092.00
Oklahoma	32.00	39	1,248.00
Oregon	40.00	26	1,040.00
Pennsylvania	40.00	[5] 30	1,200.00
Rhode Island	[1] 36.00	26	936.00
South Carolina	[3] 34.00	22	748.00
South Dakota	33.00	24	792.00
Tennessee	32.00	[5] 22	704.00
Texas ($37, soon)	28.00	24	672.00
Utah	[3] 43.00	36	1,548.00
Vermont	[3] 40.00	[2 5] 26	1,040.00
Virginia	32.00	20	640.00
Washington	42.00	30	1,260.00
West Virginia	32.00	[5] 26	832.00
Wisconsin	[3] 50.00	34	1,700.00
Wyoming	[1 3] 49.00	26	1,274.00

[1] Higher weekly top applies with dependents allowances (except in District of Columbia).
[2] "Extended" durations will apply, when triggered by unemployment level.
[3] Top adjusted by escalator, annually or semiannually, based on wage levels.
[4] Colorado $57, if 5 years without benefits.
[5] Flat uniform duration applies.

Mr. PROXMIRE. Wisconsin is certainly one of the outstanding States in the country in this regard. I believe it is the top State in almost every category.

PANCAKED GAS RATE INCREASES FLATTEN CONSUMER

Mr. PROXMIRE. Madam President, one of the most alarming features of the interstate natural gas market is the pancaking of rate increases. If the Federal Power Commission does not act upon a proposed rate schedule within 5 months after filing, the new schedule goes into effect. Should the Commission at a later time order a refund, all moneys collected by the pipeline company over the approved rate must be turned back to the distributing utilities and eventually to their customers. The interest paid with such refunds is generally between 6 and 7 percent. But it is a rare event for all such funds to be subject to refund. It has become the practice for pipeline companies to apply for numbers of rate increases, so that one increase is pancaked on top of another.

There are three bills presently before the Commerce Committee which deal with this shocking situation. S. 666 is a multipurpose bill introduced by Senator MAGNUSON at the request of the Federal Power Commission. S. 1664, introduced by Senator GORE, prohibits any rate increase from becoming effective before a pending rate increase has been finally determined. S. 1946, introduced by Senator CARROLL and others, does away with the 5-month limitation and permits FPC to suspend a new rate increase for as long as is reasonably necessary for the completion of the hearings and decision. All of these worthy bills deserve the most serious study. By way of background material for their consideration I ask unanimous consent that an article by William Beecher in the Wall Street Journal for July 7, 1961, be printed in the RECORD at this point.

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

FPC'S SHIFT—KENNEDY'S TEAM AIMS TO BOOST PUBLIC POWER, HOLD DOWN GAS PRICES—AGENCY WILL TRY TO BREAK RATE CASE LOGJAM, CURB "PANCAKING" BY PIPELINES—HOW COMMISSION LINES UP

(By William Beecher)

WASHINGTON.—Big changes are afoot in a little Government agency, the Federal Power Commission. The impact on the huge industries which produce and move natural gas and electricity may soon be measured in many millions of dollars.

By Washington's manning standards, FPC is insignificant. Its 900 employees don't even have a building of their own; they're crowded into spare space of the General Accounting Office, with 60 statisticians spilling over into rented commercial quarters.

They've been falling farther and farther behind in their work; Presidential Adviser James Landis has called this agency "the most dismal failure in our time in the administrative process." But a new Kennedy team is moving into control, with high resolve not only to act with dispatch but to do consumers many favors. And they are likely to bestow some boons, as well, upon public power groups.

THE TEAM'S INTENTIONS

Here are some of the intentions which can now be discerned:

To achieve stern price control over producers of natural gas, a task assigned by the Supreme Court back in 1954 but never fully implemented. A logjam of thousands of individual rate cases may be broken, partly by spurring staff work and partly by surging ahead with an existing scheme for regional ceilings—with a new emphasis on keeping them low.

To crack down on gas pipeline companies deemed guilty of the misdeed known as pancaking. It's claimed some have been tapping consumers for money used in capital expansion, by plopping one temporary rate hike on top of another and using the revenue until the FPC requires a refund, often 2 or more years later.

To inquire deeply into the efficiency of major corporations applying for rate increases—casting a coldly critical eye on management practices and financial structures before accepting figures on the cost of doing business. This could involve substantial Government intervention into private administration.

To initiate crucial probes, with critical attention to gas price levels, rather than waiting for rate applications to come along.

To increase the advantage which the law gives public groups competing against private utilities for the right to build new hydroelectric projects. The trick could be done by letting public power outfits submit "either-or" construction applications—permitting them to apply not only for dam sites of their own choosing but also for rival sites blueprinted by private concerns.

All these ideas are held by men now moving onto the Commission; the speed and extent to which they may become national policy will emerge over coming months.

NEW FRONTIER'S VIEW

As viewed from the New Frontier, FPC has appeared in need of radical reform. Far from rushing into price control of gas producers, the agency long contended it lacked jurisdiction, and much of the 7 years since the Supreme Court ruled otherwise was spent in a vain attempt to win the congressional reversal. Justly or not, the Commission of the Eisenhower era has been depicted as industry-minded; congressional probes of the past year have portrayed industry representatives wandering through the agency's corridors and popping into offices for conversations which never appeared on its public records.

Admittedly, the agency could not keep up with its workload. Last year, for example, it disposed of more than three times as many gas producer rate-hike cases as in the previous year, yet it entered 1961 with 3,605 such proposals pending—an increase of more than 500. At last count, at the end of May, the backlog of these cases had climbed to 3,871. Presidential Adviser Landis complained the Commission sat on its hands while new contract prices for natural gas production more than doubled in 5 years. Delay in both gas and electricity rate regulation has "cost the public millions of dollars," said he, demanding that "qualified and dedicated (Commission) members with the consumer interest at heart must be called into service."

Mr. Kennedy has been issuing the calls, and—despite some hitches—it appears likely there may soon be only one Eisenhower holdover left on the five-man Commission.

Two devoutly consumer-minded Commissions, Joseph C. Swidler and Howard Morgan, have just begun warming their seats. A third more moderate Democrat, Lawrence J. O'Connor, Jr., is awaiting Senate confirmation. The FPC's present Chairman, Jerome K. Kuykendall, who insisted he had the right to retain that post, has finally agreed to yield agency leadership to Mr. Swidler on September 1—peacefully, without a threatened fight in the courts. He may give up his seat on the Commission, too, before his term expires next June, thus leaving another spot open for Mr. Kennedy to fill—not with a Democrat but with an independent or Republican of acceptable philosophy.

MR. SWIDLER'S BACKGROUND

Tall, dark, sharp-featured Joe Swidler, at age 54, has spent practically all of his adult years advancing the cause of public power. He joined the New Deal in 1933, during Roosevelt's first 100 days, as an assistant solicitor in the Interior Department. While in that post, he burned the midnight electricity drafting power contracts to help out an old friend, David E. Lilienthal, who had become Tennessee Valley Authority Chair-

man. Soon, Mr. Swidler shifted to TVA's legal department, rising to the post of General Counsel in 1945. He left the agency in 1957 to enter a private legal practice in Nashville, but one which found him representing public power clients. Men who know him declare he is a shrewd lawyer and a solid administrator.

Howard Morgan, tall, brown-haired and boyish looking at 47, is an Oregon rancher by trade but a tough utility regulator and Democratic politician at heart. He was a member of the Oregon Legislature from 1949 to 1951, operated as Democratic State party chairman from 1952 to 1956 when the Democrats made inroads in traditional GOP State power, and sat as Oregon's one-man public utility boss from 1957 to 1959. In this last job he acquired considerable regulatory experience, mostly over electric and telephone rates. Although hardly the hair-shirt radical some of his detractors make him out to be, Mr. Morgan could easily prove to be the most militantly proconsumer of the new FPC Commissioners.

If the FPC is to have a swing man, he is likely to be the round-faced, 46-year-old Lawrence O'Connor, a Texan with long associations in the petroleum business who has been running the Interior Department's oil import administration. At least until the next vacancy occurs on the Commission, he will be in a position to cast the deciding vote on policy issues which may divide the rest of the Commission rather sharply. On the conservative side, along with Mr. Kuykendall, there lingers only Frederick Stueck, a St. Louis lawyer whose Eisenhower appointment extends to 1964.

AN OPEN MIND

Mr. O'Connor, named by the President only last Friday, insists he is not familiar with FPC and will face each issue with an open mind. Obviously the new appointee is reluctant to take stands which might jeopardize his chances for Senate confirmation. But, beyond that, his performance over the last couple of years in the politically ticklish role as Administrator the Nation's fledgling program to restrict oil imports—in which he had to balance the interests of big oil versus little oil, importer versus inland refiner, producer versus consumer—gained him a reputation as an impartial and effective regulator.

One measure of Mr. O'Connor's nonpartisan success: Named originally by Republican Interior Secretary Fred Seaton, he was reappointed by Democratic Secretary Stewart Udall. By training, Mr. O'Connor is a certified public accountant; he was an official of Goldston Oil Corp., a Houston-based oil producer, for several years before entering Government service. Some liberals consider him suspect because of his gas-country background, but generally he is expected to vote with his more liberal Democratic colleagues on major policy, thus giving the administration majority control over the five-man Commission.

Public versus private power fights over the right to build giant hydroelectric facilities on the relatively few good remaining river sites is expected to keep the Power Commission up to its ears in controversy over the next several years.

One such conflict is before the agency now. The Pacific Northwest Power Co., representing four private utilities, wants to build a $178 million multipurpose dam at High Mountain Sheep, on the Snake River about half a mile upstream from its confluence with the Salmon River on the Oregon-Idaho border. A conflicting application comes from the Washington Public Power Supply System, a group of 13 Washington State public utility districts, to build a $297 million dam at Nez Perce, about three miles downstream.

HEARINGS HAVE CONTINUED

Hearings on the applications began last November and have continued intermittently. A couple of months ago the public group sought to amend its application to provide that if the Commission should select the High Mountain Sheep site as better, it would gladly build at that location. The Federal Power Act states that all other things being equal, the nod should go to the public group. If FPC had approved all elements of the Washington public power group's request other than its site, therefore, it would have pretty well assured that group's selection no matter which site is determined superior. The FPC examiner—supported by the Commission as then constituted—rejected this "either-or" proposal, saying that it had come too late in the proceedings. But this is not the end of the matter.

The public utility group has filed a motion for reconsideration; thus, the new Commission will have another crack at the question. Commissioner Morgan, while insisting that he is not prejudging this particular case, says that he can see nothing wrong in any public power group seeking to advance an "either-or" proviso. "What some seem to forget," he said, "is that the public in each case owns the river."

"I don't believe the law imposes a time limit on any effort by a public body to take advantage of the built-in preference in the law," he says. If Mr. Morgan's view is embraced by at least two other Commissioners it could greatly increase chances that future public-private disputes over who shall build a major non-Federal dam will be resolved in favor of the public builder.

The FPC also has power to set the price of electric power when it is transmitted for resale across State boundaries, and so has jurisdiction over such utilities as New England Power Co., Pacific Gas & Electric, Georgia Power Co., and Philadelphia Electric Co. But electricity prices have been stable in recent years, hence FPC concern for consumers is likely to be focused on rising gas prices. "Price levels," says Mr. Swidler, are the "key problem confronting the Commission."

When the Natural Gas Act was passed in 1938, the major oil companies considered the product a nuisance—in many instances it was flared off as waste in order to get at the more profitable petroleum in the same well. When the first pipelines were constructed to major fields, producers were glad to write 20-year contracts at whatever price the pipeline company would offer, frequently just a few cents per thousand cubic feet of gas. Since the pipeline companies could pretty much dictate price, the major stress in legislation and in FPC's approach was to regulate them alone.

But demand for the cheap, clean, efficient fuel blossomed and in but two decades new pipelines sprouted until today there are more than twice as many miles of gas pipeline, interstate and intrastate, as miles of railroad track. Recent contract prices for gas at the wellhead have been bid up as high as 20 cents per thousand cubic feet of gas in Texas; 24.6 cents in Louisiana; 30.5 cents in West Virginia; 33 cents in Pennsylvania.

So the philosophy now is toward increasingly firm regulation of both the 120 interstate pipeline firms and the thousands of gas producers (of which 270 are rated major suppliers). The FPC was trying to head in this direction even before the new team began moving in. In March, for example, it outlawed several types of price escalation. Sample: The so-called "favored nation" clause in contracts between producers and pipeline firms; it automatically bestowed upon the producer any higher price granted by any pipeline to another producer in the same gasfield. The Commission did not ban escalation completely, but limited price renegotiation of long-term contracts to once every 5 years.

"The way wellhead prices were arrived at certainly was not sound; it was irrational, chaotic," Mr. Swidler declares. "That doesn't mean necessarily that all levels reached are wrong levels; but it does mean that the prices are suspect." What will the Commission do if it decides some of these levels are too high? "We'll reduce them," Mr. Swidler says without hesitation. He is joined in this determination by Mr. Morgan, and both would be equally willing to apply the same rule to pipelines' delivered prices to distributor companies.

RATE INVESTIGATIONS

Section 5(A) of the Gas Act gives the Commission explicit authority to initiate rate investigations and to reduce—but not increase—rates it believes are out of line. This FPC initiative has been infrequently used in recent years.

Actually it's still easier for FPC to rake over prices when companies come in seeking rate increases, since then they must shoulder the burden of proving hikes are necessary. In a 5(A) case the Commission must prove rates are too high, and prepare to uphold its position against a court challenge.

Commissioner Morgan looks at the time a firm comes forward for a rate increase as affording an ideal opportunity to study the firm's "financial structure, trade practices and everything else about the company." The Commission, he says, should not "limit itself to statistics put forward by the company."

"The Government agency must make sure that company costs—for capital acquisition, construction, special services—are as low as is consistent with good service. The agency must also make certain that practices and procedures are as efficient as it would expect of a well-run company competing for the consumers' patronage."

With over 100 pipeline rate increases pending, not to mention the thousands of producer cases, he will have plenty of opportunities for examination.

PROBLEM OF "PANCAKING"

A particular problem is so-called pancaking. Under present procedures a gas company must file 30 days' notice of an intention to raise rates during which time the agency may suspend the hike for up to 5 months. Congress originally thought FPC would be able to dispose of rate cases in that time; but it has not. After the suspense date is passed the company may put the increase into effect—subject to the requirement that it refund customers any amount FPC finally determines is excessive. Interest of 6 percent or 7 percent must accompany the refund. There is nothing to prevent a company from piling on additional rate increases before the first is disposed of. Critics have charged that pipelines, especially, have abused this procedure to amass great amounts of expansion capital at the expense of consumers. Even Chairman Kuykendall, no enemy of the industry, has estimated that rate increase applications generally average about 40 percent higher than the Commission finally determines is proper.

By borrowing from banks or by selling new bonds, most big pipeline companies could obtain money at interest costs somewhat below the 6 percent or 7 percent they must pay customers on refunds. But money raised by new rate increases may have advantages. At the worst, it will have to be refunded and the companies will have paid slightly higher interest costs. At the best, the rate increases may be approved in full and the companies will have no interest cost at all. In addition, the money obtained from higher rates shows up on the companies' balance sheets only as contingent liabilities, if it shows up at all. If the companies instead borrow from banks or sell bonds, these facts are reflected

directly on their balance sheets and may perhaps limit their ability to borrow more funds or sell additional bonds at a later date.

Refunds in recent months have been sizable. Tennessee Gas Transmission Co. in February handed back more than $7.5 million to customers; Cities Service Gas Co. in January refunded about $10.7 million; Atlantic Seaboard Corp. in April refunded more than $5.7 million; in April the Commission ordered Panhandle Eastern Pipe Line Co. to refund to its customers an amount, still to be calculated officially, which by some estimates could be anywhere from $20 million to $40 million. Massachusetts Congressman TORBERT H. MACDONALD recently protested that El Paso Natural Gas Co. is collecting $87.5 million in rate increases annually whose reasonableness has not been passed on yet by FPC.

Bills have been introduced in Congress to force the companies to put such increases into nontouchable escrow accounts or to forbid gas companies from pancaking their increases. Commissioner Morgan has what he calls a simpler solution: If the Commission finds the system has been abused, he says, why not just increase the interest on money ordered refunded to 10 percent, or even 15 percent?

Though some producers are large—among them Phillips Petroleum, Pan American Petroleum, Humble Oil, Texaco, and Shell—there are such swarms of small ones that FPC despairs of regulating their prices by the approach used for pipelines: Painstaking determination of cost plus a specified rate of profit.

Late last year the Commission enunciated a new approach: Establishing maximum prices for each of 23 producing regions. A producer seeking any price up to the FPC-fixed ceiling would receive automatic approval; those wishing to justify higher prices would have the burden of proving their need at exhaustive hearings. The new Commission will have to decide if this area-pricing course will in fact be followed, and the price level for each of the regions if it does so. The expectation is that they will, with the ceilings low enough to evoke some howls.

THE CONSUMER AND THE FEDERAL POWER COMMISSION

Mr. PROXMIRE. Madam President, I ask unanimous consent to have printed in the RECORD at this point an editorial entitled "Who Protects the Consumer on Federal Power Commission?" It discusses my recent battle against the confirmation of the nomination of Lawrence J. O'Connor to be a member of the Federal Power Commission.

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

WHO PROTECTS THE CONSUMER ON FEDERAL POWER COMMISSION?

President Kennedy's nomination of Lawrence J. O'Connor, Jr., to the Federal Power Commission and his confirmation by the Senate have been unexplained so far by the administration.

The controversial appointment was highlighted by the marathon, overnight speech of Senator WILLIAM PROXMIRE, Democrat, of Wisconsin, protesting the appointment of an "oil and gas man" to the FPC.

It is not for us to cast aspersions on Mr. O'Connor, whose attitude about oil and gas and the consumer we are not familiar with.

But the FPC is something else. It is a Commission which has been shot full of holes in the past months, by, among others, Mr. Kennedy himself, before and after he became President.

Most recently, on April 13, President Kennedy sent to the Congress a special message asking legislative and administrative steps to enable the Federal regulatory agencies "to fulfill more effectively their roles of promoting and protecting the national interest." Is Mr. O'Connor going to do this? So far the White House has been silent.

Of all the agencies in Washington, probably none needs more propping up, unless it be the Central Intelligence Agency or the Federal Communications Commission.

The President himself has pointed to the "incredible backlog" of 4,000 pending rate increase cases. It is fantastic, but some of them involve rate increases upon rate increases.

Kennedy's message said: "This administrative logjam was directly responsible for excluding millions of dollars from the economy and was potentially responsible for an inordinate rise in the price of natural gas."

It would seem that the President is more than casually interested in getting the FPC on its feet. Even before he became President, he had special aid James M. Landis study Washington's regulatory agencies, and last December 26, Landis came up with this opinion about the FPC: "The most dismal failure in our time of the administrative process."

A major criticism is that the big gas and oil lobbies have an almost direct influence on the FPC at the actual time of hearings. You may recall the meetings a little more than a year ago by the Special House Subcommittee on Legislative Oversight, arising out of the disclosure that FPC Chairman Jerome K. Kuykendall conferred privately with Thomas Gardiner (Tommy the Cork) Corcoran, Washington attorney for a large Houston gas company.

The testimony of the hearing is too lengthy to report here, but it led to several conclusions, one of which would reduce by law the number of persons intervening in FPC cases. This was after the subcommittee leveled charges of inefficiency, of laxity toward the public welfare and of alleged misconduct by personnel in the FPC.

It does seem strange, then, that President Kennedy has endorsed apparently unequivocally, Mr. O'Connor as an FPC member. Mr. O'Connor comes from an oil family, worked for the Golston Oil Corp. from 1945 to 1958, rising to vice president and treasurer. For the past 3 years he has been administrator of the U.S. Interior Department's oil import program.

Senator PROXMIRE, who was armed with stacks of documents in his floor fight against O'Connor, said his appointment would be "stacking the deck, loading the dice against the householder whose gas bills are rising steadily year after year."

In the sense that the consumer is getting left out more and more in dealings of the regulatory agencies, Senator PROXMIRE's words deserve heeding. The agencies were created to protect the national interest. We will be watching and waiting to see if Mr. O'Connor does just that.

THE CASE FOR EXEMPTION OF SMALL GAS PRODUCERS FROM REGULATION

Mr. PROXMIRE. Madam President, the purpose of my remarks on the Federal Power Commission over the past few weeks has been to show that the 27 million families who use natural gas are threatened with exorbitant price increases.

At the same time, as Senator LONG of Louisiana made so clear in his colloquy with me at this time on the O'Connor nomination, we should not overlook the plight of the small producer of natural gas.

I recently received a detailed letter from the president of a Texas natural-gas-producing company. I cannot agree with all of the points which its writer seeks to make. The letter bears testimony to the fact that the natural gas producer suffers as much from Federal Power Commission delays as does the consumer. Both consumers and producers suffer from the FPC's failure to adopt considered and effective policies for restoring conditions of balance and justice to the natural gas market.

The other side of this story deserves to be told and few tell it as well as Mr. William D. Morris, of Fort Worth, Tex. I ask unanimous consent that a letter from him and a statement of his company's position be entered in the RECORD at the conclusion of these remarks.

I would prefer to cut FPC delay by exempting companies that sell less than 2 billion cubic feet of natural gas annually in interstate commerce, rather than by exempting a certain volume of sales each year as the writer suggests. I support President Kennedy's proposal that small producers be exempted. The same legislation was introduced by Senator DOUGLAS and by Senator KEFAUVER in recent sessions, and by Representatives MACDONALD of Massachusetts, and Moss, of California, in the present session.

Despite my disagreements with some of the positions outlined in this letter and the attached memorandum, I salute the Whaley Co. and its president, Mr. William D. Morris, and am glad to take this opportunity to add their views to the public record.

I ask unanimous consent to have the letter from the Whaley Co. and a statement of position and memorandum of the Whaley Co. printed in the RECORD at this point.

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

WHALEY CO., INC.,
Fort Worth, Tex., August 17, 1961.

Hon. WILLIAM PROXMIRE,
Senator from Wisconsin,
New Senate Office Building,
Washington, D.C.

DEAR SIR: We have read with much interest your interest in the affairs of the Federal Power Commission and the persons selected for membership on the Federal Power Commission. We agree with you that presently the situation is 100 percent fouled up, and that the consuming public, the gas producers, especially the independent gas producers such as ourselves, and the economy of our country is being hurt by a bad situation, regardless of the cause.

We have studied the matter with much interest due to the fact that we have had shut-in gas wells for a number of years awaiting action of the Federal Power Commission in granting certificates of public convenience and necessity, but have had no luck getting action from them or finding out from them what information they want in order to evaluate the contracts we are asking them to approve.

Recently, after we had attended the prehearing conference on the Permian Basin, we filed a statement with the Commission in Washington. We are pleased to enclose you herewith a copy of it. We also visited with the Honorable James M. Landis and left with him a copy of the enclosed statement. We found Mr. Landis most sincere and anxious

to work out the many problems confronting the natural gas industry, but apparently not getting too much help from any source.

We are still believers of the law of supply and demand, and believe that the only way natural gas can become cheap is to become abundant. We believe a removal of many of the restrictions now facing the industry, especially the smaller independent producers, would contribute much to this end. Our own suggestion is that the first production by any producer under 5 billion cubic feet per year be left entirely unregulated and exempt from Federal Power Commission controls. Actually this amount of gas will have but little effect on the market price of gas, but will be large enough to justify exploration for new supplies, and when discoveries are made, it will also be large enough to justify pipeline companies coming in and picking up the gas.

Knowing your sincerity and interest in working out these problems to the interest of all the people, we will deem it a great favor if you will read the attached statement we have prepared as an independent producer, and if you have any suggestions or comments to make, we would be most happy to have them.

Most respectfully,

WILLIAM D. MORRIS.

STATEMENT OF POSITION AND MEMORANDUM OF WHALEY CO., INC., CONTINENTAL LIFE BUILDING, FORT WORTH, TEX.

Whaley Co., Inc., as an independent producer of natural gas is vitally, financially and otherwise, interested in the successful solution of the many problems confronting the explorers for, the developers of, and producers of, natural gas. This applies especially in the area of its principal interest in the Permian basin of west Texas and New Mexico, which is the subject of the prehearing conference and its continuation above mentioned.

We doubt that with the best intentions in the world on the part of (a) the Federal Power Commission and its staff; (b) the long lines gatherers and transporters of natural gas; (c) the distributor groups; (d) the ultimate consumers; (e) the producers of natural gas; and last, but not least, (f) the public service commissions and public utility commissions of the several States and their attorneys, advisers, and technical experts the problem of price at the wellhead can be worked out to the mutual advantage of the producers, gatherers, transporters, distributors, and last and most important, the actual consumers of natural gas. As to consumers of natural gas, we place the use of it for domestic heating, cooking, and other uses first, and its use as heat energy and fuel for industry second. We do not believe that a so-called end use of natural gas is feasible for the reason that the extreme cost of transporting gas over long distances requires a very large volume on a rather stable basis to justify the investment required.

We believe that all producers of natural gas (not owning pipelines) should be treated alike, as provided under the Constitution of the United States of America, and all valid laws made thereunder. We think this should apply to the very largest producers and the very smallest producers under similar circumstances.

We believe that natural gas is a commodity and should be so treated along with all other energy and heating fuels, including corn cobs, coal, and stove wood. We think its value in the marketplace will be best determined in competition with all other heat and energy fuels simply by the laws of supply and demand. We do not believe the price of natural gas can for long be either greatly increased or for long be held to a value below its intrinsic worth, as compared to other sources of heat and energy, by any outside force or law.

These are the basic positions and views held by Whaley Co., Inc. Under the present laws, court decisions, and public policy, we are quite satisfied that the law of supply and demand, and other natural factors, are not going to be allowed their proper influence.

We reluctantly conclude that at least for the foreseeable future the price of natural gas at the producer level is going to be regulated in some manner by Government agencies.

Despite all of the criticism heaped upon the Federal Power Commission, actually, with all their shortcomings, we think they have done and are doing a fine job with the tools they have to work with presently.

After reluctantly assuming that our company, as a producer of natural gas, is to be regulated, we review the information brought out especially at the first two sessions of the prehearing conference above mentioned called by the Federal Power Commission.

The first matter to be considered by the conference is the matter of questionnaires, both those prepared by the Federal Power Commission or its staff, and those proposed by certain segments of the natural gas producing industry. As we understand it, the first proposed questionnaire has been largely withdrawn from consideration by the Federal Power Commission, and it will not be further mentioned herein except to say that we believe the decision of the Federal Power Commission to at least temporarily withdraw the questionnaire is fully justified in view of the cost involved in answering it by the industry, and the highly theoretical results which might develop therefrom.

The next questionnaire considered is the so-called questionnaires I and II on statistics pertaining to domestic explorers and net working interests, development and producing operations by those engaged in the development and production of natural gas. As we understand it this data is being assembled, covering a broad base of the natural gas producing industry, by Mr. Stanley P. Porter, of Arthur Young & Co., certified public accountants, Tulsa, Okla. We feel that, at least from the independent producers' standpoint, this questionnaire has many faults and, when fully completed, will be of doubtful value in solving the matter of price of gas to be paid in the Permian basin of west Texas and New Mexico. We believe that in answering the above questionnaire so many problems of prorating costs and other factors between the production of gas and oil, allocation of overhead, allocation of dry holes, acreage acquisition, and other items will be involved that the final result will be highly theoretical and in many instances of no great value.

Allowing the questionnaire the full benefit of all doubts, we think that when it is assembled it should be used as a base or yardstick only, and that when equity requires, the variations must and should be made from this yardstick, either in favor of or against any segment of the industry, from the producer to the ultimate consumer.

SUGGESTIONS FOR POSSIBLE SOLUTION OF SOME OF THE DIFFICULTIES CONFRONTING THE PRODUCERS OF NATURAL GAS

We have already stated that we give full faith and credit to all members of the Federal Power Commission and to their staff for an honest and strenuous effort to work out these problems in the public interest. We believe that the Natural Gas Act has been changed and distorted by numerous decisions of the Federal court to the extent that some changes and modifications in the act of Congress creating the Federal Power Commission should and must be made. Actually, we doubt that the original act, as passed by Congress, was, as far as could be seen then, of any great fault. We believe that the various court decisions interpreting the act have placed upon the Federal Power Commission and its staff an almost impossible burden.

We urge that the Federal Power Commission Act be amended to delineate more clearly the powers and duties of the Federal Power Commission. We also believe that its membership should be increased by at least two members. We are further of the opinion (and we mean no disrespect to the legal profession) that these new members should be familiar with the actual production and other phases of the natural gas industry, especially as it has been developed in the Permian basin of west Texas and New Mexico. We further urge and suggest that within reasonable limits, certain groups of Commissioners be allowed to handle and settle certain questions, rather than refer them to the entire Commission, with the condition, however, that any party at interest have the right to appeal to the full Commission under certain conditions.

To reduce some of the multiplicity of cases coming before the Federal Power Commission, we suggest some kind of blanket exemption for the producers of gas sold in interstate commerce for each producer. We have heard the suggestion of 2 billion cubic feet per calendar year. We believe this to be too little, and that the exemption should be 5 billion cubic feet per year. We believe that this exemption should apply to each and every producer of natural gas under suitable rules and regulations, and should mean that production of natural gas up to a total of 5 billion cubic feet of gas per year when sold on contracts made on an "at arm's length" basis should be regulated only by the laws of supply and demand.

Among the benefits we anticipate for this exemption will be the stimulation of the search for additional gas reserves and the ultimate great increase in the visible supplies to serve the needs of the ultimate consumers, whether they be industrial or domestic. We think this exemption will be large enough to justify many independent producers to search for additional reserves and that it will be small enough that it will have no great effect on the market price of gas. We further suggest the exemption of 5 billion cubic feet as being approximately the minimum for which a gatherer and distributor would be justified in building facilities to market the gas in many areas. We believe that ultimately the only way the price of gas can be stabilized, held down, or possibly reduced is to increase greatly the supply.

We further urge that some method be devised for promptly hearing applications for certificates of public convenience necessary to build all types of facilities and to approve prices on long-term contracts not falling within the suggested exemption.

Last, while our company, the Whaley Co., Inc., has been engaged in the production of oil and gas in Texas and New Mexico for more than 40 years, and we believe we are as familiar as any producer, large or small, with the risks and problems involved, and we have talked to many other producers, both large and small, and have ascertained their views to be, in many instances, similar to those held by us, this statement is presented only as representing the views of the management of Whaley Co., Inc., only. It is being filed with the Federal Power Commission sometime during the prehearing conference beginning in Washington on April 27, 1961, and copies will be widely distributed by the company to all segments of the industry. In making this distribution, not only producers, but also gatherers, transporters, and city utilities systems will be furnished copies of it. We respectfully urge that each person or company receiving a copy of this statement send us any suggestions they have with reference to the views expressed above or offering other views

and other possible solutions of the numerous problems confronting the natural gas producing industry, from producers to consumers.

This statement is respectfully presented by and on behalf of Whaley Co., Inc.

APPENDIX

The Whaley Co., Inc., is one of the oldest independent producers of oil and gas in Texas. It was organized in 1918 with a paid-in capital stock of $500,000. Premiums on stock amounted to $1,181. Its stock was sold to the officers and employees of approximately 25 Texas and southwestern business concerns with no promotion of any kind. Its original organization title was Whaley Mineral & Realty Trust, and had approximately 150 stockholders. It originally operated under a declaration of trust and conducted business only in Texas.

In 1930 its name was changed to Whaley Co., Inc., and it was incorporated under the laws of Texas. In 1932 it secured a permit to do business in the State of New Mexico. Presently it operates only in Texas and New Mexico and its principal properties are located in the Permian basin of Texas and New Mexico. It owns producing oil and gas leases covering approximately 3,750 acres. It owns approximately 2,125 net acres of producing minerals.

It owns approximately 4,000 mineral acres of nonproducing minerals, and approximately 100,000 of nonproducing oil and gas leases. These leases vary from proven to semiproven to completely wildcat.

No complete engineering and geological studies have been made on the oil and gas reserves of the company, but as rough estimates only it is estimated that the company has oil reserves of between 2,500,000 and 3,500,000 barrels of oil, and that it has gas reserves amounting to between 25 billion and 50 billion cubic feet, either fully developed or proven.

It has a considerable quantity of fully developed gas in the Fusselman, Devonian and Ellenburger of Winkler County, Tex., which is presently shut in awaiting efforts to obtain certificates of public convenience and necessity approving contracts for the sale of said gas to Transwestern Pipeline Co., of Houston, Tex. The docket numbers are G-18551 and G-18552. These dockets have been pending for something over 2 years and, up to now, the Federal Power Commission has refused to grant certificates of public convenience and necessity for the sale of this gas on account of the contract price involved. The company has rejected offers of temporary certificates of convenience and necessity to sell this gas at reduced prices, and the matter now awaits a final hearing on applications for permanent certificates of convenience and necessity to approve the sale of this gas to Transwestern Pipeline Co. The Whaley Co., Inc., intends to make all reasonable efforts to sustain the price and terms of the Transwestern Pipeline Co. contracts at the hearing; or if required, by judicial action.

STANDARDS IN SELECTION OF FEDERAL POWER COMMISSIONERS

Mr. PROXMIRE. Madam President, one of my main hopes in undertaking my recent speech on the nomination of Lawrence J. O'Connor, Jr., to the Federal Power Commission was that a summary of the needs of regulatory bodies might point the way to future standards of appointment.

There is presently a vacancy on that Commission. Questions about the best type of background for regulatory commissioners are most relevant at this time. I have nothing to say with respect to personalities, either here or in private, about that appointment.

I have been very much impressed by a recent article by Lincoln Smith, associate professor of political science at New York University, who has undertaken a very lengthy study of this subject, requiring a study of the backgrounds of very many regulatory commissioners. He writes in the August 3, 1961, issue of Public Utilities Fortnightly about "The Academic Man As Regulatory Commissioner." It is a long time since the American people have turned to the universities for a Federal Power Commissioner. Such a move would today go a long way toward reassuring those students of our economy and Government who have lost faith in that Commission. I think Dr. Smith's views deserve the most careful attention. I commend them to my colleagues and ask that this article be printed in the RECORD at this point.

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

[From the Public Utilities Fortnightly, Aug. 3, 1961]

THE ACADEMIC MAN AS REGULATORY COMMISSIONER

(By Lincoln Smith)

Greater use of university scholars in public administration is advocated in this article as one antidote for much of the criticism of independent regulatory commissioners. The nomination of Prof. William L. Cary of the law faculty at Columbia University last February as Chairman of the Securities and Exchange Commission again brings into focus the expediency of recruiting more university men for Government posts.

Recent congressional investigations of agencies were critical of top personnel and recruitment policies. President Kennedy and his advisers have shown grave concern over remedies. There is agreement on the need for men of character and profound knowledge to head the commissions.[1] The Landis report concurs, deploring in the selection of commissioners, "consideration of what political obligations could be repaid through appointments."[2] A major indictment is that some top administrators are men of modest attainments who lack incisive concern for the public interest. The prime qualifications of some national and State commissioners are political; they are dilettantes in the substance of regulation. In the words of Dean Landis: "Top administrative positions appear to have been sought frequently as steppingstones to further political preference or to positions of importance within the industries subject to regulation."[3]

This is the final article in a series of several years on occupational qualifications of commissioners. The central theme is that thorough knowledge of subject matter is more imperative than political availability. Previous scholia on lawyers, accountants, engineers, businessmen, professional administrators, staff assistants, and laymen concluded that talented representatives of these professions and vocations tended to see regulatory problems through the astigmatism of limited horizons.[4] Commissioners were more successful when they possessed qualities beyond those of their specific backgrounds.

NEED OF KNOWLEDGE

Inasmuch as regulatory administration is emerging as a distinct profession, the need for professional expertise in top command can be supplied presently from two sources: (1) promotion of staff experts to commissionerships; and (2) recruitment of men who have devoted their careers to regulation. The major objection of staff experts as commissioners is that they also are prone to view top posts through lens of specialists. In the second category, nearly all utility executives are precluded for consideration because of protracted identification with corporate interests. Elevation of State commissioners to Federal posts falls within this classification. The Eisenhower administrations made good use of this source; but its potentials remain for greater utilization. A large residium of career men consists of university professors whose lifework is dedicated to teaching and research in regulatory administration.

Several notes of caution are in order. The subject is presented in perspective—there is no contention that university men monopolize the qualifications for commissionerships. Moreover, it is not argued that nonprofessors with appropriate erudition and personal characteristics will not be as good or better commissioners. The conclusion presented is merely that numerous university professors possess outstanding prerequisites for commissionerships. It is likewise recognized that many professors may be replete with certain occupational hazards which would make the wrong choices patently unsuitable for public service.

A narrow group of professors is under consideration. Not only do they have trained and disciplined minds, but also they possess liberal education and are steeped in the substance of public regulation. They have earned the Ph. D. degree or its equivalent in some such area as economics, law, or political science, and they most likely are teaching segments of these fields and public utilities at the university level. Exceptions are noted for men with advanced degree but who accepted employment outside. However, they probably maintain cherished ties with university life and academic methods; many of them could obtain faculty positions. Some do pinch-hit occasionally for professors on leave.

THE TYPICAL PROFESSOR

These men have acquired a common cultural core. Typical is one who has a basic grasp of public utilities, economics, public law and administration, personnel and labor relations, politics, government, and rights and duties of both government and business. Except as analyst or rate expert, he could not qualify for a job as staff specialist; but that is advantageous in that his knowledge is not narrowed to a particular segment. He is not a specialist in accounting, but he has studied it and knows its place in the configuration. And there is no hiatus when an accountant briefs him on a situation. Although he is

[1] "Investigation of Regulatory Commissions and Agencies." Interim report of the Committee on Interstate and Foreign Commerce. Subcommittee on Legislative Oversight. Feb. 9, 1960.

[2] "Report on Regulatory Agencies to the President-elect." Submitted by the chairman of the Subcommittee on Administrative Practice and Procedure to the Committee on the Judiciary of the U.S. Senate. December 1960, p. 11.

[3] Ibid., p. 12.

[4] Here are citations for previous articles: "Lawyers as Regulatory Commissioners," George Washington Law Review, March, 1955; "Accountants as Regulatory Commissioners," Public Utilities Fortnightly, Jan. 17, 1957; "Engineers as Regulatory Commissioners," ibid., pt. I, Nov. 7, 1957; pt. II, Nov. 21, 1957; "Laymen as Regulatory Commissioners," ibid., pt. I, May 7, 1959; pt. II, May 21, 1959; "Professional Administrators as Regulatory Commissioners," ibid., Aug. 13, 1959; "Businessmen as Regulatory Commissioners," The Journal of Business, summer, 1958.

not a lawyer, he has studied it and knows utility law better than the average attorney, and administrative law better than many of them.

His vulnerability is apt to be in engineering, but even this may not be a blank spot in his mind. He probably took a science course as a requirement in liberal arts. He and his colleagues on the engineering faculty are bound together by affinities of professional interest. In some of the largest universities they cooperate in interdepartmental graduate courses. He has students of engineering in his courses, and close contacts with them at the graduate level. Many undergraduate courses in government and economics are geared to needs of engineers. He qualifies as a specialist in regulatory administration, because his life is devoted to it.

Selection of these men as commissioners would avoid evils of a taxonomic approach furnished by lawyers, accountants, or engineers whose knowledge is compartmentalized. Professors of regulation offer a rare combination which can wield the components into an intellectual osmosis. The promise is for a macroscopic rather than a microscopic view. Academic men are preponderantly superior to laymen or generalists, because they are able to direct and grapple with staff work. Commissioners unfamiliar with the field, on the other hand, risk the danger that complete reliance on staff expertise makes them prisoners of their staff experts.

There are certain elements the term excludes. Ordinarily it does not pertain to the professor in small colleges who becomes a sort of jack-of-all-trades and master of none; one who may have utility regulation thrown at him to teach every second or third year, along with other courses. To some of these men public regulation may be an avocation or hobby. But if they qualified as experts they would be employed at a university or large college. The classification usually does not refer to the strictly research professor who rarely teaches. These men tend to be theorists in ivory towers, eggheads, and subject to the limitations of unfamiliarity with realities.

The ideal subject has a good balance between profundity and the pragmatism of teaching and participating in the university milieu. As a teacher he is a judge of character, ability, and attainments, and the experience in reappraisal and evaluation of projects, programs, and alternatives. Although he is capable of expressing suspended judgment, he must make decisions and assume responsibility for them, frequently in quasi-judicial capacities. The university man coordinates and supervises research assistants, comparable to staff employees on a commission. He gives them direction and maintains them as a working team. He delegates authority but not responsibility to trusted ones. He also superintends masters' theses and guides doctoral dissertations. In return for a relatively light teaching load in the large university, he must produce constructive scholarship in the area of his professional competence. Not only does he know how to improvise, but he does so with "empirical shrewdness."[5]

As a contributor to scholarly journals many professors have demonstrated an uncanny knack of clarity and facility in oral and written expression. Years ago that endowment gave scholars an advantage in developing and writing commission decrees. But it is of doubtful probative force in this era when ghostwriters and proteges of less learned commissioners sometimes are assigned the literary functions.

[5] The term, not its application here, is from "Administrative Vitality," by Marshall E. Dimock (New York, 1959), p. 121.

The university professor is not entirely a novice in the aura of politics; neither is he a social recluse. In fact, he probably is quite adept in both circles. University life is replete with factional struggles, sometimes minor and sometimes serious.[6] Strife may be over professional rivalries, interdepartmental, intradepartmental, and even interschool conflicts. Occasionally only personalities are involved.

A man who knows his way around a large university has demonstrated some adaptability in the political arena. He may not like a political tussle, but he seldom fears one. In addition, he has advantages of being a substantial citizen in his community. As a voter, civic leader, consultant in his professional area he may have made many positive and continuing contributions to public welfare. He is recognized as a man of honor, achievements, and stature. And, perhaps, more important for this case, he is one of the definitive authorities in public regulation in his vicinity; maybe in his State. Leaders in public and private walks of life know him professionally and are thoroughly aware of his views, strengths, weaknesses, and idiosyncrasies. And university men usually have lofty codes of ethics to transplant wherever they go. There is an ample base on which to evaluate his worthiness for a public agency. His political availability is latent if not actual.

THE RELATIONSHIP

University men as commissioners presumes a conceptual relationship between the commission and centers of learning, because American education has obligations to public service. In the absence of a great national university to influence the agencies in Washington, fruition of the idea has implementation in some of the States. The point was elaborated by Frederick Jackson Turner as a frontier development.[7] The relationship between the University of Wisconsin and the Wisconsin Public Service Commission as part of "The Wisconsin Idea" is an example.[8] Many others can be cited. Dartmouth College has made a great imprint on the New Hampshire commission.

Previously, Bowdoin College and the University of Maine were close to the Maine commission. Wesleyan University and Yale University have influenced the Connecticut commission. Both New York University and Columbia University at times have had close contacts with the New York and New Jersey commissions. Much the same is true of the University of Pennsylvania and the Pennsylvania agency. And the University of Texas and the Texas Railroad Commission have cooperated in many ways. Often informal arrangements prompt such liaison. But in Ohio, for example, it is mandatory by legislative enactment.[9]

Every large university has three or four of these men, although the writer knows only five relatively recent cases wherein these readymade commissioners accepted appointments. All qualified as American scholars or bases of training, experience, publications, temperament, and personal and professional rectitude.

Dr. Clyde Olin Fisher, of Wesleyan University, was appointed to the Connecticut Public Utilities Commission in 1941, and was chairman at the time of his retirement in 1947. But the professor did not sever his university connections. He taught part time

[6] "The Academic Marketplace" by Theodore Caplow and Reece J. McGee (New York, 1958).

[7] "The Frontier in American History," by Frederick Jackson Turner (New York, 1920), p. 285.

[8] "The Wisconsin Idea," by Charles McCarthy (New York, 1912).

[9] Ohio Revised Code, sec. 4901.21.

while contributing to public service in nearby Hartford, and returned to the university full time following retirement from the commission.[10]

Dr. Nelson Lee Smith, of Dartmouth College, was offered a commissionership on the struggling New Hampshire Public Service Commission in 1933. When he hesitated to accept because of fondness for an academic career, the college gave him leave of absence which was extended for 4 consecutive years. At that time he decided to forgo a professional career for one in regulatory administration, and resigned a full professorship. Later he went on the Federal Power Commission and served as its Chairman.

Dean James M. Landis took time from the Harvard Law School to serve on the Federal Trade Commission, Securities and Exchange Commission, and Civil Aeronautics Board (Chairman of two), and later became a member of the New York Public Service Commission. Possessor of several advanced degrees, author, scholar, and administrator, Dr. Landis also held important staff posts in National, State, and local government.

Dr. Martin G. Glaeser, professor of economics and commerce of the University of Wisconsin, became a commissioner on the public service commission of that State in 1959. His appointment came a few months before his retirement from the university faculty.[11]

The final example is that of Professor Cary, who is on leave from Columbia University for service on the Securities and Exchange Commission. He holds degrees in law and business administration, and previously taught at the Harvard Graduate School of Business Administration and at Northwestern University School of Law. For nearly 2 years he was a member of the legal staff of the Securities and Exchange Commission, and later was special assistant to the Attorney General.

RETAIN AFFILIATIONS

These appointments had several affinities. Each man was the author of one or more important treatises on regulation; each had previously ventured into Government service as professional consultant and thus was well-known in respective jurisdictions; and each displayed reluctance to make a complete break with the university while a teaching career was open. The appointments were considered fortunate ones, and lent high degrees of prestige to the administrations of Governors responsible for making them.

Additional evidence more remote and peripheral is cited for concreteness. Paul J. Raver left Northwestern University in 1933 to join the Illinois Commerce Commission. University teaching was not always the primary occupation of other men elevated to commissionerships. In his diversified career, Albert A. Carretta taught economics, finance, accounting, and corporation law at college and university levels and Howard G. Freas taught land and air transportation at Stanford University before becoming Commissioners on the Interstate Commerce Commission. Charles D. Mahaffie taught jurisprudence at Princeton University, Henry DeW. Smyth was professor of physics at Princeton, and Eugene M. Zuckert taught

[10] Data on appointments of Drs. Fisher and Smith were supplied by them in personal interviews several years ago. On Dean Landis, see "Who's Who in America" (1960–61), vol. 31 (Chicago), p. 1660.

[11] Material is taken from the Capital Times, Madison, Wis., Feb. 3, 5, 26, and Mar. 4, 1959; also, daily CONGRESSIONAL RECORD, vol. 105, No. 21, 86th Cong., 1st sess., Feb. 6, 1959, pp. A907–A908. The press release on Commissioner Cary is from the Securities and Exchange Commission, Mar. 27, 1961.

government and business at Harvard University previous to their commissionerships on the Atomic Energy Commission.[12]

Some of the usual stereotypes of the university professor tend to militate not only against his appointment to commissions but also to register as debits on his desirability thereon. There is the typical American political hostility to intellectualism, and the syllogism against turning government agencies over to academic theorists. These platitudes lack logical bases, but furnish shrill psychological ammunition for election campaigns. A recent appointment, for example, drew the charge that one party was "in the process of turning the Government over to professors at the university." [13]

In a penetrating article on regulation, Prof. Francis X. Welch recently raised this incisive question: "What price the expertise of a Ph. D. in engineering or a career on a regulatory commission if a Federal judge, whose background has been confined to legal practice in other fields or in judicial chambers, is set over them in the role of supervisor?" [14] The dilemma involves the whole ambit of judicial review of administrative tribunals. His conclusion is that commissions, as arms of Congress in expert capacities, should be responsible for value judgments under the law; judicial self-restraint should be invoked in refraining from substituting judicial for commission conclusions on substantive matters.

Certain professors plainly would be undesirable as commissioners. They are mature men with ideas, convictions, and self-assurance. A grave danger is that some would go on commissions in order to inject their personal and professional predilections into the making of public policy at the administrative level. Such a contingency is deplorable when a quasi-judicial tribunal is made up of one or more members who are protagonists for particular causes. The rejoinder is that a scholarly professor is endowed with judicious temperament despite some of his own professional convictions.

Another disadvantage is that an academic mind shows a proclivity to be hypercautious, become lost in analytical haze, be unduly sedate, and antediluvian. Such personages are known in almost any faculty. When limited to university circles, however, the generalization is offered that the professor has earned his position and status because he has demonstrated dynamic qualities in the classroom, in productive research, and in his quest for ascertaining new ways of doing things. Such attributes are fundamental to the scholar. When he becomes senile in these respects, he is valuable neither to the university nor to the public service.

SALARY PROBLEMS

Another trenchant question is why outstanding professors are not interested in commissionerships. The answer waives usual arguments of low salaries, political uncertainties, redtape, subjection to publicity, limited prestige, and political accountability. Some university men forego public jobs because a good commissioner must display an affirmative force and drive quite antithetical to campus atmosphere. Departments in some universities fit the job to the man, particularly when the professor is an authority in his field. This principle of ergonomics, which may be a fad in industrial relations, has only remote application to personnel.[15] Some professors, however, receive preferred and sequestered treatment which carries down to junior members who rate with the inner circle. Commissioners, on the other hand, need tough skins. Not many faculty prima donnas would cherish the political sparring required under public accountability.

A true scholar cannot compromise fundamental beliefs and principles. In this sense he is a nonconformist. Although he qualifies extraordinarily for substantive phases of regulation, he cannot and would not be able to act with a clear conscience with regard to political elements. In the latter category, it might be difficult, if not impossible, to maintain his personal and academic integrity. A panel of three or more commissioners often must compromise with what an individual thinks best, in light of political expediencies. In addition, they are subject to political pressures of various sorts—from legislators, chief executives, political leaders at home who groomed them for the positions, as well as industrial executives, consumers' groups, and others. While a scholar does not want to compromise and accept second or third preferences, part of the stock in trade of an adept politician is to work out agreements acceptable to many interests even though they are not ideal solutions the true scholar demands.

One professor expressed it to the writer this way: "Many able men who want to go on commissions are imbued with Potomac fever—an ardent desire to get down there, and get along as well as possible. Such aspirations fit in well with professors and other qualified men whose ideas, attitudes, and emotions fit into the political picture at a particular time, because numerous national and State agencies seem, at times, motivated by utilitarian ends. The man sought and recruited may have to be one with a determination to please. The professor with the courage of his convictions and with a mission in life seldom can accede to regulatory decisions which are based, even in part, on adaptation to political implications of what the traffic will bear. A cold-blooded economist from the academic world, for example, cannot feel at home in the pragmatic administrative frame of reference in which independent regulatory commissions are compelled to operate.

Because politics in the United States is a great leveler, the commissioner with superior knowledge and ability at times must condescend to compromise with intellectual inferiors. In the classroom, the professor's word is law. His field is his own prerogative, not even colleagues will interfere lest it be construed as infringement on academic freedom. Many mature ones have built fences around their areas of specialization, which are preempted from colleagues.

On a commission, however, the professor is 1 of 3, 5, or even 11 men. He must work with his associates as a composite group. He must contribute to teamwork and even endure political upstarts and novices in regulation. It might be just as obnoxious for the learned professor to team up with colleagues on a commission as it would be for him to collaborate with a student in grading the latter's final examination. Many university men can spot shallow minds; they despise all forms of superficiality. In the university they ordinarily work with trained minds, and are able to shun undesirables. But the political authorities who nominate and confirm commissioners only rarely recruit them on bases similar to the selection of university faculty.

The author's considered opinion is that university professors (with appropriate personal characteristics) constitute one of the better sources to tap for regulatory commissioners. This conclusion emerged after several hypotheses were explored and found somewhat defective. There are relatively few precedents to sustain it; and political leaders will dislike academic inroads on their prerogatives. Nevertheless, this article has analyzed intrinsic and extrinsic factors involved, provided insight, and presented the rationale for its synthesis for the series of studies.

PROFESSORS AS COMMISSIONERS

The range of relevance is confined to perhaps 100 or 200 professors as possibilities for commissionerships in the United States. Not many can be tempted from faculty status; but some might be cajoled into acceptance of public posts on proper inducement. Since prescription should follow diagnosis one task ahead is to make regulatory positions more attractive.[16] Then another is to insist upon more lofty professional standards in the nomination and confirmation of commissioners. If regulatory administration is to survive, the agencies need more than they are getting currently—men of integrity and good intentions, and men of promise. Commissioners are required whose erudition coincides with functions of the agency. Certain university men are preeminently qualified. But it is always a matter of making the right choices.

INDIVIDUAL JUDGMENTS

Responsible personnel at the administrative policymaking level of Government today often must make decisions beyond their own professional competence. This is a vital essence of public regulation. Yet no syllogism is available to indicate that one vocational background is better than another. The average laymen has breadth, but probably lacks depth and a trained mind. The lawyer, accountant, and engineer have profundity and disciplined minds, but are apt to lack versatility. The academic man is quite likely to offer a combination of the three—perspective, keen concentrative abilities, and intensive learning in a large sector of the regulatory ambit.

Analysis of vocational experience for commissioners helps to provide understanding of multifarious needs of agencies at top and staff levels. But that is merely a prelude, or screening process, for wise selection. This series has endeavored to show a necessity of avoiding encysted professional or vocational appointments. It remains for a complementary study to penetrate further into political factors in the appointment or election of commissioners.

A commission, for example, would assume quite a different economic complexion if loaded with lawyers, engineers, and accountants from utilities, or from the Bureau of Reclamation, TVA, or the staff of the California agency. So, a more incisive question is not academic environment so much as economic background in society of a prospective commissioner.

After all, many functions of commissions are comparable with those of juries. Members often must work out of context on both—in a sense the jobs make the men. Members bring their thinking to the public spectrum, but good choices contribute more than backgrounds. The conclusion is offered, however, that university men are equipped to bring to agencies a better combination of perspective and depth than people from other walks of life.

---

[12] For amplification, see "Professional Qualifications of Federal Regulatory Commissioners," Public Utilities Fortnightly, pt. I, Nov. 25, 1954; pt. II, Dec. 9, 1954.

[13] The Capital Times, op. cit., Feb. 5, 1959.

[14] "The Effectiveness of Commission Regulation of Public Utility Enterprise," by Francis X. Welch, the Georgetown Law Journal, summer 1961, vol. 49, No. 4, pp. 639–672, at p. 659.

[15] The term means "the customs, habits, or laws of work." It was popularized in warwork, but not much in administrative spheres. See: "What Is Ergonomics?" by A. T. Welford, Personnel Management, September 1958, pp. 157–161.

[16] Dean Landis wrote that the challenge inherent in the job is more important than salary. Tenure is another important consideration. He continued: "Our universities have known and, indeed, traded on these facts." Landis report, op. cit., p. 66.

POSITION DESCRIPTION FOR AN AMERICAN CITIZEN

Mr. FONG. Madam President, I would like to call the attention of my colleagues to a document entitled "Position Description for an American Citizen," drafted by 70 Hawaii business executives at a seminar conducted by the International Career Management Institute.

The complete text of this code of ethics, as drafted earlier this year at Kona, Hawaii, was printed in the Honolulu Advertiser of August 6. I believe this code warrants note by all Americans as it purports "to provide the basic foundation upon which an individual can work to build the life of a good American citizen."

At this same time I would like to point out the merits of the International Management Institute with headquarters in Honolulu and Detroit, Mich. The institute conducts seminars throughout the mainland United States which has attracted thousands. The management programs have been held in Canada, Australia, and South Africa and others are scheduled for Japan and Australia within the next year.

In my State of Hawaii, more than a thousand business executives have participated in seminars since the institute was established there in 1956. From these institute seminars have developed codes of conduct for businessmen as responsible citizens.

Madam President, since the "Position Description for an American Citizen" is one for all Americans to fill, I ask unanimous consent that it be printed in the RECORD.

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

[From the Sunday Advertiser, Aug. 6, 1961]

POSITION DESCRIPTION FOR AN AMERICAN CITIZEN

"All the world is a stage and every man must play his part." Here is how we think the part should be played by the American citizen.

I. PURPOSE

The purpose of this position description is to provide the basic foundation upon which an individual can work to build the life of a good American citizen. ("I will pass this way but once, let me do some good.")

II. SCOPE

The scope of the American citizen's position encompasses responsibility to himself, to his family, to his community, to his fellowmen, to his Nation, to the world, and to his God. ("I will leave this world better than when I came.")

III. DUTIES AND RESPONSIBILITIES

On his own initiative the American citizen will think through and do the following tasks:

(a) Economic: To continuously strive to manage his personal finances wisely, and to help develop and maintain an atmosphere which will make possible useful jobs and regular employment.

(b) Physical: To continuously strive to develop and maintain a sound body to house a sound mind, and to keep his physical, emotional health in balance.

(c) Social: To continuously strive to improve his social relationships with his family and his fellowmen—to keep the family as the center of American society—to use intelligent discipline in the rearing of his children—to use his physical, mental, and moral resources to contribute to the building of an ever better society.

(d) Civic and political: To continuously strive to keep well informed on civic, community, and governmental problems as a background for intelligent participation in political issues and government—to use his physical, mental, and moral resources to defend and perpetuate the American way of life.

(e) Educational: To continuously strive to improve his mind, develop his useful skills, and increase his store of useful knowledge, and to use his physical, mental, and moral resources to support educational projects and programs which are good for himself, his family, and his fellow men.

(f) Cultural: To continuously strive to improve his appreciation for culture and the fine arts, to develop his cultural skills and talents, and to use his physical, mental, and moral resources in contributing to a cultural background for his community and his country.

(g) Religious: To continuously strive to strengthen his relationship with his God, to develop his religious faculties and his sensitivity to Higher Powers, to sustain and defend the religious principles upon which America was founded, and to use his physical, mental, and moral resources to assist others to attune themselves to the nobler purposes in life. ("The Architect of the Universe didn't build a stairway leading to nowhere.")

IV. RELATIONSHIPS

The American citizen has the following relationships:

(a) To himself: To know himself, to be honest with himself, continuously try to improve and develop himself, and to make the best possible use of his time, talent, money, and energy. "Know thyself" * * * "This above all, to thine own self be true.")

(b) To his family: To give of himself unselfishly in love, guidance, and intelligent discipline to assure their development and the building of their lives into responsible citizens of the future.

(c) To his fellow men and community: To give of himself unselfishly, to recognize the needs of his fellow men, and to dedicate his physical, mental, and moral resources to projects and programs which will fulfill man's obligation to man.

(d) To his Nation: To give of himself unselfishly in service to his Nation, and to wholeheartedly support the basic democratic, economic, and religious principles upon which America was founded. To ever guard against deterrents to these principles.

(e) To the world: To give of himself unselfishly in working for a better understanding and cooperation among all nations and peoples of the world, to the end that all men may live in freedom, in dignity, and in an environment where they can develop their human and natural resources to the maximum.

(f) To his God: To give of himself unselfishly so that he may walk closer with his God, in the knowledge that this higher power will sustain him in all his efforts to fulfill these complex citizenship responsibilities.

V. STANDARDS OF PERFORMANCE

The performance standards by which the American citizen will be measured in achieving the above duties and responsibilities are the degrees to which the citizen maximizes the use of his individual time, energy, capabilities, and talents to improve and develop standards of excellence for himself, and his ability to unselfishly give of himself to his family, his fellow men, his community, his Nation, the world, and his God.

VI. PERFORMANCE EVALUATION

Evaluation of his performance will be made by himself, by his family, by his fellow men, and by his God. Compensation for achievements will be measured by the feeling of satisfaction derived from the progress, contributions, and services rendered by the citizen in achieving the tasks specified in this position description.

VII. REVIEW AND IMPROVEMENT

He will discuss and review progress against these assigned duties and responsibilities with those for whom he works * * * himself, his family, his fellow men, and his God. With their help he will identify areas of strength and weakness, and he will plan to achieve specific objectives in the areas needing improvement. This will assure continuous self-development and competence while performing the duties and living the life of an American citizen.

THE PATENT SYSTEM AND THE DRUG INDUSTRY

Mr. WILEY. Madam President, one of the important questions before the Senate Antitrust and Monopoly Subcommittee during its investigations of the drug industry was whether patent rights are improperly used in order to keep the prices of drugs unreasonably high. In my individual views accompanying the recent report of the subcommittee I said:

> It is true that new drugs are controlled by the companies responsible for their invention, development, and production. Yet, this is part of the American philosophy which recognizes that the inventor is entitled to the fruits of his invention. This is the philosophy incorporated in our patent and trademark system.
>
> It is appropriate, therefore, that we remember that by undertaking to do away with trademarks and patents—we would be interfering with the very foundations of our economic system. Trademarks are, indeed, major tools in the promotion of quality, and of competitive economic enterprise.
>
> It is clear that there will be no motivation for the drug companies to expend large amounts of money on research and development unless the industry is guaranteed patent and trademark protection in order to recoup its investments.

Earlier this week the press reported that three leading drug companies were indicted for their practices relating to the patenting of new drugs. Naturally, the issues involved in this indictment will not come out until the full case is presented by the Justice Department. Yet, even at this time, I feel it incumbent upon myself to warn against any attacks on the patent system which may result in adverse effects on the public interest. An editorial which appears today in the Wall Street Journal makes this point very well. This editorial poses the question most directly:

> Whether it be in electronics or in drugs, modern research requires enormous sums of money spent with considerable boldness; there are more research efforts that fail than succeed. Good public policy is that which most encourages men to search for new things from which all society will profit.
>
> And before we wreck the patent system, we might ask whether it is better that somebody have a "monopoly" on tomorrow's miracle drug than that the miracle lie undiscovered.

Let us remember that one of the major aims of our economy is to encourage success, to promise success to those who enrich society by new discoveries, by improved methods of production and by

the use of their genius. Let us not be in too much of a hurry to sacrifice this time-tested economic philosophy. Quite often, in our hurry to correct immediate and present ills we are too ready to sacrifice some of our basic philosophies. Many of the previous congressional investigations have illustrated this danger. Much too often both the public and its representatives unwittingly undertake to accomplish a desired immediate result through the sacrifice of some longstanding principles of government and economics—such principles as government of law and the belief in economic freedom. Yet, we must remember that it was not through price controls and planned economy that this country achieved an economy of plenty and a position of world leadership.

Bearing in mind the dangers of undue interference with our economic system, I do not mean to relieve the drug industry of its responsibilities in this area. So long as thousands of old, indigent, and sick people remain unable to pay the high price of drugs, it is the drug industry's moral responsibility—and indeed, the moral responsibility of all others connected with the health and welfare of the Nation—to continue in their efforts to make medical care and attention available to all those that desire them—regardless of wealth and position.

I ask unanimous consent that the editorial in the Wall Street Journal, dated August 23, 1961, be printed at this point of my remarks in the CONGRESSIONAL RECORD.

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

[From the Wall Street Journal, Aug. 23, 1961]

ATTACKING THE PATENT SYSTEM

In any indictment as sweeping as the antitrust action just brought against three leading drug companies, there are bound to be many things too fuzzy for judgment until the Justice Department presents its evidence in court.

But there is one aspect of this case that isn't obscure. Running through the whole probe of the drug industry, from the Kefauver committee investigations to the present court action, is the implication that it would be good public policy to force the companies to put all their new drug discoveries in the public domain so that anybody can make them.

American Cyanamid, for example, holds the patent on Aureomycin, the first of the broad-spectrum antibiotics, and it hasn't licensed anybody else to make and sell it. The Charles Pfizer company has its own antibiotic, Terramycin, which it manufactures and sells exclusively itself.

Pfizer also holds a patent on an another antibiotic, Tetracycline, which it does license to two other manufacturing companies. American Cyanamid and Bristol-Myers, and which it also allows Squib and Upjohn to sell. But besides these no other drug companies can make or sell Tetracycline.

Two attacks are made on this situation by the Government. The first is that Cyanamid, Pfizer and Bristol-Myers "conspired" to make the prices of all these drugs noncompetitive. This is an allegation the truth of which must await the evidence in court, although it is worth noting that the only apparent basis for it now is that the prices were "substantially identical," a fact which might just as well prove tough competition as noncompetition.

But a good part of the Justice Department's statement is devoted to a broader question. The charge is that up to 1955, when Tetracycline was patented, Cyanamid's Aueromycin and Pfizer's Terramycin "dominated" broad-spectrum antibiotic sales, accounting for 92 percent of all sales in 1953. In short, the charge here is not of conspiracy but of the "monopoly" situation.

That there was for a time a monopoly situation seems rather indisputable; indeed for 1 year (1949–50) Cyanamid held an absolute monopoly since it briefly had the only patent on a broad-spectrum antibiotic. But this was a monopoly created by the patent system itself.

The patent system, which is imbedded in the Constitution, provides that the holder of a patent on a new thing shall have the exclusive rights to that invention for a period of years. It was adopted not to give "privileges of profit" to a few but for the very practical reason that it thus encouraged men to spend much time, money and effort in inventing new things, and it prevented others from getting a free ride on the successful efforts of the inventors.

Of late this system has been under widespread attack. In other industries, too, there have been antitrust cases the object of which is to have "compulsory licensing" of new inventions. Technically the inventor keeps his patent but in the guise of preventing a monopoly (which is precisely what the patent law intended) he is required to allow all comers to use it. Senator Kefauver's attack on the present system is even less disguised; he would cut the life of any patent to 2 years.

In the case of the drug industry the attack on the patent system has a particularly emotion-packed argument. Why, so we are told, should a company discovering a new miracle drug be allowed to profit from a monopoly? Once an Aureomycin or a Terramycin is discovered, would it not be better public policy to let all the drug companies make it, increasing competition and lowering the price faster? Why should one, or two, companies get rich on human misery?

This is an argument not without its appeal. But before either the courts or the public accepts it, we think a little reflection is in order.

We don't know how much money Cyanamid spent to develop Aureomycin, or how much Pfizer spent to develop Terramycin to compete with it. But would Cyanamid have spent any, if it knew in advance that it would have to let every other company, which spent nothing, get a free ride on Cyanamid's research efforts? Or if Pfizer from the beginning could have made and sold Aureomycin, would it have spent time and money to develop a different broad spectrum antibiotic to compete with Aureomycin?

These questions are not trivial. Whether it be in electronics or in drugs, modern research requires enormous sums of money spent with considerable boldness; there are more research efforts that fail than succeed. Good public policy is that which most encourages men to search for new things from which all society will profit.

And before we wreck the patent system, we might ask whether it is better that somebody have a monopoly on tomorrow's miracle drug than that the miracle lie undiscovered.

THE MORMON CHURCH'S OPPOSITION TO COMMUNISM

Mr. BENNETT. Madam President, although the abolition of private property is often thought of as the cornerstone of communism, the abolition of traditional religious values and concepts is equally important in the Marxist dogma. The leaders of communism see religion as the greatest deterrent to the spread of their doctrine, and for this reason they are waging relentless war against all of the established churches of the world.

It is the duty of every church to fight communism with every means at its command. The churches are locked in a life-and-death struggle with this menace, just as are the governments which believe in individual freedom.

One of the most militant churches in the battle against Communism is the Church of Jesus Christ of Latter-day Saints, commonly known as the Mormon Church. As an illustration of the efforts of the church to educate its 1,700,000 members concerning communism, the ward teachers, who visit the home of each family in the church every month, carried a message in July designed to show how impossible it is for anyone with religious convictions to accept communism.

I ask unanimous consent to have this message reprinted in the RECORD.

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

COMMUNISM OPPOSES ALL RELIGIONS

Because of the influence of communism in the world today, every Latter-day Saint should know something about its philosophies, aims, and objectives. It is erroneously referred to sometimes as a religion, but it is the direct antitheses of any form of belief in divine power. It is diametrically opposed to all religions and is an avowed enemy of Christianity. Communism is Godless. It teaches its adherents that there is no Supreme Power and it would make man completely irresponsible. The leaders of communism have dedicated themselves to destroying all religions and Christianity is first on the list.

Karl Marx one of the founders of communism when asked what his objectives were in life replied, "To dethrone God and destroy capitalism." The depth of his antireligious feelings were expressed in his words—"I hate all gods." He had an insatiable desire to liquidate Christianity. He maintained that the story of Jesus was a myth. To him the Saviour of the world was a figure of fiction, thus making Christianity a fraud.

Seventy-five years after the passing of Karl Marx there is no change in the beliefs of his modern disciples. If anything, Communist leaders today are more arrogant than ever before. They are completely unmoral. To them there is no such thing as innate right and wrong. An example of how they operate is manifested in their signing of 53 treaties in recent years and then promptly violating 51 of them. To them this is not deception, but a form of strategy. This type of thinking if adhered to, would take us back to the law of the jungle. According to the Communist theory, the weak deserve to be conquered and the strong to rule.

If man is led to believe he is nothing more than an animal with superior intelligence, it means the end of conscience for those who embrace this school of thought. What then are some of the changes we could expect should the world come under the complete domination of communism? God would be ruled out as controlling the universe. Man would be considered the highest form of intelligence. Unbelief would take the place of faith. Criminal attitudes would replace moral responsibility. Hate instead of love would be the ruling force. Sensual appetites and passions would replace spirituality. Treachery would supplant loyalty. Slavery would take the place of freedom.

Enmity and hostility would succeed friendship. Fear and distrust would eliminate confidence and the belief of complete annihilation at death would take over man's hope of immortality. It is the duty of freedom loving people to oppose and resist this evil with all the strength God has given us. If we do not, we stand to lose all we and our forebears have gained through the centuries. Communism is one of Satan's schemes to take us captive forever. If we are to preserve liberty we must never be deceived by those who advocate the principles of communism.

WASTE IN GOVERNMENT SHIPYARDS

Mr. BUTLER. Madam President, no one apparently wants to accept responsibility for a recent recommendation, attributed to the Department of Defense, calling for the gradual phasing out of the high-cost, Government-owned, Government-operated naval shipyards at San Francisco, Boston, and Philadelphia. Following an announcement by White House Press Secretary Pierre Salinger that the President had vetoed such a recommendation, the press has begun to speculate as to what actually happened.

Like the child's game of "Button, Button, Who's Got the Button," no one will even admit that such a recommendation, from any source, was ever presented, though Mr. Salinger's statement of the President's rejection of such a proposal has been given wide circulation. An odd situation, indeed.

Against the background of President Kennedy's noble words in his inaugural address 7 months ago, this development does not make sense. The evidences of high-cost operations in the overcapacitated naval shipyards have been pyramiding, and for some time, it has been expected in many quarters that the Kennedy administration would recognize the wisdom of placing greater reliance on low-cost, privately owned shipyards for naval ship procurements as a means of getting more for every defense dollar appropriated for these purposes. The present posture of things leads one to believe that the noble words of the President, and the noble objectives of the Secretary of Defense, have been wantonly cast aside. It does not make sense.

So that my colleagues will have the full flavor of this situation, I ask, Madam President, that an editorial from the Washington Daily News on August 22, 1961, entitled "Don't Give Up the Shipyard," be printed in the body of the RECORD at this point, and that it be followed by another editorial from the August 1961, issue of Marine News magazine, entitled "It Doesn't Make Sense," detailing some aspects of how the operations of Government-owned naval shipyards are unduly draining the Federal Treasury.

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

[From the Washington Daily News, Aug. 22, 1961]

DON'T GIVE UP THE SHIPYARD

United Press International carried a dispatch the other day which tells much of the story of waste in the Military Establishment.

Defense Secretary McNamara had decided to "phase out," as they say here in Washington, the Government-run shipyards in Boston, Philadelphia, and San Francisco.

This was in line with President Kennedy's March call for hard decisions on eliminating unneeded facilities.

Now, UPI reports, Mr. McNamara's hard decision has been overturned and chiefly by J.F.K. himself. By dropping the right word in the right place, he stirred up a volume of protests from Boston, Philadelphia, and San Francisco. And Mr. McNamara's hard decision went limp.

This is an old story when the Defense Department tries to economize. The people directly affected squawk and the Department gets word to forget it.

In his special defense message to Congress March 28, the President said, knowingly:

"It is understandable that every critic of the defense budget will have a strong preference for economy on some expenditure other than those that affect his branch of the service, or his plant, or his community."

How true, how true.

[From the Marine News magazine, August 1961]

IT DOESN'T MAKE SENSE

In round figures the World War II U.S. Navy Fleet was comprised of 10,000 fighting ships. To support that fleet there were 11 naval shipyards. Now, 16 years after the end of the war, the fleet has shrunk to 817 ships, but the same 11 naval shipyards remain active and are employing steady labor. In the last 10 years more than 20 private shipyards have gone out of business for lack of work. This situation does not make sense.

We are not unmindful of the Navy's long range requirements for maintaining the fleet in readiness to meet any emergency. Nor of its need for constantly activated shipbuilding and ship repair facilities especially in the light of world conditions today. The problems confronting the Department of the Navy and the Bureau of Ships are of such enormity that any criticism short of positive, constructive suggestion would constitute a disservice to national security.

In that spirit we point to the progressive shrinkage of private shipbuilding facilities while the Navy is admittedly trying to get "more mileage out of its appropriated dollars" for construction, repair, alteration, and conversion of naval vessels. The Navy is quoted as having stated that more than $40 million can be saved through construction of one aircraft carrier in a private shipyard instead of in a Navy yard. Furthermore, top Navy officials have conceded in recent hearings before the House Defense Appropriations Subcommittee, headed by Congressman GEORGE H. MAHON, of Texas, that, "we could, in today's market, buy ships cheaper privately than we can in naval shipyards"—also at the same time they revealed that costs of shipwork done by Navy yards are 8 percent to 15 percent higher than in private yards.

Navy ship work (80 percent of all repairs, alterations and conversions) is allocated to naval yards on the basis of maintaining steady employment in these tax-exempt, high-cost facilities while thousands of skilled workers in private shipyards face unemployment and the future of U.S. shipbuilding and ship repairing industries is in jeopardy. This Federal competition is a constant drain on the Public Treasury and it is a glaring contradiction of the philosophy of free enterprise, costing taxpayers millions of extra defense dollars.

Against such a background there is the ever-present threat of an emergency. And when the worst happens, suddenly the Government turns to private industry for the necessities that are vital to national survival. Thanks to the loyal, fighting patriotism of the industrial community as a whole they have always delivered the goods when the chips were down. For example, during World War II the base facilities of private shipyards were expanded 1,300 percent to meet the Navy's requirements in excess of its capacity which, by the way was increased only 300 percent above the normal base during the same period. At the close of hostilities, the Navy, as is its custom, just as suddenly, again became self-sufficient and through its shortsighted and self-serving policy of holding naval shipyard facilities at normal level, regardless of the cost, has materially contributed to the present plight of private shipyards.

It is neither necessary nor wise to accept the waste of preparedness and war as an unmitigated verity. This is an area in which both peacetime and wartime waste can be meliorated by spreading the work load more economically in peaceful years. Such a policy would keep the ship construction and repair yards at a level of prosperity and readiness from which they could spring into full production faster and at far less cost to taxpayers.

President Kennedy has said that we are living in an age of change in which the American people must put forth their best efforts in meeting present challenges. Also in that and every other sense the private shipbuilding and ship repairing industries pledge their best efforts to the Government to insure that the U.S. Navy will always be the best in the world. Is the Navy aware of that pledge?

Twenty defunct shipyards will have great difficulty in fulfilling the pledge that their industry is reputed to have made and many yards now struggling to stay in business would welcome some patronage by the Navy.

The Secretary of Defense has appointed a special committee to review operations at many military establishments, including naval shipyards, to determine those which could properly and economically be reduced without hindrance to national security. This is a step in the right direction. The findings and recommendations of the committee will be awaited with great interest in many quarters.

The Shipbuilders Council of America has launched a program under the direction of the council's vice president, Edwin M. Hood, designed to bring all of these problems into sharp focus and to promote closer cooperation between the Navy and private shipyards. "When all of the facts are gathered and evaluated," said Mr. Hood, "we have no fears that our defense officials will recognize the wisdom of placing greater reliance on the tax-producing, low-cost private shipyards throughout the country."

To that we say "Amen."

WILBER W. YOUNG.

PEACEFUL COEXISTENCE

Mr. BUTLER. Madam President, more and more Americans are beginning to realize that "peaceful coexistence" is a tranquilizer which this Nation can no longer dare take. "Peaceful coexistence" is soothing, calming, insidious. It is a drug which dulls the senses, and which if continued, would make any nation, even the United States, a ripe plum for the plucking by the Soviets.

But day-by-day intelligent, courageous citizens are throwing peaceful coexistence into the wastepaper basket where it belongs. For example, a prominent Baltimore businessman and personal friend of mine, Mr. John J. Iago, has called to my attention an editorial in the July issue of Wood and Wood Products.

The article reports that two west coast manufacturers "flatly refused to

aid and abet the Russians in building the largest and most highly automated sawmill in the world." This hurt these manufacturers where it really hurts—in the pocket. But they did not hesitate because they understand that we are at war, a cold war, perhaps, but a war nevertheless.

The editorial concluded with the announcement by the editor that he was canceling all subscriptions of Wood and Wood Products to the Soviet Union and Soviet-bloc countries. The editor explained:

Therefore, we can no longer consciously make it so easy for practical information to be picked up from our pages and used to make an important enemy more formidable. So, henceforth as those 118 Iron Curtain country subscriptions come due we shall cancel them and shall refuse new subscription offers from Russia and her satellites.

Furthermore, in the August 26 edition of National Review, the outstanding conservative magazine in America, there appears an excellent column by William Schulz, entitled "Trading With the Enemy."

Mr. Schulz, who at 22 is an amazingly perceptive and knowledgeable reporter, discusses the deliberate attempts of the administration to increase trade with the enemy. He points out: "The administration seemingly refuses to recognize that the Soviet Union has long used trade as a major weapon in its cold war arsenal."

Madam President, I ask unanimous consent to have the editorial, "Why Hand the Reds Our Hard-Won Know-How?" from Wood and Wood Products, and the column, "Trading With the Enemy," from National Review, printed in the RECORD following my remarks.

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

WHY HAND THE REDS OUR HARD-WON KNOW-HOW?

A great deal is being said these days for and against unlimited trade with the Soviet Union and its Iron Curtain satellites. On the one hand, many American businessmen readily echo President Kennedy's expressed hope for a growth in "nonstrategic trade" with the Communist bloc. Then there are those who frankly refuse to deal with "an enemy that has vowed to conquer us."

Normally, we don't indulge in political issues on this page. But this very moot question hit close to home last month when two west coast manufacturers flatly refused to aid and abet the Russians in building the largest and most highly automated sawmill in the world.

We daresay many companies in our field will soon be wrestling with this question—whether to place long-term national interest ahead of short-term financial gain. Perhaps others have already made the choice. It's an individual decision, and a tough one. But you can't help cheering when someone refuses to turn over a hard-won leadership in production know-how to interests who admit their technical savvy is 20 years behind ours.

Reviewing the situation briefly, Republic Electric & Development Co. and Puget Sound Fabricators, Inc., both of Seattle, were invited to collaborate in supplying six complete lumber sorting systems with memory controls for installation in a 1½ million board feet per day mill to be built in Canada, then disassembled for shipment and erection in Russia.

In declining the invitation, M. E. Hillman, president of Republic, cited the Russian purchasing committee's admission that they could not train enough technical people in the next 20 years to build such a mill and were therefore purchasing American know-how to close the gap to 2 years. "We will have no part," he said, "in handing this advantage to our sworn enemy." Gordon B. Anderson, president of the sorter company, commented that "we must be willing to be counted as thinking of our own country's welfare before the dollar."

Neither of the American firms believed their decision would permanently obstruct realization of the Russians' supermill plans—but refuse the tempting offers they did. For which you can't help admiring their guts—and hoping that sooner or later their sacrifice will be made up to them here and in other friendly countries.

We have seen no signs in President Kennedy's report to the Nation on his recent "confrontation" with the Soviet leader that the Reds have even slightly altered their avowed purpose of ultimately "burying" us. So who is there to say that the Seattle manufacturers are not charting a proper course for all Americans to follow? The sawmill equipment in question may not have been restricted by our State Department, but from an economic if not a military standpoint anyone would have a right to question the wisdom of putting in the Reds' hands the means of building a chain of 1,500,000 board feet per day mills to flood world markets with cheap lumber.

We've checked our subscription lists and found that a total of 118 copies of Wood & Wood Products have been going into six Iron Curtain countries every month—61 to the U.S.S.R. alone. If we could be sure of lasting peace, we might rest easy. But there are no signs of such assurance on the horizon.

Therefore, we can no longer consciously make it so easy for practical information to be picked up from our pages and used to make an important enemy more formidable. So, henceforth as those 118 Iron Curtain country subscriptions come due we shall cancel them and shall refuse new subscription offers from Russia and her satellites.

It's the least we can do, and we hope other publishers will see the wisdom of doing likewise.

TRADING WITH THE ENEMY

(By William Schulz)

On several occasions during his campaign, John Kennedy promised to revise what he considered the sterile, negative concepts that governed free world trade with the Communist bloc; and he has kept his word.

Within 6 months, Mr. Kennedy has drastically altered American policies on trade with the enemy so quietly that few realize the magnitude of his actions. He has created "an entirely new atmosphere" (as one State Department minion puts it) in which commerce between East and West is actively promoted to ease world tensions.

The President has successfully pushed through the Senate several radical amendments to the Battle Act facilitating trade with the Soviet Union and its satellite empire; the Defense Department has been persuaded to overturn an earlier ruling that precision machine tools could not be exported to the U.S.S.R.; the Treasury Department has lifted its ban on the importation of Russian crabmeat; and a legal reinterpretation by Commerce Secretary Luther Hodges has opened the door for sale of below-cost surplus farm commodities to Iron Curtain nations.

LICENSES APPROVED

The atmosphere at Commerce is remarkably changed. Under the regimes of Lewis Strauss and Frederick Mueller, American manufacturers found it difficult to get licenses for export to the Soviet Union and its satellite empire. In 2 days recently, however, the Department approved 41 licenses for the sale of goods to Red bloc nations: 13 granted permission for export to the Soviet Union; 11 to Czechoslovakia; 9 to Yugoslavia; 4 to Rumania; 2 to Hungary, and 1 each to Poland and Bulgaria.

Ruled nonstrategic in nature, and therefore approved for export, were all ball bearings, machine tools, power transmission systems, aircraft and automotive spare parts, electrical machinery, geophysical instruments, and other industrial products and chemicals.

American firms are now being urged to import from the Red bloc, a matter of some concern to several old allies. It is known, for instance, that the Russians wish to export to this country asbestos, furs, lumber, pulp and paper, ferrous metals and alloys. Worried Canadians point out that the list reads almost like a rundown of Canada's main exports to the United States.

COLD WAR WEAPON

The administration seemingly refuses to recognize that the Soviet Union has long used trade as a major weapon in its cold war arsenal. During the early thirties, for instance, when Soviet trade reached an all-time peak, Russian imports from Estonia (then a free nation) almost overnight shrank to 4.12 percent of the previous average. This unexpected cessation of almost all Soviet purchases was meant to crush Estonia's national economy. It was due only to the exemplary discipline of the Estonian people that the Kremlin did not succeed in its aggressive plans at that time.

In 1947, famine raged in a great many sections of Russia, but the Soviets sent shiploads of grain to Italy and to France to bolster Communist revolutionary activities in those countries. And several years ago the Soviet Union sent tens of millions of dollars worth of war materiel, clothing, and medicine to Egypt for no other reason than to create disturbances in the Middle East and to disrupt the flow of oil and general trade through the Suez Canal. And in 1953, when Pakistan appeared ready to sign a military treaty with this country, Communist China put on the screws by cutting its purchases of Pakistani cotton from $84 to $7 million in 1 year.

It was more than a realization that commerce as used by the Kremlin is a weapon, however, that led the Eisenhower administration to reject regularly Soviet trade overtures. There was the hard fact that much that the Russians want is strategically valuable. In June of 1958, for instance, Premier Khrushchev wrote President Eisenhower asking for $100 million in credits to buy American chemical equipment and processes of a nature so secret that many American firms were unable to obtain them. Among them were processes for making polyurethanes, used in insulation for missile controls, and acrylonitrile, which is basic to plastics, synthetic fibers and manmade rubber. Many of the chemicals had direct uses in radar, missiles, and nuclear submarines.

U.S. industry had devoted 10,000 man-hours to just 5 of the 16 processes the Russians were after. The offer was turned down on the grounds that there was no gain for the United States in any such deal, that Russia could copy all that she bought, then flood world markets with chemicals produced with Western knowledge. Further, there could be no guarantee that the Reds would keep their promise to pay. Deputy Premier Mikoyan told State Department officials 2 years ago that his country had no intention of paying its World War II lend-lease debt.

The Communists have by no means distinguished themselves as traders. In recent years Czechoslovakia, for instance, has swung a number of deals to export machine tools

and other machinery. Customers are now complaining that delivery dates for the tools are lengthening. Some small tools can be supplied from stocks, but for medium tools there is a delay of 5 to 8 months, and for heavy tools about 18 months; for special tools the delay can be up to 3 years.

But to the bright young men who surround the President there are no two ways about trade with the Communist bloc. "What you can't realize," commented one recently, "is the effect these policies have on world tensions. It was time for us to take the initiative and we have. You can see the results yourself." And so you can.

The ACTING PRESIDENT pro tempore. Is there further morning business?

If not, morning business is closed.

MANPOWER DEVELOPMENT AND TRAINING ACT OF 1961

The ACTING PRESIDENT pro tempore. Without objection, the Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1991) relating to the occupational training, development, and use of the manpower resources of the Nation, and for other purposes.

The ACTING PRESIDENT pro tempore. The committee amendment, being in the nature of a substitute, is open to amendment.

THE ALLIANCE FOR PROGRESS

Mr. TOWER. Madam President, in reference to the "Declaration to the Peoples of America" which was agreed to at the Alliance for Progress Conference in Uruguay, a Wall Street Journal editorial of August 12 perceptively asks:

> Can a declaration in favor of progress—a decision to move against the weight of accumulated neglect and indifference—really make progress a fact?

This editorial has hit upon a major obstacle in the way of economic development, not only in Latin America, but wherever it exists. That is the lack of modern, equitable, enforceable and enforced tax and land reform laws. These are essential to economic development. The editorial writer, in this instance, doubts that this obstacle will be overcome as a result of our present policies. If he is correct, the $20 billion alliance for progress is doomed to failure.

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

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

BILLIONS FOR PROMISES

The administration has pronounced the beginning of its multibillion-dollar Latin American aid program a success. But it should be clear the Alliance for Progress Conference in Uruguay made a beginning only, and may well have produced the last easy success.

The task of the delegates was to describe what they hope to achieve in the next decade. Outlined in the "Declaration to the Peoples of America" are goals on which everyone can agree: "A substantial and steady increase in average income as quickly as possible." "Decent homes for the American peoples." "An equitable system of property." "Primary education [for] all Latin Americans." "Fair wages and satisfactory working conditions." In a word, a better life for a whole region embracing upward of 200 million people in all stages of development, ruled well, badly, and indifferently.

The delegates also were bound to state their choice of means to this desired end. For its part, the United States firmly promises "a major part of the $20 billion * * * which Latin America will require in the next 10 years." For their part, the Latin American countries "agree to devote a rapidly increasing share of their resources to economic and social development, and to make the reforms necessary to assure that all share fully in the fruits of the alliance." They plan to do so by adopting comprehensive and well-conceived national programs.

Among the aims of these programs are tax reform, abandonment of outmoded systems of land tenure, and adoption of fiscal and monetary policies which, while avoiding the intoxication of inflation or the mire of depression, will protect the purchasing power of the many, guarantee where possible price stability, and form an adequate basis for economic development.

But the ease of stating goals that have proved so elusive should not intoxicate anyone. All that has happened so far, really, is that the United States has exchanged a pledge of billions of dollars for the commitment of Latin Americans to spend our money and as much of their own as they can scrape up. If there is to be any success for the alliance, it all depends on the future will and wisdom of the partners.

And on that score, some skepticism is in order. For example, a parallel is often drawn between aiding Latin America and the postwar Marshall plan in Western Europe. True, the alliance is loosely modeled after the latter plan, but there are huge differences—Latin America's widespread illiteracy, its historic economic and political instability, its lack of experience with industrialization and the disciplines of modern society.

Moreover, much remains undefined. For Castro and others in Latin America, land reform means land grabbing. And who shall decide the equity of property, and on what basis?

Then, too, those comprehensive and well-conceived development plans of Latin American countries are yet to be drawn up. They could easily turn out to be misconceived and unrealistic. The United States could also find itself encouraging stagnant, planned socialist economies, incapable of growth.

Clearly, the background against which the alliance begins is unpromising, to say the least. Almost all the reforms to which the Latin Americans now agree have been within their grasp for years, and have been left undone. Modern tax and land reform laws are already on the books of some countries, but go unenforced. Can a declaration in favor of progress—a decision to move against the weight of accumulated neglect and indifference—really make progress a fact?

The security of the United States more than good neighborliness justifies our interest in the possibility of building a free, prosperous Latin America. But billions alone, in whatever amount, won't buy it. Nor will promises by the recipients. And right now that's all the Alliance for Progress is—U.S. billions for uncertain promises.

THE CIVIL RIGHTS COMMISSION

Mr. KEATING. Madam President, it seems quite evident now that further steps must be pursued to save the Civil Rights Commission from premature death. Under present law the Commission's life will expire 60 days after it submits its final report on September 9. It is very important from their point of view that they know in advance of September 9 where they are going and whether their life is to be extended; and, if so, for how long.

I supported with reluctance the abortive attempt to add a civil rights extension amendment to the State, Justice appropriations bill. In my opinion, this tactic presented the issue in its most difficult posture, since it required a two-thirds vote for consideration, and because it made action on nongermane civil rights amendments very difficult. It has now been abandoned, but we are not informed for how long.

I would much prefer to deal with the subject in an orderly manner in accordance with the procedures of the Senate. But deal with it we must if we are to keep faith with the campaign commitments of both parties and fulfill the reasonable expectations of an overwhelming majority of the American people.

It will be necessary to pursue several alternative courses in an effort to bring the issue before the Senate, and to do so at the earliest possible time.

First, the orderly way is, of course, to have my bill, S. 483, reported to the Senate. It was favorably reported by a divided vote by the Subcommittee on Constitutional Rights. It is now before the Judiciary Committee. I intend at the next meeting of the committee to make a last-ditch effort to have the bill favorably reported to the Senate. The majority leader, during a colloquy the other day, promised to give his powerful assistance to such a move.

Lest I be misunderstood, my bill, as does Senator HUMPHREY's bill, provides for an indefinite extension. It was amended by the subcommittee to provide for a 2-year extension.

I am confident that a majority of the members of the full committee would vote for an extension of either 2 years or for an indefinite extension if the matter were allowed to come to a vote. I would, of course, support reporting out a bill for 2-year extension, if that is the best we could get from the committee, because it is always open to amendment on the floor. It is to be hoped that those who are truly concerned with orderly procedures will permit a majority of the Committee on the Judiciary to express its will on the issue.

Second, Madam President, if the Committee on the Judiciary is prevented from acting, then I intend to invoke the procedures of rule XIV of the Senate rules to have placed directly on the Senate calendar any House bill on extension of the Civil Rights Commission which comes to the Senate. The House Committee on the Judiciary favorably reported to the House last Friday an extension bill, H.R. 6496. A rule on that bill is now being sought from the House Rules Committee. I am informed that there is a good chance of action on this bill in the other body in the near future. It will then come to the Senate. At this stage, after a second reading, objection can be made to referring the House bill to the Senate Committee on the Judiciary, and it will go directly to the Senate Calendar. It could then be motioned

up at any time by majority vote. This is the identical procedure employed in 1957 to obtain Senate consideration of the House passed civil rights bill. It worked then and resulted eventually in the enactment of the first civil rights measure in 90 years. There is no reason this same procedure, which is wholly in accord with the rules of the Senate, cannot be employed at this session.

Third, if both these courses fail, it will be necessary to offer the extension bill as an amendment to other general legislation pending on the Senate Calendar. This is a course I do not favor. I do not want to complicate unnecessarily the consideration of other legislation and I share the interest of other members of the Senate in orderly procedures. But if there is no other choice, certainly it must be pursued.

I have not yet finally determined which other proposed legislation would be most appropriate for such amendment. The Peace Corps bill, which I favor, may be the best available measure. It is scheduled for early action. It has wide support. Furthermore, its purposes would be abetted by any complementary civil rights actions we took at home to give a better image of America abroad.

Another bill which might possibly be considered for amendment is H.R. 1021, Calendar No. 725, to extend for 2 years the definition of "peanuts," which is now in effect under the Agricultural Adjustment Act of 1938.

S. 483, my Civil Rights Commission extension bill, has been in committee since January 17. It has been endorsed by President Kennedy in principle and by the Department of Justice explicitly. I am convinced that it has the support of a majority of the committee's members and an overwhelming majority of the Senate.

It is evident that the Senate can act on this bill before the Commission expires if it is determined to act. None of the available alternatives is without its drawbacks, but they are available under the rules of the Senate to combat any attempt to kill the Commission by delay and inaction. I feel strongly that this Commission must be continued, and I shall do whatever can possibly be done to give this issue a proper hearing on the Senate floor.

Madam President, I wish to speak on some other subjects, but I had yielded to the majority leader in order that he might lay the morning business before the Senate. I shall require approximately another 10 minutes. Therefore, I shall be happy to yield, without losing the floor, to the distinguished Senator from Utah.

PUBLIC VERSUS PRIVATE POWER DEVELOPMENT

Mr. MOSS. Madam President, I thank the distinguished Senator from New York for his courtesy.

In my State of Utah, and in other States of the Upper Colorado River Basin as well, one of the pressing questions at this time is whether the tie lines between the great dams now being built on the Colorado River should be built by the Bureau of Reclamation or should be built, in part, by private utilities, as has been proposed. The question has received much discussion.

Recently the Washington Post published two items which presented this subject very clearly. I think they should be placed before the Senate, because the matter is now in the House Committee on Appropriations and will shortly come before the Senate.

The first item is an editorial entitled "Hot Gridiron," which was published in the Washington Post on August 19, 1961; the other is a letter written by Assistant Secretary of the Interior Kenneth Holum to the editor of the Washington Post and was published in the Washington Post of today, August 23, 1961, under the title "Who Should Own the Grid?"

I ask unanimous consent that the editorial and letter be printed at this point in the RECORD.

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

[From the Washington Post, Aug. 19, 1961]

HOT GRIDIRON

Will Congress toss a stillson wrench into an electrical development plan which is as intricately worked out as a Swiss watch? This could be the effect of a decision to turn over construction of a basic power grid in five Western States to private concerns. It would be doubly unfortunate, after the Hanford atomic power debacle, if a second major power issue were also decided against the public interest.

At issue is the future of the Colorado River storage project approved by Congress in 1956. This project encompasses irrigation and flood control as well as power production from three large Federal dams. Every aspect of financing the overall program has been worked out in practical detail so that the construction and irrigation costs would be repaid to the Treasury.

But now that the dams are nearing completion, private power companies are seeking permission to construct two-thirds of the 3,000 miles of transmission lines. This would mean that after a tremendous Federal investment the Goverment would pay rental in perpetuity for transmission lines, and would lose the advantages of linking up the basic grid to other regional projects. The original plan would enable the Colorado project to tie in with other public facilities so that diversity of load and seasonal fluctuations could be evened out. This is not a simple private versus public power issue. Instead, it is a question of whether public policy should be reversed.

There is no objection to private companies tying in marketing lines for consumers in the area. But should private companies be allowed to cream off the chief advantage of a public investment by acquiring control of the basic power grid? The plan approved by Congress in 1956 certainly did not provide for such an arrangement; instead it followed the existing pattern of Federal construction.

Former Secretary of the Interior Fred Seaton, no creeping Socialist, was persuaded of the merits of Federal construction of the basic grid. Mr. Udall, his successor, is equally emphatic in his position. Issues of this kind are necessarily complex and it is too easy for those with special interests to confuse the question. We hope that the House will not bow to special pleading when the question comes up in the next few days.

[From the Washington Post, Aug. 23, 1961]

WHO SHOULD OWN THE GRID?

Julius Duscha's article of August 15 concerning the Colorado River storage project transmission line controversy was most interesting and very well done. It practically pointed up the public versus private power elements of the dispute.

However, there is another major facet of the controversy which should also be discussed because it is vital to success of the Colorado River storage project and is not well understood. That is the need of revenue from the sale of project power to finance the participating water use projects.

The Colorado River storage project and participating units were authorized by the Congress to enable the upper basin States of Colorado, New Mexico, Utah, and Wyoming to obtain their allocated share of Colorado River water. This is the end purpose of the total authorization.

The primary purpose of the storage project itself is control and storage to meet downstream commitments and, at the same time, to permit the upper basin States to put their allotted share of Colorado River water to beneficial use for irrigation and municipal and industrial water purposes.

All of these participating projects are expensive, so much so that water users cannot carry the entire repayment burden even though the total advantages to the local and national economy clearly show the worth of the individual units.

As elsewhere in the West, revenue from federally constructed and operated hydroelectric plants which are a part of multipurpose water projects, is to be used to help in the payout of these projects. In our studies of the all-Federal backbone transmission system as contrasted with the partial system and wheeling offer of the utilities for the remainder, we found an overwhelming financial advantage in the all-Federal system.

Since the findings, which were approved by the former Secretary of the Interior, Fred A. Seaton, and also the present Secretary, Stewart L. Udall, there has been a barrage of confusing figures and statements laid down to confuse the issue. The simple fact remains, however, that, just like buying a home, when the all-Federal transmission grid is paid for in 44 years with interest, revenue will be available to help pay out the participating water use projects whereas the rent paid under the proposal of the private utilities, while saving the Government a large initial investment, goes on in perpetuity.

One other point needs clarification—the interconnection with other Federal systems. The private utilities seek to obtain an overwhelming benefit from the public investment in the project by interconnection of their own systems with the Colorado River project system, but would deny the Federal Government the same advantage.

Actually the 1.3-million-kilowatt capacity of the Colorado River storage project hydropower system is small compared to other Federal systems. Grand Coulee Dam hydroplant, for example, has a capacity of 1,974,000 kilowatts and has produced as high as 2,200,000 kilowatts in a peaking operation.

By interconnection with the existing Missouri River Basin project and the Parker-Davis-Hoover project power systems, the value of the Colorado River storage project system to the service area could be enhanced tremendously. This will add flexibility which will mean much better utilization of the public investment in development of our water resources. But if we must interconnect only through private systems which collect a transmission toll every time the power moves either way from one system to another, the public system will carry an impossible burden.

At the same time, we expect that the public system will help, not hurt, public and private utilities in the area because the total needs are such that both steam- and hydrogeneration facilities must be fully utilized. The advantages of complete coordination and integration are so overwhelming to all

utilities, public and private alike that we anticipate that when the fussing and feuding are all over, we will sit down with the private utilities and work out exchange and integration agreements such as now exist between public and private systems and the Bonneville Power Administration in the famed Pacific Northwest power pool.

A backbone Federal system and interconnection with other public systems is essential to such an operation.

KENNETH HOLUM,
Assistant Secretary of the Interior.

CIVIL RIGHTS

Mr. KEATING. Madam President, on another phase of the civil rights front, the Committee on Rules and Administration has this morning reported, without recommendation, the so-called Anderson resolution, Senate Resolution 4, to revise rule XXII, in section 2 thereof, to change the requirement for cloture from two-thirds of the Senators present and voting to three-fifths of the Senators present and voting. This is an improvement over some of the proposals for a change in the cloture rule, in that it does not require three-fifths of the membership of the Senate, but three-fifths of the Senators present and voting.

The action was taken without recommendation because of the wide divergence of opinion in the committee concerning whether there should be a change at all; and second, what the change should be.

The distinguished majority leader and the distinguished minority leader made a commitment that they would bring the subject before the Senate, and they are keeping that commitment by this action. The Senate will have an opportunity to work its will on this question.

In the consideration of the resolution before the Committee on Rules and Administration, I proposed a complete substitute, which was rejected. That substitute would retain section 2 of the present rule XXII, providing for two-thirds cloture, and would add a section providing for majority cloture after 15 days, exclusive of Sundays, holidays, and other days when the Senate was not in session.

It would also change, in another respect, both the present two-thirds section and the newly proposed majority section. In place of providing that each Senator shall have 1 hour after cloture had been voted, which seems rather an anachronistic provision, since many Senators might not wish to consume an hour, and also because those in the minority on the issue might make the claim, and with some reason, that too much time was given to the majority on the issue, my language would provide a division of time, 50 hours to each side, to be controlled by the majority leader and the minority leader, and would direct that the leaders divide their time equally between those who favored and those who opposed the issue before the Senate. It seems to me that that adds an element of fairness for those who may be in the minority on a particular issue which is before the Senate.

Mr. RUSSELL. Madam President, will the Senator from New York yield?

Mr. KEATING. I yield.

Mr. RUSSELL. I should like to ask the Senator from New York just where he thinks the most interested majority would ever get into the picture. I refer to those whom some persons regard as the poor, benighted southern Democrats. They are under fire from both the majority leader and the minority leader in the matter of the proposed change in the rules, and I should like to know how the Senator feels that there would be any element of fairness in what is proposed, for he would completely gag the representatives here of some 9 or 10 States.

Mr. KEATING. I think perhaps the Senator from Georgia did not hear my complete explanation. I ask unanimous consent that the full text of the substitute be printed at the end of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. KEATING. The substitute would divide the 100 hours between the majority leader and the minority leader, but would direct that they give half of their time—on each side—to those who favor the proposal and those who oppose it. If there were only one Member in opposition he would be entitled to speak for 50 hours on the issue. That is similar to a procedure with which Members of the other body are well acquainted. Concededly, it is one which has not been used in this body, except informally, but it is for the very purpose of assuring that the minority, even though they may be only 10, 20, or even less in number, out of the entire membership of the Senate, shall have equal time to be heard on the issue at hand. I should think that particular phase of the change in the rule would be favored by the distinguished Senator from Georgia.

Mr. RUSSELL. That is much better than most of the gag propositions that have been advanced, I may say to the Senator from New York.

If he will indulge me, I should like to say that I can understand why a Senator from the State of New York would support any kind of rule which would restrict debate here in the Senate. The organization of the Senate was the most difficult problem with which the Founding Fathers had to grapple in writing the Constitution, and when the Senate was organized the matter of protecting the rights of the small States brought about the creation of the unique parliamentary body which we call the Senate of the United States. Of course, in the House of Representatives, the States which have the most numerous population have an unconscionable advantage. I believe New York has 46 Representatives there.

Mr. KEATING. Forty-three.

Mr. RUSSELL. Forty-three Representatives at the present time; and they are of both political parties, and therefore are free to range on both sides of the aisle and bring in the Members to vote for them.

One of the smaller States, with only 1 or 2 Representatives, usually members of the same political party, of course would not have the chance of the proverbial snowball in the hottest of the nether regions to defeat a State which had 43 Representatives.

But in the Senate all the States are equal. So I can see justification for the Senators from New York undertaking to restrict debate in the Senate and to decrease the stature of Senators, because if they were able to bring us into a position similar to that of Members of the House of Representatives, that would give them a tremendous advantage.

But the great puzzle to me has always been how on earth any Senator from a State with a small number of Representatives would succumb to the idea of gagging and muzzling Senators of the United States and giving all the authority to the States which have a large number of Members.

Mr. KEATING. Madam President, I think the Senator from Georgia is somewhat in error about the Representatives from the large States being better able to get together, as compared with those from small States with only one or two Representatives. The Representatives of the smaller States, to which the Senator from Georgia has referred, who usually are all members of the same party, work together very much more effectively than do the Members of the House of Representatives from larger States. That has been my experience.

Mr. RUSSELL. Of course, there is no difficulty for a State which has only one Member of the House of Representatives to have its Representative able to work together. Perhaps there are times when such a Member is perplexed and when the congressional delegation from such a State might be perplexed, even if the State has only one Member of the House of Representatives. For instance, on many occasions I find myself confused and perplexed. But certainly I will agree with the Senator from New York that the delegation from a State with only one Member of the House of Representatives would have less difficulty getting together than would the delegation from a State with 40 Members of the House of Representatives. I accept that premise of the Senator from New York.

Mr. KEATING. I thank the Senator from Georgia for his comments.

Mr. MANSFIELD. Madam President, will the Senator from New York yield to me?

Mr. KEATING. I yield.

Mr. MANSFIELD. I think the Senator from Georgia should know that the Senator from New York vigorously opposed the reporting of the Anderson resolution seeking to bring about a change in rule XXII by permitting three-fifths of the Senators present and voting to invoke cloture, instead of two-thirds of those present and voting, as is the present rule. What he wanted, I believe, was a simple majority—if I correctly recall the hearing this morning. However, he subordinated his particular position in connection with that matter, so that we could report a change in rule XXII without recommendation, thereby toward the end of this session giving the Senate a chance to express its will in regard to what should be done. So I think the RECORD should show clearly the position of the Senator from New York in the committee, and should show

that despite his opposition to the Anderson resolution, which he does not think goes far enough, he and others were willing to let the measure be reported.

By the same token, I may say that the Senator from North Carolina [Mr. JORDAN] was unalterably opposed to any kind of resolution; but he, likewise, subordinated his own personal position, in order to allow the resolution to be reported without prejudice, although he indicated quite strongly that he intended to fight the measure all the way on the floor, just as he endeavored to do this morning in the committee.

Mr. KEATING. I thank the Senator from Montana for his comments.

Mr. RUSSELL. Madam President, will the Senator from New York yield?

Mr. KEATING. I shall yield in a moment.

Of course I believe that the Anderson resolution, as now worded, namely, three-fifths of those present and voting, is an improvement—I say so frankly—over the present rule of two-thirds of those present and voting. Certainly I would not want to do anything to prevent the Senate from working its will on this proposed change in the rule, but we should have an opportunity also to consider majority cloture under the procedure outlined in my amendment.

I appreciate very much the action on the commitment made by the distinguished majority leader, the Senator from Montana [Mr. MANSFIELD], a man whom all of us recognize as one of high honor and high integrity. He had made that commitment to the Senate; and he has made good on it, as all of us knew he would.

Now I yield.

Mr. RUSSELL. Madam President, I merely wish to observe that this is a case in which I hope the Senate will follow the lead and adopt the example of the distinguished committee and will fail to come to any agreement on any of these proposals to reduce the stature of the Senate. I think the committee has set an excellent example by bringing out the measure without any recommendation; and I hope the Senate will follow that example, after each Senator has had an opportunity to express his views.

Mr. KEATING. Madam President, under the Senate rules, unless the Senate should choose to recommit the measure or do something of that sort, I know of no way, after full and free debate, that it would be possible to prevent the Senate from taking action on the measure. It may take some time, and it has been indicated that that might be the case; but there does come a time when some action must be taken. My chief difference with the Senator from Georgia is that I would have the time for action come a little sooner than he would—the time when I believe the Senate should be allowed to vote any proposal before it either up or down.

Mr. RUSSELL. Madam President, I may say to the distinguished Senator from New York that if he will examine the CONGRESSIONAL RECORD he will find there have been innumerable instances in which the Senate has been unable to agree on a recommendation for legislation or a change in the rules that has been before it. So it would not be a precedent if the Senate failed to do so this time.

Mr. KEATING. Madam President, I sincerely trust that will not happen this year. We have labored hard to try to bring about a change in the rule; and I hope and believe that the mood of the Senate is to make a change in the rule, and to do so at this session. I think it would have been easier to do it at the beginning of the year when we would not have been faced with what is euphemistically referred to as extended debate.

EXHIBIT 1

TEXT OF AMENDMENT

Amendment in the nature of a substitute intended to be proposed by Mr. KEATING to the resolution (S. Res. 4) to amend rule XXII of the Standing Rules of the Senate

Strike out all after the resolving clause and insert in lieu thereof the following:

"That the third paragraph of section 2 of rule XXII of the Standing Rules of the Senate is amended to read as follows:

" 'Thereafter debate upon the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions with respect thereto, shall be limited in all to not more than one hundred hours, of which fifty hours will be controlled by the majority leader, and fifty hours will be controlled by the minority leader. The majority and minority leaders will divide equally the time allocated among those Senators favoring and those Senators opposing the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and the motions affecting the same. It shall be the duty of the Presiding Officer to keep the time. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.'

"SEC. 2. Rule XXII of the Standing Rules of the Senate is amended by adding a new section 3 as follows:

" '3. If at any time, notwithstanding the provisions of rule III or rule VI or any other rule of the Senate, a motion, signed by sixteen Senators, to bring to a close the debate upon any measure, motion, or other matter pending before the Senate, or the unfinished business, is presented to the Senate pursuant to this section, the Presiding Officer shall at once state the motion to the Senate, and one hour after the Senate meets on the fifteenth calendar day thereafter (exclusive of Sundays, legal holidays, and non-session days) he shall lay the motion before the Senate and direct that the Secretary call the roll, and, upon the ascertainment that a quorum is present, the Presiding Officer shall, without further debate, submit to the Senate by a yea-and-nay vote the question: "Is it the sense of the Senate that the debate shall be brought to a close?"

" 'And if that question shall be decided in the affirmative by a majority vote of the Senators duly chosen and sworn, then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

" 'Thereafter, debate upon the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions with respect thereto, shall be limited in all to not more than one hundred hours, of which fifty hours will be controlled by the majority leader, and fifty hours will be controlled by the minority leader. The majority and minority leaders will divide equally the time allocated among those Senators favoring and those Senators opposing the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and the motions affecting the same. It shall be the duty of the Presiding Officer to keep the time. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer shall be decided without debate.'

"SEC. 3. Redesignate section 3 of the Standing Rules of the Senate as section 4."

FARM BUREAU FEDERATION PROMOTES EXPORTS

Mr. KEATING. Madam President, I have said many times that I believe the best way to deal with our widely discussed balance of international payments situation is to promote exports in every way possible.

It was with this in mind that I was delighted to read this weekend that the American Farm Bureau Federation has initiated a special program to promote the sale of American agricultural products overseas. An affiliate of the American Farm Bureau Federation, the Farm Bureau Trade Development Corp., is the sponsor of these efforts. The corporation has offices in Chicago and Rotterdam, the Netherlands. It was set up 3 years ago, and is now taking orders for shipments of American agricultural goods to overseas, principally to Europe. The corporation provides valuable information on the commodities which are in short supply overseas and on the channels of trade into which these commodities can move.

With increasing living standards and the development of the supermarkets throughout Europe, there is a steadily expanding market for many types of farm products. The development of a freezing and frozen foods processing industry in Europe has been another important factor in stimulating this demand. Fruits and vegetables, onions, tobacco, poultry, and dairy products are in greater demand than ever before.

The Farm Bureau Trade Development Corp. actually works with food processors to encourage and promote their participation in oversea trade. The success of this program will mean expanded markets for farmers in many parts of the United States. Although this program does not involve our basic subsidized commodities, such as wheat, cotton, corn, tobacco, and soybeans, it represents an important step to many millions of American farmers who produce the commodities now in demand overseas.

I believe the officials and members of the Farm Bureau Federation have provided an important service that will tend to expand American markets overseas

and thereby help to improve our Nation's overall trade position. I commend them for their efforts in this area.

RAILROADS IN TROUBLE

Mr. YOUNG of Ohio. Madam President, our railroads are in trouble—big trouble. Congress has been urged by railroad presidents to rescue them from hardships largely of their own making.

Recently I discovered firsthand why prospective railway passengers stay away in droves when I took the 226-mile trip from New York to Washington. Four hours of traveling on a dirty, crowded, poorly ventilated coach gave convincing evidence that railroad officials regard passengers as necessary evils and make their money carrying freight. There was no dining car on the train, or even a snack bar. Every coach was a candidate for the junk heap. Railroad officials should blame themselves for their sad financial plight.

My trip was via the Pennsylvania Railroad from New York City to Washington; and it is the last one I hope to take, unless conditions change.

In contrast, in Italy it is a pleasure to ride on the Rapido, a bullet-shaped train making the long trip from Rome to Milan in 6 hours. This train is beautifully decorated, has new coaches with artistic panels, and passengers are offered Espresso coffee. The cost of making this 400-mile trip is less than air fare. It is a trifle more than passengers pay on slow trains.

One would think that under our free enterprise system railroad presidents would be ahead of officials of Government-operated Italian railroads. Yet, in efficiency and comfort, there is no comparison. We lag behind.

Perhaps railway officials and unions should ask our Government to invite Italy to send a reverse of the Peace Corps to the United States to teach our backward railroad operators to take proper care of passengers, and thereby earn money for dividends for their stockholders.

Why, in a country which sent a man into the outer atmosphere and returned him safely, have we failed to provide comfortable railroad trips from Cleveland to Cincinnati and from New York to Washington, to cite two examples?

Recently an outraged constituent sent me a copy of a letter he had written to the president of the New York Central Railroad protesting that railroad's request of the Ohio public utilities commission to reduce passenger service between Cleveland, Columbus, and Cincinnati. In his very articulate letter, this citizen set forth compelling arguments for denying this request.

I believe that this letter from Barry Pomerantz, of Shaker Heights, Ohio, to Alfred Perlman, president of the New York Central system, echoes the sentiments of millions of discouraged Americans who depend on rail transportation and who are victims of the mess and failures created in our railway passenger system. I commend it to my colleagues, and ask unanimous consent that it be printed at this point in the RECORD as part of my remarks.

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

SHAKER HEIGHTS, OHIO,
August 12, 1961.

Mr. ALFRED PERLMAN,
President, New York Central System,
New York, N.Y.

SIR: I have read in this morning's newspaper that your railroad, the New York Central, has asked that the Public Utilities Commission of Ohio grant it permission to reduce passenger service between Cleveland, Columbus, and Cincinnati. Passenger trains that would be discontinued are numbers 321, 322, and 323. The New York Central claims that these cuts in service are necessary due to a financial deficit incurred on overall operations during the first 6 months of 1961. Your railroad also claims that between 1956 and 1960 the number of passengers carried between Cleveland and Cincinnati declined 59.2 percent.

I, however, must protest your request that passenger service be cut, for I believe that less passenger service is what you and your railroad desire and are trying to meet this end by discouraging rail fare.

It is to be realized that part of the decline of rail passenger travel is due to increased automobile travel and better highway systems. This increase in automobile travel also has had some adverse effects on airplane and intercity bus travel. However, the airlines and buslines have not asked for permission to decrease their service between Cleveland and Cincinnati. On the contrary, they have met the competition head-on by increasing their service and by making their modes of transportation more attractive. Only the railroads have refused to face the competition. In fact, with the way the railroads are running their business now, it leaves little doubt but that they are trying to discourage rail fares.

To emphasize this point I will state several examples of the treatment your railroad passengers are given to discourage them from traveling by train.

On two trips during the past year between Cleveland and Cincinnati, trains that carried some relatives and me have been delayed for unreasonably long lengths of time for no apparent reason. On one such trip a train from Cincinnati traveling to Cleveland, usually a 6- to 7-hour journey, arrived in Cleveland 6 hours late. By doubling the regular travel time this trip was turned into a 12-hour torture. Another train that I had the misfortune of traveling on from Cleveland to Columbus stopped midway in its journey for a 3-hour delay. The train made a 4-hour trip in 7 hours. This same train, by the way, besides carrying the few stout-hearted travelers, also carried cockroaches. This in itself would make anyone not wish to travel by train. Added roadblocks thrown in the way of the railroad passenger include, as pointed out in the Cleveland Press, lack of red caps at the train stations. In Cleveland Union Terminal there are only two red caps on duty. In a major train depot in a major city, only two red caps are on duty. This makes it necessary, as the Press also pointed out, for older people and in fact most people to carry their own luggage. It has been suggested, sir, that an adequate punishment for the way in which your railroad is run would be to force you to ride the New York Central between Cleveland and Cincinnati for the rest of your life.

It is evident that your railroad is to blame for the decrease in rail passenger travel on your line. Your railroad, along with others, has tried to discourage rail-passenger travel by unethical means, so that you might, by showing to the Public Utilities Commission of Ohio a loss of revenue, be allowed to curtail your passenger service and thus concentrate on the more profitable freight service.

Generally I am not in favor of governmental interference in business or governmental ownership of business. In the case of the railroads, however, I must make an exception. Our economic system is based upon free enterprise. But it must have limits in order that the public be protected. When an individual abuses this free enterprise system by unethical practices, the Government must, for the protection of the public, intervene. If this intervention means governmental ownership, in order that the rights of the citizens be upheld, then, without a doubt, the Government should act as it sees fit. In the case of the railroads I believe that the Government should intervene and if necessary take them over. You, Mr. Perlman, by your practices are compelling the Government to take these steps. You are abusing the rights granted to you by this free country and its economic system. These practices you must stop, so that governmental control will not be needed.

Copies of this letter are being forwarded to the following: Senators FRANK J. LAUSCHE and STEPHEN M. YOUNG; Congressman WILLIAM B. MINSHALL; Public Utilities Commission of Ohio; and the Interstate Commerce Commission.

It is my hope that these influential persons and committees will join in protest against the New York Central system. I must protest the service curtailments that you propose.

Yours truly,
BARRY RICHARD POMERANTZ.

Mr. YOUNG of Ohio. Madam President, it has been said that the strength of a nation can be measured by its rail transportation system. This applies to both military strength and economic strength of a nation.

In our Nation with its population expanding by over a million people every year, our railroads should be expanding each year to serve the needs of this growing population instead of eliminating or diminishing their services. In other countries railroads are expanding to meet the needs of the people and to increase the flow of commerce, as well as being a basic unit of defense and preparedness. Defense, as well as a healthy economy, depends on an efficient transportation system.

With an adequate rail transportation system, a nation can well hope to survive and prosper in a nuclear age or in any age. National defense depends to some extent on an efficient transportation system capable of delivering people and freight from one destination to another with promptness and at reasonable cost.

In the state of Ohio, railroads employ nearly 55,000 men and women. Their annual payroll is $80 million. An important part of this industry's materials and supplies, totaling a billion and a half dollars annually, are manufactured in Ohio. Their contribution to the welfare and prosperity of the State is important. To Ohioans, and to all Americans, it is of the utmost importance that railroad problems be solved and that railroad officials respond to the demands of the times, offer good and fast service to people, attempt to accommodate prospective passengers, and go all out to keep travel on a reasonably accurate schedule. Officials must see to it that trains leave and arrive at the time scheduled.

Nowadays some railroad transportation officials seem to regard passengers

as a necessary evil. If the train leaves on schedule and arrives not more than an hour late, they consider they have done well.

Hundreds of my constituents have written to me complaining of poor service and deplorable conditions on many of our passenger trains. They have asked that the Federal Government begin to do something to correct this deplorable situation. Too often there have been too many dirty cars, dirty restrooms, and an attitude on the part of the railroad employees, undoubtedly influenced by the higher officials, that it is unimportant whether the train arrives on schedule.

It is noteworthy that trains which are kept in good condition, operate regularly on good schedules, and furnish good service are filled. When the trains are not in good condition and the service is poor, the number of passengers always drops accordingly.

Our highways become overcrowded as fast as we build them. Passenger train service is more and more becoming a greater necessity, especially in our large metropolitan areas. Unless railroad executives immediately begin taking action to improve and expand this service, we may soon find ourselves in a transportation crisis of great severity.

THORP FINANCE DECISION ENCOURAGES INDEPENDENT BUSINESS

Mr. PROXMIRE. Madam President, on May 31, 1961, an agreement in principle was reached for the merger of C.I.T. Financial Corp. and Thorp Finance Corp., according to a joint announcement by the two companies.

The proposal, which was accepted at that time by the management of C.I.T. and Thorp, was to be submitted for approval to the boards of directors and stockholders of both companies.

Thorp Finance Corp., with headquarters in Thorp, Wis., operates 80 local offices in Wisconsin and Minnesota and conducts a diversified sales finance, personal loan, industrial equipment financing business, and farm auction and industrial equipment auction business. Thorp also operates as wholly owned subsidiaries a life insurance company and an automobile physical damage insurance company. It was organized in 1925. At November 30, 1960, its net worth was $14,500,000 and its total business volume in the fiscal year ended on that date was $137,500,000. Total assets before deducting reserves exceeded $100 million. The company has over 4,000 common stockholders and its common and preferred stock are traded in the over-the-counter market.

C.I.T. Financial Corp. is a highly diversified organization, with subsidiaries engaged in consumer and industrial financing, factoring, automobile physical damage and life insurance, automotive and equipment leasing and radiological manufacturing. Its capital and surplus exceed $330 million and its securities have been traded on the New York Stock Exchange since 1924. Of course, it is one of the huge and dominant finance companies in America.

This prospective merger disturbed many of us in Wisconsin, because we were very proud of the Thorp Finance Corp. and its great record over a number of years, as a kind of Horatio Alger story. That is why I am proud and happy to say that on June 30 of this year the management of Thorp Finance Corp. and C.I.T. Financial Corp. agreed to terminate further discussions of a proposed merger of the two companies.

Francis J. Conway, president of Thorp Finance Corp., in discussing the decision to call off the merger said that after further study of contractual terms and conditions, it was agreed there would have been great difficulty in Thorp operating as an autonomous subsidiary of C.I.T. Mr. Conway said:

> Had the merger been completed, it would have meant displacement of many Thorp employees and their families. Some operations of the corporation would most certainly have left Wisconsin and Minnesota. It has been our primary responsibility throughout our company's history to best serve the States in which we operate. We feel that this service might have suffered had the merger been effected.

Thorp Finance Corp. will continue its expansion program to better serve the people of Wisconsin and Minnesota. In addition to the 67 Thorp Finance branch offices in Wisconsin and 10 in Minnesota under the Thorp Loan & Thrift Co. name, the corporation plans on opening several new offices in the near future.

Madam President, with the great increases in mergers in this country, with the difficulties of independent business surviving in our economy, with a record for bankruptcies only in the last few months, and with another record for voluntary discontinuances, it is mighty welcome that, in Wisconsin, Francis Conway and Thorp Finance have decided against merger and are determined to continue independent operation.

This great free enterprise success story, the Thorp Finance Corp., has made Wisconsin people very proud in the past. The declaration of independence, the decision to take the hard and rocky road of going it alone, makes us even prouder than ever of the Thorp Finance Corp. of Wisconsin, and more sure of its future in serving hundreds of thousands of Wisconsin people.

Mr. WILEY subsequently said: Madam President, I was happy this morning to hear the junior Senator from Wisconsin [Mr. PROXMIRE] paying a tribute to Francis J. Conway, whom I have known for many years, and who has made a brilliant success of the finance company with which he has been connected. We both feel that saying a good word about a good man is a good deed. I, for one, feel that one cannot praise Francis Conway and his fine family too highly.

PROPOSED NEW YORK WORLD'S FAIR

Mr. JAVITS. Madam President, I wish to invite attention to the progress of the New York World's Fair which is to be held in 1964. That is not a very long time away, considering the size and scope of such an endeavor.

I have the honor to state for the record in the Senate that H.R. 7763, the bill to enable the United States to participate in the fair, if the Congress decides it should do so, has now passed in the other body. I pay special tribute to Representative CELLER, the chairman of the Committee on the Judiciary; to Representative DELANEY, who represents all of us in New York on the executive committee of the board of directors of the World's Fair Corp.; to Representative DANTE FASCELL, of Florida, the floor manager of the bill; and to Representative EDNA KELLY, of New York, one of the principal sponsors, for bringing about this fine action. And, of course, the entire New York congressional delegation, Republican and Democratic Members alike, deserves thanks for its unremitting efforts on behalf of timely action on the legislation.

The bill is now pending in the Senate. It is my hope that there will be prompt action in the Senate now that H.R. 7763 has passed in the other body. It is very essential that this action be taken before Congress adjourns in this session, because otherwise the time limitations will seriously handicap effective and orderly planning for U.S. participation in the fair should the United States choose to do so. I have little doubt it will choose to do so, but, in any event, the United States will not be committed to participate by passage of this bill.

Madam President, the bill, S. 2103, sponsored by my distinguished colleague from New York [Mr. KEATING] and myself, and the companion legislation, H.R. 7763, provides only for U.S. planning and recommendations by January 15, 1962, as to what shall be the nature of participation by the United States in the fair, and provides for the appointment by the President of the U.S. Commissioner for the New York World's Fair.

The amount involved is very small, only $300,000 in the authorization, which is subject to action through appropriations.

More than 50 foreign governments have signified their intention to participate in the New York World's Fair, and so have 21 States and the Commonwealth of Puerto Rico. I respectfully submit to the Senators from the States which have already evidenced their intention to participate in the fair that they should—and I hope very much they will—take a very close interest in planning for U.S. participation.

The fair promises to be as much of a landmark in the history of our country as was the New York World's Fair of the late 1930's, about which many of us in the Senate know from personal experience and attendance, and equal to the other great fairs of our past, in Chicago, San Francisco, and other major centers. I hope very much we may put ourselves on the road to appropriate participation by the United States.

New York City is not only the financial center of our country, it is also an enormous center of culture, perhaps the

leading cultural center in the world today. Many people feel today, as I feel, that New York City is really a world capital, housing, as it does, under special circumstances provided by the Congress, the United Nations.

Madam President, I hope for the day when all of us in the Congress may feel, as many of us feel today, that New York is a source of pride and gratification to us all, as demonstrating the power, the dynamism, the scope and the majesty of our country. I believe by helping the New York World's Fair in the very modest way suggested by the bill we may forward this idea.

Madam President, the world is becoming a world of cities. New York City stands preeminent among those cities, as every traveler to New York attests. I look forward eagerly to the participation of the United States in New York's World's Fair—and to the national dignity and beneficial influence which such participation will bring.

So I think it would be a great pleasure for our fellow countrymen to know that the fair exists, to visit it whenever they choose to do so, and to enjoy the great opportunities which it would offer. They can make it a point of great national pride, as we feel in Washington, that New York City can have a magic for all the world and can be representative of so much which represents the power, the dignity, and importance of our society, and its demonstrated success.

SUPPORT FOR ESTABLISHMENT OF A PEACE CORPS

Mr. WILEY. Madam President, I wish to speak on the Peace Corps, which subject, I understand, will be threshed out in the Senate today. The establishment of the Peace Corps, as proposed in S. 2000, would provide the United States with a new instrument of foreign policy. By new instrument, I mean something different, which we have not yet tried. Fundamentally, it would serve two purposes. First, it would meet the human needs in less-developed nations, using ideas and know-how, rather than money, so the recipients can stand on their own feet; and, second, it would provide an indirect counterforce to communism.

As proposed, the bill would provide for assignment of about 3,000 qualified people at a cost of $40 million to serve the United States abroad. Specifically, these trained individuals would act as teachers—which, in a sense, is something that would be new, and would not involve merely throwing away money—agricultural experts, who would tell those in need how to utilize the land; industrial technicians, those who can tell the people something about the operation of industry; home economists, sanitation experts, civil service administrators, and experts in other fields of need in the recipient nations. The important word is "experts"—those who know, those who have been educated today in specific fields.

Such activity is quite different from what we have been doing. I do not think that the figures in dollars or personnel are sacrosanct. The proposal is an experiment. Nevertheless, I feel there is a need for an effort of adequate size to allow a reasonable opportunity for success.

By what kind of people would this activity be conducted? By educated people, those who want to aid others, those who wish to see the segment of humanity which lives in squalor or in filth have an opportunity to pick themselves up.

Importantly, the Peace Corps would not provide a new "gravy train." We must talk and think seriously of the problem when we vote on the bill. It is not an opportunity for adventure seekers to "join the Corps and see the world" at taxpayers' expense. That is not the picture. Rather, the bill would provide only minimum subsistence fees for dedicated individuals who offer their services. There will, of course, be difficulties in the program ahead. However, if properly administered, it may be effective. I have used another term upon which we must spend a little time—"properly administered." We have had a great deal of poor administration, which is natural when large sums of money are administered. But this time the program is different. Ideas are used. A famous Englishman once said, "The idea is the thing."

If properly administered, it will bring to the recipient nations a great benefit.

We will not be dishing out money. This is no "money-dishing" scheme. Rather, it is to get to the minds of the recipient people the know-how. It will provide educational, technical, and other types of know-how.

The program will supplement what we are doing in other directions. Again, the word is "supplement." It may be that in so doing we will be fulfilling, even more than in our aid program, our obligations of leadership of the free world. What constitutes leadership in situations such as we find in these nations?

I believe that when we give these nations the know-how, give them the ideas and aid them in constructing their economy, by giving them the know-how, it is the best example of leadership.

Of course, it should follow that we would be strengthening our ties, politically, economically, culturally, and socially with the recipient nations, and we would be providing, if the plan works out, an antidote to the ideas that are planted by the Communists.

We all know that the world is in ferment. In many places that ferment is political. In other places it is the result of the struggle between the haves and the have-nots.

By providing an answer to the ever-growing need for experts—technicians and educators—which this program has in mind, we will be providing a counterforce to the millions of Communists planted around the world, sowing the seed of communism.

A very fine article written on this subject entitled "Peace Corps—Two Way Street," appeared in the Christian Science Monitor several days ago. It was something I had not seen before. It deals with the training of Peace Corps members. The writer, James N. Goodsell, stated that what he saw was encouraging, that most of the members were good, solid examples of the best type of youth America has to offer. I ask unanimous consent that the article may be printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. WILEY. Mr. Goodsell refers specifically to the group that is going to Colombia, South America, and he concludes with the thought that the South American villagers will be helped to a better life and, more than that, the Americans will be able to understand the wants and desires of people who have had less opportunity to share in the abundance that has characterized the growth of society in the United States.

I also ask unanimous consent that there may be printed in the RECORD following my remarks an article entitled "Peace Corps Job Will Be To Educate World's Peasants," from the Chippewa Falls (Wis.) Herald-Telegram, my own local newspaper.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 2.)

EXHIBIT 1

PEACE CORPS—TWO-WAY STREET

(By James Nelson Goodsell)

NEW BRUNSWICK, N.J.—One of the young men seated around the snackbar table spoke up:

"I don't really know the full reason I'm here—but in a way I guess it is a feeling that someone's got to try to bridge the gap between those of us who have had opportunities and those who haven't."

It was a young Peace Corps trainee talking—one of 81 young American men who are training here at Rutgers University for a project that will take 64 of them from the United States for 2 years while they live and work in the fertile, yet rugged highland valleys of central Colombia.

One of the older members of the group (who is 27) said he thought the Americans selected for the project would be able to make something of a contribution to "help Colombians overcome some of their problems," but he added quickly: "I suppose I'll get as much out of it as I put into the project."

Another of the trainees interjected: "I've been wondering a little if maybe we won't be getting more out of the 2 years than we are able to help."

Whoever gains from this experiment in binational living, one thing is certain: The problems which the Peace Corpsmen chosen from the Rutgers group are going to face in Colombia are immense and any contribution the group makes will be important.

The Colombian project is one in community development. Colombia, a nation whose independence came only 25 years after that of the United States, is a much-tortured Latin American land of 14 million persons, where the average annual income is under $300 a person. More than half of the population lives off the soil, many of them in tenancy conditions and most of them in below-standard arrangements. This is not an underdeveloped land, but rather maldeveloped. For there is great wealth, large and booming industrial cities, and one of the more stable democratic governments in Latin America. The sharp edge of poverty has been blunted in parts of the country by enlightened regional development schemes and the prosperity of industry in some of the cities.

But Colombia's problems are still immense. The Peace Corpsmen who will work in small communities far from the big cities and deep in the rugged interior of Colombia will need jack-of-all-trades resourcefulness, for they will be tackling problems of general poverty, low production, poor sanitation and health standards, land misuse, and a host of others. Together with more than 50 young Colombians—now undergoing similar training near Bogotá, Colombia's capital—the American volunteers will help build schools, roads, sanitation facilities; lay water and sewage pipelines; drill wells; organize youth clubs and community programs; work out more efficient farm production methods; and train others to do the work they are doing.

But perhaps most important of all these American volunteers will have opportunity to make friends and to share ideas with Colombians whose opportunities have not been so great, but whose willingness to work and grow and develop is just as great.

Much of the training I have witnessed here for several days is aimed at making the Peace Corps volunteer as prepared as possible for his 2-year stay in Colombia. But the individual American's own ingenuity will probably be most important in the long run.

Classes are being held in a wide variety of fields—taking up most of the waking day for the 81 trainees. Spanish is a key factor in this program. While many of the group had Spanish in high school or college, most of them require extensive work in language—so much so that some of the program officials want to extend the 8-week training period, which ends the last week in August, for another week.

Colombian history, culture, and government are being taught by two specialists in the Latin American field: Profs. J. Leon Helguera of North Carolina State College and Frederick B. Pike of the University of Notre Dame. In this connection, I came to Rutgers to assist them in presenting a brief look at 16th- and 17th-century Colombian history—and gave two formal lectures and then spent a number of hours talking informally to the trainees.

What I saw was encouraging. On the basis of a brief stay it seemed to me that the overwhelming majority of trainees were good, solid examples of the best that American youth has to offer. Courteous to the extreme, they seemed full of fun and good spirits. Most of those with whom I spoke said they were not sure of the reasons they signed up—although still feeling it was a right decision. But many said their parents were opposed to it.

Most of those in training had either completed university or were midway through the 4-year program. A few were high school graduates; several others had gone beyond the B.A. degree for graduate work.

The trainees represent 35 of the States; they come mostly from middle-income backgrounds, although a few are from wealthy homes; and probably the majority of them are from Republican homes—this latter an impression I received from talking with about half of the group. Unofficially, the group's religious orientation—which is not a test of their qualification for the Peace Corps—was an interesting average of this Nation's overall breakdown: 23 Roman Catholics, 3 Jewish, 2 Christian Scientists, and the rest (53) Protestant.

Administering this pilot Peace Corps project is the Cooperative for American Relief Everywhere, Inc., better known as CARE, which in collaboration with the Colombian Government and with the financial underwriting of the Federación Nacional de Cafeteros de Colombia (the National Federation of Coffee Growers of Colombia), recently embarked on a community development program for Colombia. The establishment of the Peace Corps and the sending of American volunteers to Colombia fit neatly into the CARE program.

The actual villages into which the trainees will go are being selected carefully. In these villages, the Peace Corpsmen will find illiteracy rampant—2 years of schooling is about the most that villagers can hope for—and they will encounter a way of life that has allowed for little amusement and sport. But the people the Peace Corpsmen will encounter, in the carefully selected areas, are by nature quite friendly and outgoing.

And it may well be that the really lasting effect of the Peace Corps experiment will be a two-way affair. These Colombian villagers will be helped to a better life; but, equally importantly, the American volunteers will be helped to better understand the wants and desires of people who have had less opportunity to share in the abundance that has characterized the growth of society in the United States.

"Perhaps," said one of the many special lecturers brought to Rutgers to talk to the trainees, "your most significant contribution will be what you can convey of the country and people of Colombia to your countrymen at home."

EXHIBIT 2

PEACE CORPS' JOB WILL BE TO EDUCATE THE WORLD'S PEASANTS

(By Frank N. Manitzas)

(EDITOR'S NOTE.—U.S. Peace Corps workers heading for Chile this fall will team up with a Chilean organization already busily at work among the nation's peasants. Because the organization is controversial there have been some misgivings, though few take issue with the aims of the Corps. Last of four articles on Peace Corps missions.)

SANTIAGO, CHILE.—Slowly but steadily, a young organization is literally building new hope among Chile's uneducated rural laborers and peasants.

It is the Institute of Rural Education (IER), whose self-help program made it a natural choice to be among the first to work with the U.S. Peace Corps.

Some 40 young U.S. men and women—average age 23—will arrive here in October. Their job will be to pass on knowledge of agriculture techniques, improved housekeeping and nursing practices, engineering skills, and health standards.

Generally, the Volunteers for Peace—as they are called in Chile—will help those with little, if any, formal schooling to learn to live better.

The Peace Corps will find some supporters and many doubters. They also will face additional obstacles, for the institute is controversial in Chile. Some U.S. officials at the Embassy gave expressed misgivings on that score.

No one publicly objects to the institute's goal: "To mold a new spirit, encourage progress, and educate people toward better living standards."

Nor does anyone protest at length about the function of the Peace Corps: "To make available a pool of trained manpower to help other countries meet urgent needs."

However, there are complaints. The major ones voiced here against each organization are: "They should mind their own business and quit trying to change everything. They do more harm than good by stirring up everyone."

The reform-minded IER does not find much verbal support from the Chilean Government, although by law it receives financial aid. Because of unknown political and tangible results of the Peace Corps projects, there were sighs of relief from President Gorge Alessandri's Government when the volunteers agreed to work on a private-contract basis.

Both Governments are legally on the outside looking in, as advisers on the 2-year pact signed by the IER and the 34 universities making up the Indiana Conference of Higher Education. Notre Dame is the controlling university.

Officially, the institute is nonsectarian and nongovernmental in operation. Besides receiving approximately 65 percent of its $500,000 annual budget from the Government, the IER said 20 percent more comes from Roman Catholic Church organizations. The International Cooperative Administration provides about 10 percent, and private contributions make up the rest.

The Roman Catholic Church does take an interest in the IER, but has no control, said Jaime Larrain, president of the institute. A wealthy landowner, Larrain draws criticism for his stanch views on the controversial subject of agrarian reform. He sold some property recently for a Government land redistribution project.

The Peace Corps' big job will be to help educate the peasants. This is a field in which the institute has achieved a notable record for 5 years.

Chile's literacy rate is one of the highest in Spanish-speaking countries. But 20 percent are unable to read and write, and another estimated 20 percent are classed as semi-illiterate, having completed less than 3 years formal schooling.

Approximately 400,000 children are not receiving the state-required minimum education this year because of insufficient teachers, school facilities, and family income.

To fill this gap, the institute steps forth with what it calls central camps, periodicals with self-teaching and self-construction ideas and a highly successful 15-minute daily educational radio program.

At Malloco, a town of 2,500 only 16 cents and 25 minutes by bus from Santiago, the IER has a leader's training course. There, Peace Corpsmen will receive final briefings.

Also at Malloco, and at 10 other camps throughout Chile, the IER conducts beginner's courses. With reading and writing—because many are illiterate—the students are exposed to handicrafts, Chilean history and moral and physical well-being.

Peace Corps volunteers working the central camps will find no courses in physics, chemistry, or biology. But there is carpentry, and instruction on proper uses of sprays and fertilizers, weeding and pruning, health care, sanitation, home nursing, and the like.

Almost half of Chile's 7,340,000 people are the target of the IER and the Peace Corps. These live in the rural areas, where many listen to the radio programs providing instruction for some 60,000 students.

Said Hernan Poblete, director of the radio school: "We wondered how effective our programs were, so we took a poll. Look at this from Choapa (a town in drought-stricken Coquimbo Province). A school with 159 students and only 1 book—the personal property of the teacher. And in the south near Valdivia, a teacher wrote: 'We have no books, no tools, no crafts, no land, but we have a radio and so we learn.' "

Of the 2,670 students to complete the institute, 125 have been made leaders.

"If it is to help people, we do it," said Santos Rojas, 25, leader of the Santiago district.

Rojas tours the countryside by bus, by horse, by foot. He and others helped create more than 400 youth clubs which specialize in various self-education programs. He has no expense account and lives on his $100 monthly salary.

Mr. MANSFIELD. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MANPOWER DEVELOPMENT AND TRAINING ACT OF 1961

The Senate resumed the consideration of the bill (S. 1991) relating to the occupational training development, and use of the manpower resources of the Nation, and for other purposes.

PRIVILEGE OF THE FLOOR EXTENDED TO ADDITIONAL STAFF MEMBERS OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. CLARK. Madam President, I ask unanimous consent that during the consideration of S. 1991 additional staff members of the Committee on Labor and Public Welfare may be accorded the privilege of the floor.

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

Mr. CLARK. Madam President, I ask that the Senate proceed to consider the committee amendment.

The ACTING PRESIDENT pro tempore. The committee amendment is in the nature of a substitute, and is now open to further amendment.

Mr. CLARK. Madam President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. CLARK. It is my understanding that all appropriate legislative procedures have been taken so that the committee amendment may now be considered as the bill before the Senate. Is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. CLARK. I thank the Chair. The bill, S. 1991, sponsored by the Kennedy administration and reported unanimously by the Committee on Labor and Public Welfare, is an effort to give further legislative authority to the policy directive contained in the Employment Act of 1946, from which I quote in part:

DECLARATION OF POLICY

SEC. 2. The Congress hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practicable means consistent with its needs and obligations and other essential considerations of national policy, with the assistance and cooperation of industry, agriculture, labor, and State and local governments, to coordinate and utilize all its plans, functions, and resources for the purpose of creating and maintaining, in a manner calculated to foster and promote free competitive enterprise and the general welfare, conditions under which there will be afforded useful employment opportunities, including self-employment, for those able, willing, and seeking to work, and to promote maximum employment, production, and purchasing power.

That retraining is an essential tool in the effort to find jobs for idle workers is, I think, admitted by all, and certainly is elaborately established in the extensive hearings before the Subcommittee on Employment and Manpower of the Committee on Public Welfare of which I have the honor to be the chairman.

The importance of retraining has also been stressed by the President of the United States in the message on this subject which he sent to Congress earlier this year.

Let me stress at the outset that the bill proposes no utopia. If the bill should be enacted, it will not solve the unemployment problem which continues to plague us. It will, I am confident, result in the retraining of many Americans in skills which will enable them to get jobs which are not available to them at present. But we shall have to do much more than to pass the bill in order to reduce unemployment in the United States to acceptable levels. The bill will, however, start a program to provide new skills for some of the unemployed, so that they can go back to work.

The President stated last fall, and it has been reiterated by many others since, that it will be necessary to find 25,000 new jobs each week for the foreseeable future, in order to bring unemployment down to acceptable levels. That is a gigantic task. The bill, if enacted, will help significantly.

The need for the new jobs arises from two major factors: The first is automation and technological developments, which displace the jobs of many workers; the second is the very substantial increase in the labor force due to the increase in births and the decrease in deaths which have occurred since the end of World War II. The bill would attack this problem in the following way:

First, the Secretary of Labor is directed to find out where job opportunities are. This is a most important part of the proposed legislation and is set forth in full in title I. We do not really know today what our manpower requirements are. We do not know really what skills are in short supply. We do not know what the requirements for everything from ditchdigger to nuclear physicist are likely to be in the years ahead. In short, we do not know how to staff freedom, man our economy to meet the worldwide challenges it faces. Title I of the bill directs the Secretary of Labor to find out how to staff freedom. Having found where job opportunities are likely to exist, the Secretary will then set to work to find people and to train them to meet those employment opportunities. Through tests, interviews, and guidance, he will develop a corps of workers whose skills can be upgraded. He will provide skills for those who do not have them at present. He will retrain unemployed and underemployed workers in skills where his studies have shown that job opportunities are available.

Having done that work, he will turn to his colleague, the Secretary of Health, Education, and Welfare, and to the State vocational training agencies, and will ask them to create training courses to give those people the skills they need in order to fill the job opportunities, either actual or potential, which he has discovered.

Having done that, priority for training under the bill goes to those who have lost their jobs and are seeking work. But under the bill others are eligible, including those who wish to upgrade their skills, so as to become more useful members of the labor force.

The bill also provides—although at a lower priority than the one for those who have lost their jobs and are seeking to find new ones—for the training of younger people. The testimony before the subcommittee indicated the critical nature of the category of our younger citizens who no longer are in school, but have not been able to find jobs. One of the most shocking bits of evidence in this regard was produced in the course of a speech made by Dr. James B. Conant, who has devoted many years of his life to the development of our educational system in the primary and the secondary schools. His statement was with respect to a number of special studies he had made in large metropolitan areas. The studies indicated that the lack of job opportunities was demoralizing to those in many sections of our large cities; juvenile delinquency was on the increase; and young men and young women were roaming the streets, seeking work which they could not find. I cannot stress too strongly the importance of this part of the bill, although I repeat that this is what may be called a secondary objective, the primary objective being to retrain and find job opportunities for older members of the labor force who either are chronically unemployed or underemployed.

Let me explain what I mean by "underemployed." Much of real underemployment is in rural areas where adults, and youths, too, are living and working on family farms where the total cash income annually is $1,200 or less. We must move these people into the labor force; there is no future for them where they are. So the bill provides that, for the purposes of this act, individuals living on farms or in rural areas in economic units with a total annual cash income of less than $1,200, shall for the purposes of this act be considered underemployed.

I turn now to the weekly retraining allowances called for by the bill. This was a sensitive subject to which the subcommittee and the full committee gave very careful consideration. The administration had recommended a wide, across-the-board provision for retraining allowances. The committee was more conservative; and the bill provides that—with one exception, about which I shall speak later—retraining allowances shall be confined to payments to adult workers who are the heads of families and have been members of the labor force for 3 years or more, such payments to be in the nature of retraining allowances substantially the equivalent of the average payment of unemployment compensation which the same workers would have received if they had been drawing unemployment compensation in the State in which they reside.

The exception to which I refer is that when the Secretary of Labor finds it necessary, and I stress the word "necessary," under the bill he has limited authority to make retraining payments to unemployed youths. I can say on the authority of the Secretary of Labor that he intends to use this privilege sparingly. It is not thought that the total expenditures in this connection would exceed 5 percent of the total authorized allowance appropriations called for by the bill. But, Madam President, it is important that the Secretary of Labor have this

flexibility; otherwise, the training opportunities for unemployed youth will, in the opinion of the committee, be unduly restricted.

Madam President, the bill provides a substantial program of on-the-job training to be developed by the Secretary of Labor. The Secretary is very hopeful that this will turn out to be one of the most important aspects of the bill. The Secretary will solicit the cooperation of employers across the country, in industries in which there are job opportunities for development. It is hoped this on-the-job training can be provided to many thousands of Americans, as a means of retraining them in employable skills.

The bill also provides that to the extent that on-the-job trainees receive compensation from their employers, their retraining allowances shall be proportionately decreased. So, in no event in such cases could they receive in excess of what would have been the unemployment compensation in their States if they had been drawing unemployment compensation.

The bill provides for a 4-year life; it would phase out of existence on June 30, 1965.

The cost of the bill would be met, during the first 2 years, entirely by the Federal Government. Although the administration originally recommended that the cost of the program be met throughout its life entirely by the Federal Government, the committee felt otherwise; and the committee bill provides that during the last 2 years there shall be matching funds from the States, on a 50–50 basis, which we hope will more than double the number of individuals who can be trained and retrained in the third and fourth years.

Madam President, I stress the importance of a 4-year program. I understand that later an effort will be made to cut the program to 2 years. I believe that would be unacceptable to a very large majority of the committee, and I hope it will be unacceptable to the Senate. My reasons for making that statement are that if the time for the expiration of the bill were changed from June 30, 1965, to June 30, 1963, the effect would be practically to kill the program just as it is getting off the ground. The effect would be to require our committee and our subcommittee to start at the next session of Congress with new hearings, in order to develop more testimony to establish the need to continue the program further, at a time when the evidence will be slim indeed as to how effective the program has been. So I would urge my colleagues not to support an amendment to curtail the life of the program.

Appropriations to be authorized by the bill will be $90 million the first year, $165 million the second year, and $200 million the third and fourth years.

I stress that these authorized appropriations have the approval of the administration, which I am confident has given adequate consideration to the possibility of a deficit in the budget resulting from this particular authorization.

The bill contains an antipirating clause, intended to prevent the training provisions under the bill from making it possible for industry to move from one area to another.

There is a clause providing for maintenance of State effort.

There are incentives to encourage trainees to take retraining, instead of continuing to draw unemployment compensation.

There are standards laid down by which the Secretary of Labor can determine how to distribute the funds available for retraining among the various States. These standards, briefly, include the percentage of the total labor force in each State, and the percentage of total unemployment in the country and in each State, as criteria which the Secretary shall use in determining how to distribute the funds, under the program, among the States.

In conclusion, I stress again that this bill promises no Utopia. Its enactment would not solve the unemployment problem. The bill is not going to result in the retraining of all the citizens of the United States of America. But the bill will result in training and retraining enough to make a really significant start.

I yield now to the Senator from New York.

Mr. JAVITS. Madam President, I did not mean to interrupt the Senator. I had to attend a television program, and I was wondering when the Senator would complete his remarks.

I should like to say I think this is one of the most constructive bills that has been reported out of our committee during this whole session of the Congress. I think the Senator from Pennsylvania is entitled to great credit for his leadership in bringing out the report, because I think it goes to so fundamental a problem of our times, which is the urgent need to materially increase our productivity, and the fact that we are counseled by the Commissioner on Labor Statistics and other experts in this field that we need 25 percent more highly technical people, as of yesterday, if we are really to do the job which needs to be done.

Also, the great problem which we face in the world, aside from the security problem, is the problem of productivity. The real challenge is, Can we or the Russians bring about material improvements in the standards of living, health, housing, and education of the peoples of the world?

Those who stand on the floor and say we just cannot do it, we just do not have the money, we just do not have the resources, are not really talking in terms of dollar bills or pieces of gold. They are talking about production.

Here is a bill designed to materially increase the productivity of the United States. I think, in all fairness, it should be put to the country, not as another proposal that merely spends money and contains a Federal program, which some people like and some do not like, but as a measure directly pointed at the ability of our democratic, free society, to deal with a matter which is a maxim in totalitarian societies, and that is the effective training of our operatives, our people, for the productivity job which must be done.

We are very much behind in this effort. Apprenticeship training has not managed to keep abreast of the problem. Vocational high schools and the whole complex of that kind of training activity in the country have not kept abreast of the problem. This is one of the real major lags in the whole industrial area of our economy.

Mr. CLARK. I thank the Senator for his kind remarks. I welcome his support. I should like to have the RECORD note that he was one of the most effective members of the committee in helping to bring this measure to the floor.

Mr. JAVITS. Madam President, I call up my amendment identified as "8–11–61—P." I ask the chairman of the subcommittee to note that I have made a very slight revision in the amendment to make subsection (c) more precise.

The ACTING PRESIDENT pro tempore. The amendment offered by the Senator from New York, as modified, will be stated.

The LEGISLATIVE CLERK. It is proposed:

On page 29, line 2, after "SEC. 205." to insert "(a)".

On page 29, after line 12, to insert the following:

(b) The National Advisory Committee shall encourage and assist in the organization on a plant, community, regional, or industry basis of labor-management-public committees and similar groups designed to further the purposes of this Act and may provide assistance to such groups, as well as existing groups organized for similar purposes, in effectuating such purposes.

(c) The National Advisory Committee may accept gifts or bequests, either for carrying out specific programs or for its general activities or for its responsibilities under subsection (b) of this section.

Mr. JAVITS. Madam President, I should like to point out, for the benefit of the chairman of the subcommittee, that in submitting the amendment to one of our colleagues, it was suggested that the right of the National Advisory Committee to accept gifts and bequests ought to be specific as to the groups which are referred to in subsection (b). That is the only change which has been made in the amendment.

Mr. CLARK. Madam President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CLARK. Will the Senator make a brief statement as to the desirability of this amendment?

Mr. JAVITS. I shall be glad to. The point of this amendment is to bring down to the plant, community, regional, or industry levels the concepts of the bill itself to enhance the productivity of the United States. It would obtain in respect of the work of labor-management-public committees on this local level, which could deal not only with the problems of retraining, and be extremely helpful in advising, but could also deal with problems raised by automation, which so many people feel results in the displacement of labor, and the need for reorienting labor.

They may deal with other deficiencies in terms of capability of the employee, so as to bring about improvement in efficiency. They may deal with transportation problems to and from plants, which often have a great deal to do with productivity. They may deal with problems of absenteeism.

I point out that this is an opportunity to duplicate a remarkable experience which we had in World War II, when we had 5,000 committees exactly like those described in this amendment, and which functioned in precisely the same way, in an effort, on the local level, on a volunteer basis, through cooperation with labor-management and public committees, to enhance the efficiency and productivity of the American productive effort.

The bill of the Senator from Pennsylvania [Mr. CLARK] gives us an opportunity for the establishment of a National Advisory Committee as a framework within which we can try to duplicate some of this very constructive experience.

Obviously, not all of the 5,000 committees were successful. The best information we have been able to get—and we have researched the matter very thoroughly—indicates that at least one-third, or about 1,500 were really effective in terms of what they were able to accomplish.

The reason for including subsection (c) in my amendment is that I am confident these committees on the local level can be self-sustaining in terms of their own great interest, in trade unions, municipalities, and companies in industry, and have such a local setup to which they can look for help in these very critical fields with which the bill of the Senator from Pennsylvania is concerned. So the amendment can only help. It is not complicated. It is not expensive. It is under the jurisdiction of the advisory committee which is already provided by the bill.

I have consulted with my distinguished colleague from Pennsylvania, and with other colleagues, not so much for the purpose of winning them over to the amendment as to sound out its effectiveness and the likeliness of its being worthwhile. I am very gratified to report the amendment has received well nigh universal approbation.

Mr. CLARK. Madam President, I have discussed the Senator's amendment not only with him but also with the Secretary of Labor and with other members of the committee. I am prepared to accept the amendment as a useful addition to the bill.

Mr. JAVITS. I am very grateful to my colleague. I pledge to my colleague that I shall work with him closely in order to see that it is implemented and is truly a useful element in the bill.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New York.

Mr. DIRKSEN. Madam President, I address a question both to the distinguished Senator from Pennsylvania and to the distinguished Senator from New York.

I note the language calls for the designation of the chairman of the committee by the Secretary of Labor. Generally speaking, an advisory committee has always been permitted to select its own chairman. I wonder why there has been a departure from that tradition.

Mr. CLARK. I can best answer my friend from Illinois by saying that we put the language in the bill this way because the Secretary of Labor wanted it this way.

It occurs to me, as a former administrator myself, that I would wish to appoint the chairman of any committee I appointed, so that I could be sure to have somebody to follow my own wishes. Also, as a result of my own administrative experience, I think I know perfectly well that the committee would elect anybody the Secretary wished to have elected anyhow. Therefore, I do not see any particular point in making a change. I certainly am not adamant about it.

Mr. DIRKSEN. I did not think the advisory committee was being set up particularly to follow the wishes of the Secretary of Labor. If it is an advisory committee, it is to advise the Secretary, not particularly to accept advice. For that reason, when an advisory committee consists of people identified with labor, with management, with agriculture and with the public, it seems to me in the best American concept to get the members into a room and let them select a chairman of their own.

Mr. CLARK. Madam President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. CLARK. If the Senator wishes to propose an amendment which will call for the advisory committee electing its own chairman, I would not have the slightest objection. I hope the Senator will not do that.

Mr. DIRKSEN. Madam President, I am not going to press the point. I simply wish to make it abundantly clear that when there is an advisory committee and when the functions are set out, the committee is not to take advice from the Secretary but is to advise the Secretary.

If I wished to control the committee I would simply keep the provision in the bill, and let the Secretary designate the chairman. Then he will have his hands on the committee. That is the easiest way to control that I know of.

If this whole business is going to be articulated for the public benefit, then I think that concept ought to be spelled out precisely, and the committee ought to select its own chairman. That is not shadowboxing. I think that has been the consistent procedure ever since I can remember.

I still think this is a good idea. I am simply making the history. I am sure the distinguished Senator from Pennsylvania would resist the suggestion, and I am not going to press it, but sometime, when the ghost arises in the future, I can be sure we can point back to some spot in the CONGRESSIONAL RECORD to say, "The issue was raised."

Mr. JAVITS. Madam President, the appointment of the chairman of the advisory committee of course is not contained in my amendment, but is contained in the original text of the bill.

I sympathize with the viewpoint expressed by my minority leader. I really feel also it should be looked at in the terms of the function of the advisory committee. Some advisory committees review programs. The one which comes to my mind immediately is the advisory committee to the USIA. When there is a programmatic review by an advisory committee, it is a very important committee.

I rather think that my colleague will find this advisory committee will be far more involved with the implementation of the bill, with the way it is implemented.

I say to the Senator from Illinois that if one wishes to have a freewheeling advisory committee, one which will be self-starting, as it were—and those are generally thought of more in terms of advisory committees on policy rather than advisory committees on implementation—the Senator is correct. The Senator's concept is of an advisory committee on policy, and on this particular type of bill we do not have that type of committee.

With respect to the point raised, the Senator certainly is correct that one emphasizes the point when one permits the committee to elect its own chairman.

Mr. DIRKSEN. Madam President, some $455 million is to be provided under the terms of the bill, if my arithmetic is correct, for a period of 4 years. Contracts will be made with the States under title 2. That is a definite public interest. The States have an interest in this.

Such a program should not necessarily be controlled from the top by having the Secretary of Labor designate the chairman of the advisory committee. I am sure some of the people in Illinois would like to have something to say about it. I am only making the record now, because if the advisory committee is under control obviously the whole committee will go along with whatever is suggested by the Secretary. I am not sure that is always in the public interest, when one stops to consider the various State interests and local interests involved.

Mr. JAVITS. Madam President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. JAVITS. Perhaps the Senator in charge of the bill now on the floor, will give this a little consideration, and perhaps will even talk to the Secretary of Labor about it. I agree with the Senator that I do not think it is a major problem, but if the Senator feels strongly about it, as he does, perhaps the Senator would give consideration to it and talk again to the Secretary about it.

Mr. DIRKSEN. As I indicated, I shall not press the point, but I have seen advisory committees come and go. When a particular person is selected to be the chairman he will run the show.

That may not be to the liking of some of my people out home, who may be affected by how the program operates. They will be asked to help raise the taxes to pay for the program, and I think they

ought to have something to say about it. I shall leave it to the chairman of the subcommittee as to whether that is a desirable change and whether it ought to be made. I shall not offer an amendment. I shall leave it up to the Senator.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. RANDOLPH. Madam President, the effective senior Senator from Pennsylvania [Mr. CLARK], the chairman of the subcommittee having jurisdiction over the pending bill, merits commendation for the leadership he has provided in this vital field which has to do with manpower and employment problems.

He has devoted effort to this subject, conducting hearings in Washington and throughout the country, and engaging in deliberations within the subcommittee and the Committee on Labor and Public Welfare. I am appreciative that I have had the privilege to serve with him in these endeavors.

Mr. CLARK. Madam President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. CLARK. I wish to note for the record the very great contribution that the Senator from West Virginia has made in bringing the bill out of the subcommittee into the full committee and to the Senate. The Senator from West Virginia was diligent in his attendance at hearings, and was outspoken in our executive sessions. His ideas were intelligent and were received perceptively by Senators. His interest on this subject goes back many years before consideration of the bill. He introduced a bill in the last Congress very similar to this bill. I know of no Senator who has made a greater contribution than has the Senator from West Virginia in respect to the proposed legislation which is now before the Senate.

Mr. RANDOLPH. Madam President, I am grateful for the gracious words of the distinguished Senator from Pennsylvania [Mr. CLARK]. It is our belief that the end product—S. 1991, the manpower and training bill—is a worthy, and, more importantly, it is a workable measure. I subscribe to the facts and the logic which characterized the opening statement so capably and forthrightly presented by the Senator from Pennsylvania. I join in underscoring these pertinent views of our Committee on Labor and Public Welfare in its report on S. 1991:

There is agreement among all who have studied the problem that a substantial portion of unemployment exists because idle workers cannot be matched with available jobs. This structural unemployment will persist even when recovery from a recession is complete. The more rapidly our economy advances, the more rapidly do skills become obsolete. It is clear that combined Federal, State, local and private effort falls far short of the total need. Without an intensive nationwide program to provide opportunities for retraining, tens of thousands of worthy men and women will never be able to obtain the skills which will enable them to be self-supporting and to make their maximum contributions to the Nation's productivity. S. 1991 establishes such a program.

Although the number of unskilled jobs in the economy remains approximately constant, the demand for skilled and semi-skilled workers is constantly rising.

Training for the unemployed is not a panacea for the problem of unemployment nor a cure for the malfunction of our economy. Training does not of itself produce jobs, except in extraordinary cases. Training will, however, raise the productivity potential of the economy and thus raise the potential limitations upon economic growth.

The manpower problems to which this bill is addressed are national problems. While significant accomplishments have been made by industry, labor, and local government in dealing with dislocations that have occurred in certain areas, the total problem is too great for local capacities alone. Moreover, the labor market is a national market and if its needs are to be met national leadership is required.

The Federal responsibility for assisting States in providing training opportunities for the unemployed or underemployed is clear. It is inherent in the declaration of policy spelled out in the Full Employment Act of 1946. S. 1991 is one method by which the Federal Government can meet the obligations imposed upon it by the Full Employment Act of 1946.

Madam President, this bill represents a conscientious desire to cope with one of the most serious domestic problems which presently faces this country; namely, structural unemployment. We know it to be a virulent and persistent type of unemployment which condemns millions of Americans to joblessness and privation, even during periods of national prosperity.

It is true that this legislation is being considered at a time when our economy appears to be recovering from a period of recession. But despite significant increases in the tempo of business activity and in the volume of total production, millions of workers continue to be unable to find employment.

Data by the U.S. Department of Labor indicates that during the month of July approximately 5,140,000 persons were unemployed. In addition, 3,200,000 individuals, although employed, worked only part time through no choice of their own.

They had a desire to work full time. They were working part time because full-time jobs were not available to them. For the eighth consecutive month the seasonally adjusted rate of unemployment—6.9 percent in July—was not significantly changed.

Perhaps the most important, and yet the most discouraging of all known facts is that the number of persons jobless for more than half a year continues to rise. In June, approximately 928,000 individuals had been unemployed continuously for 6 months or longer; in July that number had increased to 1,026,000.

There seems to be general agreement among those experts who have studied the problem that a substantial proportion of unemployment exists because idle workers do not have the skills necessary to enable them to qualify for available jobs. It is a fact, too, that these individuals do not have the financial resources to pay for whatever training they may need to equip themselves for different jobs. And even if they did, it would appear to be wasteful of money and effort for these persons to make unguided decisions concerning fields of endeavor in which to seek training.

Of course we know that a substantial number of those in the ranks of the unemployed never possessed any skills.

Certainly we know that automation and technological changes have made obsolete the skills of literally hundreds of thousands of Americans who desire to work. The same difficult problem is basic in both instances. The workers do not have any skills which are salable in 1961 under the type of economy that we have developed.

Unless persons in these categories acquire new skills the vast majority of them will remain jobless. The future of these individuals is extremely bleak unless constructive plans and programs are developed by which they can obtain the training and work experiences needed to acquire skills which will enable them to qualify for the types of jobs that are and will be available in our highly industrialized and ever-changing economy.

The pending proposal is designed to provide broad and integrated plans to help workers obtain the qualifications which will enable them to be self-supporting.

Madam President, the cost of unemployment cannot be measured solely by calculating the production lost to the Nation's economy because a given number of persons cannot find work, nor by totaling payments to the unemployed and their families, although these costs are high. A strong and prosperous country such as ours can afford these financial outlays, perhaps, but to do so without making affirmative efforts to solve the problem is to foster a shameful waste. Our country can and must become even stronger economically. We must attempt to make our jobless employable in places which fit their talents and, wherever possible, seek to help our unemployed broaden their skills; we must endeavor to place the absolute maximum number of our citizens in places of gainful employment in the United States.

Can we afford to see large numbers of our citizens doomed to economic failure, unable to share in the Nation's prosperity because they have not the opportunity to acquire skills which will permit them to share fully in the Nation's growth and well being of our people in general?

In my judgment, it is morally wrong and economically indefensible to tolerate these conditions. If we enact S. 1991 I believe we will have started a program which when fully developed will give a successful answer to the unemployment problem of this country.

Mr. PROUTY. Madam President, first I should like to express my appreciation to the chairman of the subcommittee for the courtesies he has extended to me and for reporting a bill which I believe is much better than the one originally introduced. My purpose in speaking today is twofold. First I wish to point out the need for the program in the proposed legislation, and also to justify an amendment which I shall offer later to reduce the program to a 2-year period instead of the 4-year period provided in the bill at the present time.

Madam President, there are today 5.1 million unemployed Americans. The seasonally adjusted rate of unemployment—6.9 percent in July—remained practically unchanged for the eighth straight month.

Unemployment rates for married men remain at high levels. There were 1.5 million married men without jobs in July 1961—4.2 percent of all such men in the labor force, as compared with 3.3 percent a year ago and 2.3 percent in 1957. In July 1961, about two-fifths of the jobless married men had been out of work for 15 weeks or longer.

PROBLEM OF LONG-TERM UNEMPLOYMENT

Long-term unemployment or continuous joblessness for half a year or more is one of the gravest parts of our present economic situation.

Long-term unemployment—15 weeks and over—was 1.6 million in July, nearly one-third of the jobless total. Among the long-term unemployed were 1 million persons who have been seeking work for more than half a year. This total was 600,000 more than a year ago and about equal to the postwar high reached in August 1958.

GROUPS HARD HIT BY LONG-TERM UNEMPLOYMENT

Among those with very prolonged spells of unemployment—27 weeks or longer—several groups stand out. Five may be noted in particular:

First. Men 45 years and over represented 30 percent of those out of work more than 6 months as compared with 25 percent of the civilian labor force.

Second. Semiskilled operatives, and unskilled nonfarm laborers made up about half of the very long-term unemployed in contrast to one-quarter of the civilian labor force. On the other hand, although white-collar workers constitute 40 percent of the labor force they make up only 18 percent of the long-term unemployed.

Third. Workers last employed in durable goods manufacturing represent only 13 percent of the labor force and yet they constitute 27 percent of the very long-term unemployed. The proportion of steel and auto workers out of work for 27 weeks or more was nearly four times their proportion in the labor force—11 percent as compared with 3 percent. Construction workers also represent a serious unemployment problem.

Fourth. Nonwhite workers accounted for 25 percent of the very long-term unemployed but they make up only 11 percent of the labor force.

Fifth. Persons with no previous work experience were 7½ percent of the very long-term unemployed although they represent only about 1 percent of the labor force. These are chiefly young workers seeking their first job.

These figures are a cold statistical profile of the problem of hard core unemployment that continues through good times and bad because the occupation may be dying, the skill no longer needed, the industry no longer competitive.

AUTOMATION

The story of America is filled with revolutionary changes in our industrial and economic life. Big problems follow in the wake of new industrial changes. It is one of these problems—the challenge of training men for a new industrial age—with which we are concerned today.

One of the forms of technological advancement that portends both good and evil is automation.

What is automation?

John Diebold, who coined the word "automation," has this to say, "when machines do a man's work, that's mechanization. When they do his work and control their own operations as well, that's automation."

Placing emphasis on instrumentation, electronics, and other precision operations, automation seems destined to create many new technician positions.

The first half of the 20th century brought into our society mass production methods which reduced the need for unskilled manual labor and created a demand for semiskilled workers to feed or manipulate machines. Now electronic devices can perform such tasks with greater speed and greater accuracy.

AUTOMATION IN MANUFACTURING

Production workers in manufacturing industries have been the hardest hit by automation. From 1948 to 1959 manufacturing production showed an increase of 53 percent. Yet, during the same 11 years, factory production workers decreased from 12.7 to 12.2 million.

It should be noted that in the last few years the threat of employee displacement from automation or technological change has been the focal point of disagreement in most major labor disputes—including those in the meatpacking, steel, longshore, and railroad industries.

Although I have spoken here principally of industry, I do not disregard the effect of automation upon agriculture. The development of synthetic fertilizers and growth regulators and the mechanization of farms have resulted in nearly a doubling of production per man-hour in agriculture in the last 10 years. More and more food and fiber are being produced by fewer and fewer people each year.

As we make the shift from manual and semiskilled employment to highly skilled work we must take every precaution to do so without undue hardships.

Nothing would contribute more to the morale of workers than their being freed of necessary but monotonous repetitive operations.

As Dr. Vannevar Bush once said:

> We should hold as a great social gain industrial changes that abolish inherently dangerous, burdensome, or monotonous jobs and replace them with jobs having variety and judgment.

NEED FOR AN EFFECTIVE DEPARTMENT OF LABOR AND U.S. EMPLOYMENT SERVICE

Madam President, an Office of Automation and Manpower has been set up within the Department of Labor to examine unemployment by area, occupation, and industry and to keep track of present and anticipated technological changes. It will consider and develop:

> Education and guidance programs to allow workers who may be displaced by automation to find new employment, without suffering a long period of unemployment. It will develop proposals for both training and retraining, for both placement and replacement of workers coming into the new economy, and of those who must change their places within it.

Of course, the U.S. Employment Service has the major responsibility for matching the jobless man and the manless job. An effective service would hold a great deal of potential for the economy.

It is said that we can, by filling four million jobs 10 days faster on the average than they would otherwise be filled, contribute the equivalent of 160,000 additional full-time jobs to the economy, which means the indirect contribution of still another 250,000 jobs. The Department of Labor contends that it would take $2 billion of capital investment to have a comparable effect in terms of direct jobs alone.

A simple way of stating this situation would be to say that if we get a job to a man or a man to a job 1 day earlier than would normally be the case, we make the same contribution to our economic system as we would in investing $50 in a new plant.

We must have an effective U.S. Employment Service. When the Service fails, when workers and employers lose confidence in it, the job and the man are not matched, and unemployment and hardship result.

A study conducted for the Senate Special Committee on Unemployment Problems a little more than a year ago revealed that skilled people generally shun the Employment Service. The highly skilled professional and white collar fields generally look upon the Employment Service as a "last resort." As a result, only a mere dent has been made in placement of professional, technical, and higher skilled trades.

In its report on the employment and manpower training bill now before us, the Senate Committee on Labor and Public Welfare acknowledges the weaknesses of the State employment offices and, in effect, concedes that if these weaknesses are not corrected the large-scale program envisioned by the training bill will be unsuccessful.

I believe a part of our difficulty today stems from the fact that we need a better understanding of the character of hard-core unemployment.

During the course of Senate hearings, I asked Secretary of Labor Goldberg:

> Do we really know how many structurally unemployed there are? How specifically can we locate them geographically?

Secretary Goldberg replied, in part:

> We have no precise measure of the number and geographic location of the structurally unemployed.

Pointing to the jobless problem among Negroes, I asked the Secretary of Labor:

> Do we know what percentage of the structurally unemployed are Negroes? How specifically can we locate them geographically?

Secretary Goldberg responded:

> Detailed information on the distribution geographically of unemployed nonwhites is not available.

If the Federal Government is to set up programs to train the unemployed, we

should at the very least be able to identify these people in terms of age, sex, race, education, training skills, and geographical location.

S. 1991: AN EXPERIMENT

Today funds are allotted to the States under the Federal Vocational Education Acts and the Smith-Hughes and George-Barden Acts. Few States use these funds for the training of unemployed. By and large, the Federal money is used by schools with long established programs of vocational education for young people. It is for this reason that the Committee on Labor and Public Welfare reported a bill designed principally to provide the types of training needed by older workers who seek jobs.

During the 86th Congress, as a member of the Special Committee on Unemployment Problems, I recommended that a new program for the training and retraining of workers be established. I voted to report the pending proposed legislation, and I do not shrink from the conviction I held a year ago that a new training program is desirable at this time.

Madam President, I digress to say that I believe this is the first time since I became a member of the Committee on Labor and Public Welfare that the committee has reported a bill of this kind unanimously.

S. 1991, the manpower development and training bill, authorizes a 4-year program of training terminating on June 30, 1965. Ninety million dollars is authorized for fiscal 1962, $165 million for 1963, and $200 million for each of the 2 succeeding fiscal years.

Because of the lack of knowledge the Department of Labor possesses with respect to the characteristics of the unemployed and because we are instituting under the bill's provisions an entirely new training program for the structurally unemployed, I question the wisdom of setting up the program on a 4-year basis.

We are beginning an experiment; and as a Member of the Senate, I want to know whether it is going to succeed before we make it a long-term program.

During the course of committee consideration, I offered, and the committee accepted, an amendment which specifically requires the Secretary of Labor to develop information concerning:

First. The number and types of training and retraining activities conducted under the act;

Second. The number of unemployed persons who secure full-time employment in fields related to such training or retraining; and

Third. The nature of such employment.

When the Secretary of Labor furnishes to Congress a year from now the information required by this provision, we will know what contribution the manpower and training bill has made to the unemployment and skilled shortage problems.

The Senate should have no part of any endeavor which builds up false hopes only later to dash them to the ground.

All training programs have not been successful. One of the most publicized was the program set up by the union and management at Armour & Co. after the closing of a meatpacking plant in Oklahoma City.

Armour's automation committee, consisting of company and union representatives, offered to finance the major part of training expenses for workers who could show an aptitude for a new job and who could demonstrate a reasonable chance of getting a new job if retrained. The Oklahoma Employment Service was called in to give aptitude tests and to furnish a group of personnel experts.

According to Sylvia Porter, these are the results of the experiment:

> Of the 400 laid off at the Oklahoma City plant only 170 accepted the offer to be tested for retraining. Most of these had no jobs and no apparent prospects of jobs.
>
> Of the remaining 230, some had obtained new jobs but the majority simply didn't care about going to school to learn new skills.
>
> Of the 170 tested, the Oklahoma Employment Service found only 60 who showed the necessary aptitudes.
>
> Of the balance—a majority of 65 percent—most just didn't have the basic intelligence or education to benefit from training and their best chance for employment, the Oklahoma Employment Service told them, was as common laborers.
>
> Of the 60 who were found likely to benefit from retraining, 58 took advantage of the retraining offer and enrolled in a wide variety of courses ranging from typing to welding to real-estate procedures.

Miss Porter pointed out that while a few of the employees who were retrained obtained jobs in the fields of their choice, the overall results were far from satisfactory. She brought sharply to focus the plight of others who had gone through the training program:

> Many, though, haven't been able to get work in the new fields and instead are working as janitors or in similar occupations at pay far below what they were receiving from Armour. Still others remain unemployed because there aren't enough jobs to go around in Oklahoma City.

The Armour experience is ample evidence of what can happen if we do not proceed with the utmost caution. The Armour committee tried to undertake the task of fitting a group of unemployed workers with skills for which there was little demand. James Wishart, research director of the Amalgamated Meatcutters, and a member of the Armour automation fund committee, spotlighted one of the key problems, saying:

> Retraining for what? On a loose labor market you are just raising the educational level of the unemployed.

Samuel Lubell, nationally known political scientist and pollster, recently made a tour of nine cities in which he talked with unemployed workers about the bill to reduce hardcore unemployment by giving workers training. After his trip, Mr. Lubell concluded:

> Some tough human and economic problems will have to be overcome if President Kennedy's proposal to retrain jobless workers is to succeed.

Mr. Lubell contends that most of the hard-core unemployed do not wish to be retrained. This is particularly true, he said, of those who have some seniority with their old companies. He quotes an older worker as saying:

> If I went to work for a new company I'd always be the first one fired. This way, if I can hold on long enough, I'll get enough seniority to work steady.

Mr. Lubell cited examples of persons who wasted time and money retraining for jobs that did not exist. One 27-year-old worker told Mr. Lubell of the failure of his own retraining effort, in these words:

> Last year I took $160 of my savings and enrolled in a night course in handling IBM cards. When I finished the course it turned out the tire companies were shifting from IBM cards to computers. Everything I was taught was worthless.

In a speech in the House of Representatives on July 10, Representative CURTIS, of Missouri, spoke about the Holland subcommittee hearings which he contends have brought out the inadequate performance of the Department of Labor and the Department of Health, Education, and Welfare in carrying out functions in the areas of training and retraining that have been their responsibility for years. I quote from his statement:

> The two Departments have not been performing or coordinating their responsibilities—the one, for identifying, classifying, and providing word descriptions for the new skills that our dynamic economy is constantly creating, as well as the jobs that it is making obsolete; the other, for utilizing this data and assisting the vocational educational programs throughout our society to gear themselves to this rapid and ever-changing incident of progress.

No Member of Congress wishes to send to school a man with obsolete skills, simply to have him, at the expenditure of the taxpayers' money, acquire another set of obsolete skills.

It has been said that 25 percent of the long-term unemployed are on the edge of illiteracy. Mr. Lubell refers to these persons as misfits in a technological society.

In his testimony before the Employment and Manpower Subcommittee, Mr. J. T. Hammond, chairman of the Michigan Employment Security Commission, stated:

> Unfortunately, while the employability of workers would undoubtedly be improved by retraining, there simply are not enough job opportunities to make an appreciable reduction in the number who would be reemployed after being retrained.

Mr. Hammond pointed out at the subcommittee hearing that retraining would do little for the more than 20,000 unemployed in Michigan who had not completed grade school, or for the 33,000 more who had not had any education beyond grade school, or for the 51,000 others who had started, but not completed, high school.

We are undertaking a large-scale program which I hope will enable many Americans to find remunerative and useful employment. The dollar investment we shall be making will not be small, by any means; and we have to face the cold, hard facts I have attempted to bring to light.

Madam President, it may well turn out that the problem of upgrading the skills of the labor force is going to bring much more of a challenge as a result of the new technology than will the problem of displacement and unemployment. The new technology for defense and industry is going to require a higher order of skills than workmen have ever known.

I am very pleased that the Senate is addressing itself to the national manpower problem; but in view of the many uncertainties I have cited, I urge that we build slowly, but surely, a sound training and retraining program for the future.

I shall, therefore, offer an amendment which will make the training and retraining activities a 2-year program, rather than a 4-year program.

The situation we are in at this moment calls to mind a story which Under Secretary of Labor Willard Wirtz tells of three stonemasons of Chartres who were asked by a passerby what they were doing. The first answered that he was cutting stones; and the second that he was making a living; but the third replied, with a smile of quiet satisfaction: "I am building a temple."

I do not advocate that we take the nearsighted view; but I do suggest that before we contemplate building a cathedral, we must have a solid foundation.

The people who will enter the working population in the sixties have already been born, but many of the jobs they will obtain have not yet been created. Indeed, many of the skills of 10, 8, or even 2 years hence are not even known today. Let us have a 2-year program. Let us study the results and be prepared to accept whatever adjustments in our thinking later facts may require.

We are on the threshold of a new and different industrial age. By 1970 the labor force will increase from 73.6 million to 87.1 million. This jump in the number of workers will be by far the largest for any 10-year period in our history.

As we face the new age and the new challenges, we must recognize that research, engineering, and—yes—craft skills will be essential, not only to our prosperity, but also to our survival.

I urge the adoption of the pending measure with the amendment I have suggested and one or two others which I shall submit at a later time.

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

The PRESIDING OFFICER (Mr. RANDOLPH in the chair). Does the Senator yield?

Mr. PROUTY. I am glad to yield.

Mr. AIKEN. I wish to compliment my colleague on his very informative address in relation to the manpower training bill which is now before the Senate. For a long time I have been very well aware of his great interest in manpower training and his recognition of the necessity for it. I am also well aware of the work which he has done as a member of the Committee on Labor and Public Welfare in securing certain provisions in this bill which are of particular interest to the less populated States of the Union.

I have been over the amendments which he intends to offer. I believe they will greatly improve the bill, and I hope the Senator in charge of the bill on the floor will see fit to accept them.

Mr. PROUTY. I thank the Senator for his kind remarks. I know he has been equally interested in this problem and will do his utmost to find a solution for what at times seems to be an insoluble situation.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. McNAMARA. Mr. President, I send to the desk an amendment, which I offer and ask to have read.

The PRESIDING OFFICER. The amendment offered by the Senator from Michigan will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 25, line 8, to strike out the period, and insert a colon and the following:

Provided, however, That in any week an individual who, but for his training, would be entitled to unemployment compensation in excess of such allowance, shall receive an allowance increased by the amount of such excess.

Mr. McNAMARA. Mr. President, the purpose of the amendment is to correct what appears to be an inequity, or perhaps an oversight, in the presentation of the bill dealing with unemployment compensation for trainees. It provides, in some instances at least, that trainees would receive less for participating in the program than they would on unemployment relief. Therefore, I hope the amendment will be adopted. I hope it will be satisfactory to the chairman of the subcommittee who is handling the bill on the floor.

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

Mr. McNAMARA. I yield.

Mr. CLARK. The Senator from Michigan is correct. It is an oversight. I am happy that he has offered the amendment. He is a member of the subcommittee, and also the full committee, and is fully cognizant of our problems.

As he has said, the bill as presently drawn, through an oversight, might result in a person being penalized by taking training, because he would receive less while in training than he would if he stayed on unemployment compensation payments. Since we want to provide an incentive for workers to take training under the program, rather than a discouragement, I think the amendment is in order, and I am happy to accept it in behalf of the committee.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The question is on agreeing to the amendment.

The amendment was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

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

Mr. PROUTY. Mr. President, I send an amendment to the desk, which I offer and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Vermont will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 27, in line 5, to strike out the words "six months" and insert in lieu thereof the words "one year".

Mr. PROUTY. Mr. President, this amendment would prohibit an individual who refuses to accept retraining from receiving training allowances for 1 year after such refusal.

The language of the bill contains a loophole which would be closed by the adoption of my amendment.

Under the present language of the bill, a person refusing retraining could not receive training allowances for a period of 6 months following such refusal. However, in most circumstances, a person refusing training would be drawing unemployment compensation and the 6-month limitation could be satisfied while the individual was receiving unemployment compensation benefits. Thus, in most cases, the penalty for refusing training would be meaningless.

By substituting "one year" for "six months", my amendment would prohibit for 1 year training allowances being paid to an individual who had refused training following such refusal, so as not to allow the period during which unemployment compensation benefits are received to completely satisfy the prohibition on receiving training allowances.

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

Mr. PROUTY. I yield.

Mr. CLARK. While I am satisfied that the 6 months' penalty period as presently contained in the bill is really adequate for all practical purposes, nonetheless I concede that the Senator from Vermont is making a point, and I am happy, on behalf of the committee, to accept the amendment.

Mr. PROUTY. I am very grateful to the Senator from Pennsylvania.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. PROUTY. Mr. President, I have another amendment, which I offer and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Vermont will be stated.

The LEGISLATIVE CLERK. It is proposed, on page 25, line 13, to strike out the period and insert in lieu thereof the following:

Provided, That in no event shall the payment to such an individual, when added to

the amount received from the employer, bring the total to more than the average weekly unemployment compensation payment referred to above.

Mr. PROUTY. Mr. President, this amendment would add a proviso to section 203(a), with respect to individuals undergoing on-the-job training.

The purpose of this amendment is to limit the training allowance paid to an individual undergoing on-the-job training to an amount, which, when added to the payment from the employer, will not exceed the average weekly unemployment compensation payment.

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

Mr. PROUTY. I yield.

Mr. CLARK. A few moments ago, while the Senator was temporarily out of the Chamber, the Senator from Michigan [Mr. McNAMARA] pointed out that the bill as presently written, on page 25, refers to payments which shall be measured by the average weekly unemployment compensation payment in the State. The phrase "average weekly unemployment compensation" is on lines 4 and 5. The Senator from Michigan pointed out that this might do an injustice to workers seeking retraining whose unemployment compensation payments were higher than the average, and might thus act as a deterrent rather than an incentive for taking training courses. Accordingly, an amendment was adopted which provides that in any week an individual who, but for his training, would be entitled to unemployment compensation in excess of such allowance, shall receive an allowance increased by the amount of such excess.

The same phrase "average weekly unemployment compensation payment" appears in the proviso which the Senator has proposed as an amendment. I have no objection to his proposal, which I think is entirely in order. I am willing to accept it, but I ask the Senator to agree with me that staff representatives may confer to be sure that the use of that phrase in the Senator's amendment will not destroy the amendment previously adopted, sponsored by the Senator from Michigan.

Mr. PROUTY. I shall be happy to accede to the Senator's wish. I certainly do not desire to upset what has been done.

Mr. CLARK. Under those circumstances, I am happy to accept the amendment of the Senator from Vermont.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. PROUTY. Mr. President, some time very soon I shall offer an amendment which would cut the program back to 2 years instead of the 4 years contemplated by the bill. I should like to have a yea-and-nay vote on that question. I think that if it is agreeable to the distinguished chairman of the subcommittee, we should have a live quorum. I understand some Senators are away.

Mr. CLARK. Mr. President, will the Senator yield for a suggestion?

Mr. PROUTY. I yield.

Mr. CLARK. I suggest that the Senator call up his amendment; that thereafter we have a quorum call and have the yeas and nays ordered; and that then the Senator speak to the amendment. Of course, if the Senator would like to have a live quorum, I shall have no objection, but I suggest perhaps it is not necessary.

Mr. PROUTY. I would prefer to have a live quorum. I shall speak very briefly on the amendment, and I would like a number of Senators present so that we will have an opportunity to evaluate the proposal I am advancing.

The PRESIDING OFFICER. The bill is open to further amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LONG of Hawaii. Mr. President, I should like to ask the chairman of the subcommittee a question, and then offer an amendment.

Page 33, line 2, of the bill extends the provisions to the District of Columbia, to Puerto Rico, and to the Virgin Islands. I wish to know whether there was any reason why Guam was omitted. Guam has a far greater economy and a larger population than the Virgin Islands.

Mr. CLARK. Mr. President, without attempting to discriminate between two splendid appendages to the United States, the Virgin Islands and Guam, I admit the exclusion of Guam was a pure oversight. We have conferred with the Secretary of Labor, and I shall be happy to accept an amendment, if the Senator from Hawaii wishes to offer one, which would include Guam at the appropriate place.

Mr. LONG of Hawaii. Mr. President, I ask unanimous consent that the bill be amended on page 33, line 2, by changing the period after "Virgin Islands" to a comma, and adding the words "and Guam."

Mr. CLARK. Would the Senator mind if I rephrased the amendment?

Mr. LONG of Hawaii. Not at all.

Mr. CLARK. Mr. President, I shall be happy to accept an amendment by the Senator from Hawaii which would be, in line 2, on page 33, to strike the word "and" and to strike the period after the word "Islands", and to insert thereafter "and Guam."

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 33, line 2, it is proposed to strike the word "and", to also strike the period after the word "Islands", and to insert a comma and the words "and Guam."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Hawaii.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open for further amendment.

Mr. McCARTHY. Mr. President, the retraining bill offers a realistic approach to the problem of training and retraining workers for occupations which will be needed by our growing economy. As Senators know, in the past there has been considerable criticism of training programs because they were inflexible and not related to current or future employment opportunities. Educators and others concerned with training programs have been criticized because they were unable to justify their training programs in relation to occupational changes occurring in the world of work.

A basic aspect of this bill is found in the directive to the Secretary of Labor to develop, compile, and make available information regarding skill requirements, occupational outlook, job opportunities, labor supply in various skills, and employment trends on a National, State, or area, or other appropriate basis which shall be used in the educational, training, counseling, and placement activities performed under this act.

One of the basic provisions of this bill is that it directs the Secretary of Labor to appraise the manpower and skill requirements of the Nation. The Secretary is directed to determine the number of workers that must be trained annually to meet future needs. In order to do this, it will be necessary to find out how many workers there are now in each key occupation, the growth potential of these occupations as affected by automation and other technological changes, the different rates of growth expected among industries employing workers in these occupations, and replacement needs in individual occupations, as well as other aspects of the problem.

For a long time there has been a serious gap in our knowledge about our working population. One can open the Statistical Abstract of the United States and learn, for example, that on January 1, 1961, there were 28,688,000 stock sheep and 55,305,000 hogs in this country; yet, we do not know with the same exactitude how many tool and die makers, electricians, or physicists we have.

Too few people realize that the only comprehensive detailed occupational statistics in this country are those collected every 10 years in the decennial census of population. The data from the decennial census, even when first available, are about 2 or 3 years old and are about 12 or 13 years old before the next set of data is published.

As a part of the responsibility of the Secretary of Labor under the proposed act, he will also be expected to appraise the adequacy of the Nation's manpower training efforts. With the detailed occupational information developed from national manpower appraisals we shall be able to gear training and retraining programs to the requirements of the economy as well as to individual needs, and we shall be able to do a better job of matching manpower with the new re-

quirements of our dynamic economy. Training and retraining programs which are based on appraisals of national skill needs cannot be criticized as wasteful or futile. They will, of necessity, be flexible because they will be geared to changing national manpower requirements. With some information on supply and demand for labor, we can avoid the tragic mistake of training workers for nonexistent jobs.

Again, I stress that this bill offers a practical approach to the difficult problem of utilizing our workers—both the employed and the unemployed—to their fullest productive capacity. It is for this reason that I urge my colleagues to join me in supporting this necessary and worthwhile legislation which is being considered by the Senate.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. CARROLL. Mr. President, the bill before us today, S. 1991, the Manpower and Training Act of 1961, is of great importance to our economy and to our Nation.

For if our economy is to grow and produce at the peak of efficiency—and in today's struggle for freedom we can do no less—it is vital that our manpower resources be properly trained and that our skills be fully utilized.

We have seen in recent years a growth in the number of the permanently unemployed. These are workers who—because of automation, shifts in consumer demand or industrial location—are unable to find employment. Their skills have become obsolete or unneeded.

Mr. President, my own State of Colorado, with an overall rate of unemployment at 3.9 percent for June of this year has, within its economy, areas of persistent unemployment.

The coal mining area of Trinidad and Walsenburg has declined steadily since the end of the second war. With the shift in power demands from coal to petroleum products, most coal mines have closed and men who have spent their lives in the mining industry have lost their jobs. Increasingly automated operations in the few remaining mines mean even more miners must look elsewhere for employment.

The need for vocational retraining and placement in such cases as this should be clear. In fact, members of the Trinidad community have banded together in an attempt to create employment opportunities for examiners in the poultry industry. This story of this project is outlined in the following paragraph, taken from a recent letter of the Reverend George T. Andrews, S.J.:

> I want to thank you for the fine work you did on the area redevelopment bill, and especially for your successful efforts to have Las Animas County numbered among the chosen few. God knows we need it. But it's a long road from the enactment of enabling legislation to its practical application. In anticipation of favorable action of Senate bill No. 1, I was instrumental in organizing the Sangre De Cristo Enterprises to get employment for the people of this area. I am at Segundo where the Frederick Mine is located. Four hundred and fifty miners are out of the mines for good, and they hate to leave their homes to seek employment in Denver or Colorado Springs. But that's all they can think of except the possibility of the development of the Sangre De Cristo Enterprises. If you read the progress reports of the Sangre De Cristo Enterprises, you will see that we have the foundation of an industry here. It would be a good industry for Colorado as 85 percent of the eggs Coloradans consume are brought in from out of State. We have a good climate, good water, and an abundance of abandoned buildings that would make good henhouses on a commercial scale. The only thing we need is a retraining program for the miners and some Government financing for the henhouses.

I should like to emphasize to Senators the last sentence of this paragraph:

> The only thing we need is a retraining program for the miners and some Government financing for the henhouses.

With retraining and placement, men can, once again become productive contributing members of their community.

The problems experienced by the coal mining cities of Trinidad and Walsenburg are not unique. The metal mining industry has suffered a similar decline and such cities as Leadville have a significant percentage of workers who are permanently unemployed. These workers have skills, they are willing to work; but there is no work for them.

It was only yesterday that I talked on the long-distance telephone with one of the officials of the United Mine Workers of America. He said that in the State of Colorado about 6,450 men whose life work had been mining were out of work, and that the average age of those miners was about 49.

I am informed that there is a policy on the part of some industries in our State not to hire new employees who are over 45 years of age.

We in the Congress have appropriated almost $10 million for excavation of Colorado's Cheyenne Mountain in order to make the combat operations center of the North American Air Defense Command a "hardened" site. This will require the drilling out of the center of a huge mountain in order to place within it the great nerve center which will give us, we hope, security against surprise missile attack. This project will require a great deal of dynamiting and blasting. I asked the UMW official whether or not some of these hard-rock miners would find employment in that undertaking. He said they cannot be employed, because the people who are in charge of employing workers will not take men over the age of 45.

Obviously those miners need help in finding employment.

This is not only true in Colorado, but is also true all over the West. Many of the lead and zinc mines of the West are closed or are closing. In Colorado, within the last 4 or 5 years, 54 or 56 lead and zinc mines have been closed. There may come a time of national emergency when we will need these miners, and we will not have available the technically trained skill of the miners that we have today.

The other day we had before the Committee on Interior and Insular Affairs Mr. Philleo Nash, who has been nominated for the office of Indian Commissioner. I asked Mr. Nash, "What is your most important goal?" He said, "I want to do all I can to make the Indian community and the Indian himself an integral part of the American society." I asked him, "How do you expect to achieve this goal?" He said, "With a vocational training program." Therefore we must not only have a program for our unemployed, but also for other men who lack skills, and in whom we would try to create needed skills.

Why is this important? Over 5 million people are unemployed today, and many of them are unskilled laborers or are skilled in areas for which there is no longer a demand.

The first men to be knocked off the payroll in a time of depression or in the face of automation are the unskilled workers. This is why I am so strongly in favor of a retraining program. We must do our level best to have an intelligent retraining program not only for the benefit of the individual American citizen, but also to strengthen our national economic life.

I have indicated that the mining industry has suffered a decline similar to that in other industries.

There are skilled men who cannot find work because their particular skills cannot be utilized at this time. Therefore we must retrain them in different vocations.

Recently an important canning factory closed down in Mesa County. That is over in the area where uranium was first discovered. Also, a major sugar-processing plant in Delta is stopping operations. Delta is the adjacent county in Colorado.

Such shifts in industrial production mean that there are many workers in these areas who are left with skills for which there is no longer a demand.

The continuance of such extended hard-core unemployment is an economic luxury our Nation can no longer afford. The cost in terms of productive effort lost and of human hardship and misery gained cannot be exaggerated.

The President, in order to meet this problem, has recommended a new manpower development and training program. I use the President's own words: "to train or retrain several hundred thousand workers, particularly in those areas where we have seen critical unemployment as a result of technological factors, in new occupational skills over a 4-year period, in order to replace those skills made obsolete by automation and industrial change with the new skills which new processes demand."

This concept of vocational retraining, Mr. President, has received the approval of representatives of management and labor, and of both parties.

This program in itself will not solve the problems of structural unemployment. It is but part of the answer. Increased tax incentives for capital investment—a concept long receiving the support of myself and other Senators, and a part of the President's tax program—plus the recently approved Area Redevelopment Act of 1961 will give further assistance towards the goal of full utilization of our manpower resources.

Mr. President, recently I asked representative members of Colorado commerce and labor to prepare for me their

thoughtful comments on the bill before us today, S. 1991, introduced by Senator CLARK, the Manpower and Training Act of 1961.

These comments are well worth the attention of the Senate.

Mr. Dean T. Echols, general chairman of the Order of Railroad Telegraphers, system division No. 49, points out in his letter the importance of this measure. I quote an excerpt from his letter:

This bill, if passed, would be a blessing to many of our people who are out of work now and for those who will be out of work in the future, by providing them with the opportunity to receive training so they may once again become self-supporting by learning new skills and thus new employment.

The railroad telegrapher is a skilled worker. Unfortunately with the advent of automation unemployment is now developing among these railroad telegraphers. Mr. Echols says the telegraphers wish to learn new skills. Why? So that they can obtain new employment.

Another letter I have received is from Mr. Walter Olesky, chairman of the Colorado State legislative and educational board of the Brotherhood of Locomotive Firemen and Enginemen. He emphasizes that the need for training is felt not only by older workers. He says:

The Manpower and Training Act of 1961 is a long-overdue program, and should be put into effect as soon as possible. The apprentice training portion of this bill would greatly help in the younger group of our boys and girls to help them get skilled jobs which in the future will be the only way a person will be able to secure skilled work.

Mr. Richard E. Rhodes, secretary-treasurer of the Bakery Drivers and Salesmen's Union, No. 219, warns of the dangers of overtraining in certain skills:

Also, it seems to me that the first consideration should be not to overpopulate certain skills. This could be helped by a strong State agency where qualified personnel are testing and determining where people are qualified and what their capabilities can produce, with full approval of the national agency in all cases.

And Howard N. Yates, executive vice president of the Colorado State Chamber of Commerce, wisely reminds us of the importance of working with management on such a program:

I am certain that management is not unaware of its obligations as well as its concern for its own future and that a great deal is already being done by many companies on their own initiative.

Mr. President, I ask unanimous consent that the full text of these very thoughtful letters be made a part of the RECORD.

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

THE ORDER OF
RAILROAD TELEGRAPHERS,
Denver, Colo., August 7, 1961.

The Honorable JOHN A. CARROLL,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CARROLL: Responding to your letter of August 5, 1961, concerning the Manpower Development and Training Act of 1961.

Your letter was addressed to Mr. W. M. Epstein but I will take the liberty to answer as Mr. Epstein retired in March 1960, and I was elected as general chairman at that time.

Referring to the enclosed bill, S. 1991, I am very much in favor of its passage.

More than 200,000 railway workers were on the unemployment rolls in the later months of 1958. Of 308,000 who received unemployment compensation in the benefit year 1957–58, 147,000 were over 40 years of age. Many railway workers are employed in small towns, where there is no other employment, but where railway service has required skilled workers. In such towns, homes are often not for rent, and many railway employees have had to buy or build their own. When railroad reshuffling moves a service or a facility from such a town, the employees must move, transporting their families and household goods, and selling their homes at whatever price they will bring in a collapsing real estate market.

Our organization lost 2,400 members in 1960, largely due to automation and the closing of railroad stations. Many of these people are still out of work.

This bill, if passed, would be a blessing to many of our people who are out of work now and for those who will be out of work in the future, by providing them with the opportunity to receive training so they may once again become self-supporting by learning new skills and thus new employment.

Yours very truly,

D. T. ECHOLS.

BROTHERHOOD OF LOCOMOTIVE
FIREMEN AND ENGINEMEN, AFL–CIO,
Denver, Colo., August 12, 1961.

Senator JOHN A. CARROLL,
Senate Office Building,
Washington, D.C.

DEAR JOHN: The Manpower and Training Act of 1961 is a long overdue program, and should be put into effect as soon as possible. The apprentice training portion of this bill would greatly help in the younger group of our boys and girls to help them get skilled jobs which in the future will be the only way a person will be able to secure skilled work.

Unemployment in the railroad industry alone is a sad and distressing situation. Faithful employees who have devoted the best years of their life suddenly found themselves out of work, and insufficient age to enable them to retire.

The American Association of Railroads proudly boasts that within the next 10 years the number of employees in the transportation industry will be reduced to less than 300,000, which in 1946 was over 1,800,000.

Whatever you can do to urge passage of this bill providing for an extensive training program will be a big boost in the morale of the workingman in the various industries.

Thank you for your cooperation in this most important legislation.

Sincerely yours,

WALTER J. OLESKY.

BAKERY DRIVERS AND SALESMEN
UNION NO. 219,
Denver, Colo., August 15, 1961.

Hon. JOHN A. CARROLL,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CARROLL: Thank you for your letter of August 5, 1961, in which you requested my comments on Senate Report No. 651 to accompany Senate bill No. 1991. I appreciate your thinking of me and feel honored that you ask my opinion.

This problem I have studied before trying to give you my comments, thus the delay in the answer.

I have read the report through several times and find the aims as most beneficial to gain employment for those displaced by automation and those whose basic skills are so limited that their future is at stake.

It is my impression that a very strong committee must be appointed with the indictment to see that the Federal Government gets what it is paying for with a very close followup on the program after once established.

Also, Your Honor, that a close study be made so as not to train in a field that in itself will very soon become an automated classification whereby it will again be required to train over again in a short space of time.

Also, it seems to me that the first consideration should be not to overpopulate certain skills. This could be helped by a strong State agency where qualified personnel are testing and determining where people are qualified and what their capabilities can produce, with full approval of the national agency in all cases.

It seems to me a close scrutiny should be kept on any training program undertaken, where it could be on the job training to see that the Federal agency isn't subsidizing the payroll of an employer where it might become expedient to do one of two things: (1) replace the older worker who already has a hard time finding employment or (2) creating a glut on the labor market of a certain skill or skills. It is also most important to police an on the job training program to see that all requirements needed are being given to the trainee.

I recall as I am sure that the Senator does that when we were both discharged from the service we saw people training under the GI bill that weren't getting a full training program at all, but a subsidized payroll for the employer, and then the trainee ended up with no skill or trade of any kind. It is going to require a far better interviewing officer on the State level than we provided at this time—someone who is dedicated and not just holding down a job.

There were many abuses of the training programs after World War II, but this can be avoided by strong measures in the new program. I have in mind something like the Pipe Industry Committee of the plumbing trade where a very close cooperation is maintained with labor, management, and the apprentice training agency.

It is my impression that there might be some resistance on the part of management to this program on the basis they want to train people to their own methods. We have found this to be true where we offered to hold classes to try and improve the caliber and quality of the employees and members whom we represent.

I have gone into some detail which might lead the Senator to believe that I am opposed to such a program. Far from the truth, I wholeheartedly endorse it, but have pointed out a few areas which I think you could be most helpful in protecting not only the money involved but also those who are earnestly trying to improve their position and again become employable.

Realizing this program cannot be delayed for a long period of time, but is of eminent importance there will be flaws that will have to be met when they arise.

It is my sincere hope that this is of some help to you in your deliberations and again thank you for allowing me to be of some service to you.

As an afterthought, it seems that some safeguard be made whereby an individual could not train from one field to another, shopping around so to speak.

If I might be so unkind as to take more of the Senator's time, I would like to ask for your thinking on the subject of consignment selling in the baking industry? In today's Denver Post there is a leading story quoting Secretary of Agriculture, Orville L. Freeman, on the wheat situation in case of an emergency.

It seems senseless to me that we waste hundreds of thousands of pounds of baking products every day because of consignment selling. It appears this would be a real good time to stop this senseless waste.

There are tons of bread and bakery products being hauled to the hog farms in our city every week, yet we talk about people in this world going hungry. This is only caused by the competitive instability of the people in the industry.

Thanking you for your time and wishing you and Mrs. Carroll the very best of health that you may carry on in the fine manner in which you are representing we people in Colorado.

Sincerely yours,

R. E. RHODES,
Secretary-Treasurer.

NATIONAL FEDERATION OF
POST OFFICE CLERKS,
Washington, D.C., August 13, 1961.

Hon. JOHN A. CARROLL,
U.S. Senate Office Building,
Washington, D.C.

DEAR JOHN: This will acknowledge receipt of your letter of August 5, in reference to S. 1991. I am in full accord with S. 1991. It is quite a handicap to the employees with 15, 20, 25, and 30 years of service in a certain industry that their trade is specialized and they have to start from scratch again to learn a new trade on their own. I feel that some provision should be provided for these older employees to learn a new trade to develop their skills.

In the postal service we have automation, but it seems that the automation that we have is very unsuccessful in the degree that it has not caused any unemployment in the postal service. Instead they have increased the employment of employees cause the automation that is experienced in the postal service in the United States today was discontinued from the postal service in Sweden identical machinery in 1937 and also in Canada in 1954. For example, with the automation of machinery in Canada, they went in the red for five (3) years since the automation of machinery of trying to distribute mail by machines in which the misthrows of mail ran up to 33 percent or one-third of the mail volume had to be worked over again by the clerks on the distribution cases. Without automation of machinery to distribute mail as in the previous years prior to General Summerfield, the misthrows by clerical force was less than 1 percent of the total mail sorted per day. That is why I feel that automation in the postal service will never be perfected by machines to distribute the mails.

As per private industry, I heard of the case of Allis-Chalmers where over 5,000 employees were laid off work due to automation and also in the big meatpacking plants such as Swift and Armour and others. Automation has caused a tremendous amount of unemployment and we must have some means to help these people learn a new trade to develop their skills as it can't continue this way. As Walter Reuther said if automation continues in big industry and no work is found for these people, it will mean by 1964 we will have 10 million people unemployed in the United States and this is no good for our economy. If we are going to build our economy, we must have full employment and S. 1991 is a step in the right direction.

If I can be of any further help on this bill, please feel free to call upon me, and I would like to be kept informed on the progress of this legislation.

With warm and kindest personal regards, I remain,

Most respectfully yours,

MICHAEL ARDEN.

COLORADO STATE
CHAMBER OF COMMERCE,
Denver, Colo., August 15, 1961.

Hon. JOHN A. CARROLL,
Senate Office Building,
Washington, D.C.

DEAR JOHN: I have read completely the Report No. 651 from the Committee on Labor and Public Welfare concerning S. 1991.

What observations I now make are purely personal and not the official position of the State chamber as I've had no opportunity to present it to any of our committees. I shall, however, present it to George Weber of Sundstrand, vice chairman for national affairs of our legislative council.

Federal participation in vocational training has long been an existing pattern in such items as the Smith-Hughes and the George-Barden Acts. Insofar as this pattern could be followed, acting through local school authorities, it would, I believe, be best for the Nation.

Keeping as much activity as possible tied to State employment agencies would seem a wise course. I think there ought to be State advisory committees in every State that confer, study and advise the State directors of employment security in order to keep the program in harmony with local conditions and local labor-management understanding and cooperative endeavors. The State committees should be well balanced in representation, forgetting politics.

The matter of subsistence payment during training could open a Pandora's box of abuses if not properly surrounded with safeguards, plus stated penalties for fraud. The same concerning travel allowances.

Naturally, it would be wise to assure that full use be made of existing educational facilities such as after regular school hours and during school vacation periods.

I am certain that management is not unaware of its obligations as well as its concern for its own future and that a great deal is already being done by many companies on their own initiative.

Unquestionably, there are many unemployed but in the figures there is undoubtedly padding of the number of unemployable as well as those not really seeking work.

If the administration sincerely wished to create jobs, it should consider some of the simple tax adjustments that would materially bring out more investment capital that would be the basis for creating jobs.

So much for my personal thoughts on the subject.

Let's face it, JOHN, Government is striving to do everything for the people and, if you and your colleagues think that is good, then this Nation is in trouble.

Let's keep the responsibility of such a program as S. 1991 as close to the homefront as possible.

Yours sincerely,

HOWARD N. YATES,
Executive Vice President.

Mr. CARROLL. Mr. President, I wish to reemphasize my strong and vigorous support for this intelligent piece of proposed legislation. I hope it will receive the overwhelming approval of the Senate. Especially do I commend the distinguished senior Senator from Pennsylvania [Mr. CLARK], who is the leader of the endeavor to have this very effective bill passed.

Mr. CLARK. Mr. President, I thank the distinguished Senator from Colorado for his contribution to the debate and for his kind words.

DEPRESSED AREAS

Mr. DIRKSEN. Mr. President, in the course of the debate on the depressed areas bill, I observed that communities which probably would be designated as depressed areas would never know they were considered to be distressed.

I have noted an editorial entitled "Is Utah County Depressed?" published in the Deseret News, of Salt Lake City, on August 19, 1961, which comments upon the observation I made. I ask unanimous consent that the editorial be printed at this point in the RECORD.

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

IS UTAH COUNTY DEPRESSED?

Last year, when the Senate was debating the 1960 version of the depressed areas bill, Senator DIRKSEN charged that the legislation would provide Federal money "for communities that never knew they were distressed."

That criticism, plus others just as cogent, persuaded President Eisenhower to veto the bill that year. But this year there's a new President, who very early in this session of Congress signed a bill enacting a program not very different than the one Senator DIRKSEN criticized.

And, sure enough, Senator DIRKSEN's prediction could be fulfilled right here in Utah.

What resident of the Provo-Orem area considers that he is living in a depressed area? What Utahan considers that region of fine farms, neat homes, solid industries, general prosperity, and bustling activity to be a depressed area?

No one, as far as our survey of Utah County has been able to determine. Yet, Congressman DAVID S. KING, in whose legislative district Utah County lies, is scheduling talks this fall to determine whether the Provo-Orem area can qualify for Federal aid under the depressed areas redevelopment program.

There are, it seems to us, several reasons why bringing Utah County into this program would be unneeded, unwise, and uncalled for.

First, the depressed areas program is not intended in any way to cope with seasonal unemployment, which has been Utah County's chief problem.

Second, to qualify for Federal help under the depressed area program, a community must have a regular unemployment rate of 6 percent or more, and unemployment 50 percent above the national average in 3 of the preceding 4 years, 75 percent above the national average in 2 of the previous 3 years, or 100 percent above the average in 1 of the previous 2 years. According to Department of Employment Security figures, Utah County average unemployment has not come close to 50 percent above the national average in any of the past 3 years.

Third, under the act the local community is supposed to initiate any plan for redevelopment, submit it to the State organization, and then on to the Federal Government. No program has been submitted by the Provo-Orem area. Congressman KING's proposal to call a meeting of seven different Federal agencies, with others, to discuss the situation seems a backward—but, unfortunately, far too common—way to go about it.

Fourth, fundamentally, the depressed area program is intended to rehabilitate areas that have lost their basic industry or other economic base. Certainly that has not happened to Utah County.

In view of these facts, one doesn't suppose Utah County will seek the Federal help available under the depressed areas program of up to 65 percent of the cost of loans for redevelopment. Its people and industries themselves are doing a good job of building and maintaining a sound, stable economy.

But the money is there, to be used by any area that is able to persuade itself and Washington that it is "distressed." Which is one of the reasons the taxpayer is being squeezed so hard.

Mr. DIRKSEN. Mr. President, I ask unanimous consent also to have printed an article entitled "Jobless in Provo Area Seen Relatively Low," published in the Deseret News of August 16, 1961.

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

JOBLESS IN PROVO AREA SEEN RELATIVELY LOW

The Utah Department of Employment Security said Wednesday that unemployment in the Provo-Orem area was at the relatively low level of 3.1 percent for the week ending August 5.

Unemployment in the area became a factor this week when Representative DAVID S. KING (Democrat of Utah), announced an October meeting to discuss economic development and the substantial unemployment of the two-city region.

The Provo-Orem area was declared an area of substantial unemployment by the U.S. Department of Labor last November. At that time, seasonal unemployment in the area was very high.

Should the Labor Department find the area still has high unemployment this November, it could be designated as eligible for aid under the depressed area redevelopment program.

This is partly the reason for the October meeting, called by Representative KING, at which seven different federal agencies will take part in a discussion of employment posibilities.

UNEMPLOYMENT SEASONAL

Officials of the Utah department pointed out that the Provo area, as well as most of Utah County, shows an unemployment ratio of as much as 15 percent at some times of the year. This is due mostly to the seasonal nature of some of the workers in construction trades, many of whom are idle in winter months.

The area's largest employer is United States Steel Corporation, which operates two plants in the Provo-Orem section. Employment in the steel industry is tied to production, which at present is well above the level of last November, when the substantial unemployment tag was hung on the area.

ABOVE U.S. AVERAGE

However, for the past 3 years, the average of unemployment in Utah County has been above the U.S. average and the Utah average, according to Department of Employment Security figures.

In 1958, the U.S. average was 6.8 percent, the Utah average 5.2 percent and the Utah County level 8.7 percent. The 1959 averages were 5.5 for national, 4.4 for Utah and 6.8 for Utah County.

In 1960, Utah County had a 7.2 percent figure, compared to 4.6 for the State and 5.6 for the Nation.

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the bill (S. 2268) to amend the Federal Aviation Act of 1958 to provide for the application of Federal criminal law to certain events occurring on board aircraft in air commerce, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 8302) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1962, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SHEPPARD, Mr. SIKES, Mr. CANNON, Mr. JONES, and Mr. TABER were appointed managers on the part of the House at the conference.

MANPOWER DEVELOPMENT AND TRAINING ACT OF 1961

The Senate resumed the consideration of the bill (S. 1991) relating to the occupational training, development, and use of the manpower resources of the Nation, and for other purposes.

Mr. PELL. Mr. President, as a member of the Subcommittee on Employment and Manpower, I wish to associate myself with those who have risen to speak in support of the Manpower Development and Training Act.

Although proposed by the President in a message to the Congress, this bill is truly a bipartisan measure. Our Committee on Labor and Public Welfare acted unanimously in reporting the measure and Republicans, as well as Democrats, have urged the wisdom of the programs that would be authorized by the bill.

The bill is designed to cope with structural unemployment by providing workers who have been displaced by automation or other technological change the opportunity to acquire new skills. The retraining program contained in this bill would be particularly helpful to my own State of Rhode Island. We have had a very acute problem of structural unemployment. In fact, over one-half of the jobs in the textile industry—the State's major industry—have been lost since 1950.

Under the bill, the Secretary of Labor is directed to determine the manpower needs of the economy and identify occupational shortages and training requirements. Based upon the information developed as to training needs, programs of training would be developed by the State and local vocational education authorities under the general supervision of the Secretary of Health, Education, and Welfare. The Secretary of Labor would also expand his current activities in encouraging on-the-job training.

As training programs are established, individuals would be selected and referred for training by the State employment services. Priority would be given to unemployed persons, although others would be eligible for training which would upgrade their skills. Weekly allowances would be paid to unemployed persons enrolled in training courses if they were heads of families with at least 3 years experience in gainful employment. Allowances would be authorized for periods up to 1 year, and would be in an amount equal to the level of unemployment compensation paid in each State.

A 4-year program is authorized and beginning with the third year, half the costs of the program would be borne by the States.

Editorials approving the programs authorized by this bill have appeared in an unusually large number of leading newspapers and other periodicals throughout the country. A recent public opinion poll disclosed that of all the proposals specified by the President in his second state of the Union message the proposal to train the unemployed was cited by 67 percent of those replying as one for which they were willing to make sacrifices. This was more than twice the degree of support given to any other item listed.

Mr. President, the need of the long-term unemployed for the training that could be provided by the programs authorized in this bill is real and urgent. We have seen that despite significant increases in the tempo of business activity, the number of people who have been continuously unemployed for more than half a year is increasing, and in July exceeded 1 million in number. Many of these people are the innocent victims of automation and technological advancements which have strengthened and benefited the Nation as a whole. We must avoid having the benefits of automation and technological improvement become burdens of unemployment, financial distress, and loss of dignity for those workers whose immediate jobs are affected and whose skills are made obsolete. It is our plain duty to provide the means whereby these people can again become self-supporting, productive, respected members of their communities. I believe this bill offers a great opportunity to these people. I support it and I ask my colleagues to also support it.

Mr. CLARK. Mr. President, I thank the Senator from Rhode Island for the excellent contribution he has made to the debate, and also for his assiduous work during the deliberations of both the subcommittee and the full committee. The Senator from Rhode Island, a member of the committee, was most useful in the preparation of the proposed legislation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. PROUTY. Mr. President, I submit an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment of the Senator from Vermont will be stated.

The LEGISLATIVE CLERK. On page 26, in lines 14 through 17, it is proposed to

strike out all of subsection "(d)" and redesignate subsections "(e)", "(f)" and "(g)" accordingly.

On page 31, beginning with the colon on line 18, strike out all before the period on line 21.

On page 34, line 11, insert "and" after "1962,".

On page 34, beginning with the comma on line 12, strike out all before the period on line 13.

On page 36, line 20, strike out "1965" and insert in lieu thereof "1963".

On page 37, line 2, strike out "1965" and insert in lieu thereof "1963".

Mr. DIRKSEN. Mr. President, on the question of agreeing to the amendment of the Senator from Vermont, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. PROUTY. Mr. President, I shall speak very briefly on the amendment. It requires no elaboration on my part to enable Senators to understand what I propose.

Under the bill as it now stands, authorizations of $655 million are called for, over a 4-year period. My amendment will reduce the program to a 2-year period, and will involve authorizations totaling $255 million.

I believe that all of us on the committee who have given serious thought to this problem—and it is a very great problem—believe that some steps should be taken to see whether remedial, or corrective action can be taken to restore to gainful employment millions of men and women in the country who, because of lack of skill or lack of proper training, are unable to obtain work at this time. It is unmistakably clear that the problem will become more and more severe as time passes unless prompt action is taken.

Nevertheless we must recognize that the program which S. 1991 will establish is a new one, at least at the national level. We hope it will be successful, but we cannot be certain of that. So I believe it would be most unwise for us to forge ahead on a long-range basis spending hundreds of millions of dollars until we have some degree of certainty that the new program will achieve what we hope it will achieve.

The committee report concedes that if weaknesses in the U.S. Employment Service are not properly corrected, the large-scale program called for by this training bill will be unsuccessful. During the hearings, the Secretary of Labor admitted that the Department of Labor has no precise measure of the number and the geographical location of the structurally unemployed.

Part of our difficulty today stems from the fact that we need to be able to identify the long-term unemployed, in terms of their age, sex, race, education, training skills, and geographical location. The House Committee on Education and Labor is aware of this difficulty, and has recommended a 2-year program, such as I am advocating by means of this amendment.

Mr. President, my amendment calls for the authorization of $90 million for the present fiscal year and the authorization of $165 million for the fiscal year 1963. I am certain that all the money proposed to be authorized for this fiscal year will not be spent this year. A great deal of time, thought, and planning must go into the program before it can really get far from the dock.

We shall be sailing in uncharted waters, and we had better be rather certain that we exercise caution. At the end of a year we shall be in a position to state whether the program is going along smoothly. If it is successful, I assure the Members of the Senate that I shall then be among the first to vote in favor of providing whatever funds may be necessary in order to continue it beyond the fiscal year 1963.

Mr. President, that is all I wish to say at this time.

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

Mr. PROUTY. I am happy to yield.

Mr. CLARK. As I understand the Senator's amendment, which necessarily is technical in wording and does not on its face reveal its intention, the purpose of the amendment is to convert the program from a 4-year to a 2-year program. Is that correct?

Mr. PROUTY. The Senator is correct.

Mr. CLARK. That is the sole purpose?

Mr. PROUTY. It is the sole purpose.

Mr. CLARK. Mr. President, I rise to oppose the amendment of the Senator from Vermont. In all the hearings before the subcommittee, and in the deliberations in executive session, it was the view of a majority of the committee that this should be no pilot program; that this retraining effort had substantial precedent in the Smith-Hughes and the George-Barden vocational training bills; that on-the-job training was a well recognized technique in American industry; that it was clear beyond doubt that existing training facilities are overloaded and understaffed and not available to many adults; and that there were plenty of potential jobs in which the unemployed could be placed in the event they were properly retrained.

Accordingly, it was felt there should be a 4-year program, divided into two parts. The first part would be entirely a Federal program, and the first 2 years would be devoted toward getting the program off the ground. It would mean substantial promotional work in connection with on-the-job training, promotional work that would carry employees of the Department of Labor far afield, and into each of the 50 States, in an endeavor to convince employers to cooperate by starting on-the-job training courses to help train unemployed workers for the skills which were needed in occupations where the retraining was taking place.

If this bill is adopted at this session of the Congress, it will take several months, perhaps a good many months, to get the whole program underway. In the meanwhile, at the other end of the program, the Secretary of Labor must engage in skill surveys in order to ascertain where the job opportunities are. He has then to engage in guidance and testing programs, to locate the unemployed workers who have the skills which will enable them to absorb the retraining. This, of course, will be a long process, and it cannot be done overnight.

I predict it will take at least 6 months before we get this program really in high gear. Thereafter will come the part of getting the program ready for the second half in the third and fourth years. The second half is when we hope and believe the States will pick up their share of this effort and will be prepared to make the actual grants necessary which will enable us to do a better job in retraining and pretty well double the number of individuals who will be available for retraining.

Our staff has worked out with the Secretary of Labor's personnel—since the hearings closed, I may say to the Senator from Vermont, and largely in anticipation of his offering the amendment—as good an approximation of the number of individuals who could be trained under the program as it is presently feasible to determine.

Those figures work out as follows: The total number we hope can be trained in the first 12 months will be 160,000. In the second year, 285,000. In the third and fourth years, 630,000, each year.

There are 5,100,000 unemployed in the country today. The hard core of those who have been unemployed for a very substantial period of time is in excess of 1 million.

It will be the third year before we get to the point where more than half a million can be retrained in a year.

So I hope the program will be kept on the 4-year basis which the Secretary of Labor and the President desire and which the committee reported. If the program is cut back 2 years, Congress will be in a difficult situation in connection with this work—and he will correct me if I am wrong, but I think I am right—would have to be phased out by the end of June 30, 1963. This means, for all practical purposes, that nobody whose training period took more than a few months could be accepted for training after January 1, 1963.

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

Mr. CLARK. I yield.

Mr. PROUTY. Any unexpended funds which were authorized would be carried over into the next fiscal year. The Senator has said, and I agree, that it is going to take a little time before the program gets underway. But it is not going to be a long time before we have an idea as to how it is working. It is for that reason that we would be most unwise in establishing a 4-year program, involving $655 million, without having progress reports in hand. We embark on an experiment, and an experiment which is justifiable, and I am willing to spend a reasonable amount for the first 2 years. After that period we will have the facts, figures, and experience to determine whether we have a good, workable program. Prudence warrants a watch-and-wait policy.

Mr. CLARK. I appreciate the strongly held views of the Senator from Vermont whose suggestions for up-to-date reports for the program were included in

the bill. I regretfully have to state I am in disagreement with him. I reiterate the point that, in all likelihood, if the Senator's amendment were to succeed, we would have to start phasing out the program at no later than January 1, 1963. It is true that, if there were some unexpended funds left, they could be used, but not only would the retraining programs have to be phased out, but the training and selecting personnel would have to be given notice they could no longer be held on the payrolls after June 30, 1963.

A substantial number of months before June 30, 1963, these activities would have to come to a halt. If the amendment of the Senator from Vermont were to prevail, we would be in a situation where the Congress, our subcommittee, and the full committee, would have to hold hearings and complete legislative action during the next session of Congress, in order that legislation continuing the program could be adopted and approved.

Mr. PROUTY. It has been suggested by competent authorities that during the first year of the program not more than half the money authorized will be spent.

Mr. CLARK. I conclude by saying that, regretfully, I cannot agree with the Senator from Vermont. We are talking about a program in terms of time, not money; and in terms of time, I urge the Senate to reject the amendment of the Senator from Vermont, in order that we may keep this program "on the road" the way the President of the United States, the Secretary of Labor, and the Committee on Labor and Public Welfare, which brings it to the floor, desire.

Mr. DIRKSEN. Mr. President, I believe the Prouty amendment merits the support of the Senate. I think there are a number of reasons for that support. I have examined the bill rather carefully. The first title is devoted entirely to evaluation, research, studies, reports, findings, and to development of the necessary data and information on which a program can be predicated.

There can be no effective program until the data has been assembled. Quite aside from whatever work may have been done thus far by the Department of Labor and by the Department of Health, Education, and Welfare, I think it is a safe presumption to make that there is still a good deal of work to be done before the foundation is fully laid.

Title II deals with the selection of the trainees, their instruction, the funds to be made available, and the amounts to be apportioned to put them either in job-training programs or in other programs. This is a speculative program. It is a new program. The "bugs" will have to be ironed out.

In the bill as it came from the committee there is a commitment of $655 million for a period of 4 years. There is $90 million for the first year. The first quarter of the first year has already gone by, so to speak. There is $165 million for the next year, and $200 million is to be provided in each of the succeeding years. Finally, the program will go on a matching basis.

A program which is brand new, of such magnitude, in my judgment, should not be projected for a period of 4 years until we can see more clearly where we are.

I think one of the most effective things cited by the distinguished Senator from Vermont was the illustration of the experience of the Armour Packing Co. in Oklahoma City. In that city 400 people were laid off. Everybody got together to set up a training program. Of the 400 laid off, only 170 decided to come in for new training, and the remaining 230 did not care about going to school to learn any new skills. Of the 170 who decided to take the training, only 60 were found by the Oklahoma Employment Service to have the necessary aptitudes. I think that indicates pretty well how speculative the program is, and the fact that there ought to be some time to evaluate the experiences under the act before we project it into a 4-year period.

I believe, for that reason, the Senator from Vermont is on absolutely good ground, and that 2 years will be enough to test the program, to see where we are. If the program works, there will be no difficulty with the Senate and the House. If the program does not work, then it will require a hard scrutiny, and perhaps even the canceling out of the program, if it appears that we are spending a lot of money and not getting the necessary results, not getting for the taxpayer a commensurate value for every dollar of expenditure.

More and more it seems to me that we have to look a little at these long-range programs, because these become the built-in expenditures for future years. It is very easy for someone to rise on the floor to say, "Well, the Appropriations Committee has to look at this, and Senators know very well the flinty hearts of members of the committee, who will cut it down."

I did not serve on that committee for nearly 20 years for nothing. I know the pressures on a member of the committee. When hearings are held everybody comes in to din at the committee, "You must not cut the amount below the authorization." In some cases they hope the committee will exceed the authorization.

Let us not be misguided by a snare and a delusion that the Appropriations Committee can be relied upon to hold down the program, because the committee will be under real pressure when the time comes to vote for the money. Now is the time for a little scrutiny. Now is the time to keep the program at a moderate level.

If the program works out according to the hopes and aspirations and expectations of its fondest friends—I am prepared to vote for a moderate bill—it can be extended.

Let us support the Prouty amendment, to hold the program within a 2-year frame, which would provide $90 million the first year and $165 million the second year. Then we can carefully evaluate the results to see if we have received our money's worth.

I hope the Prouty amendment will be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont.

Mr. PROUTY. Mr. President, before I conclude I wish to thank the distinguished minority leader for his very lucid explanation of what I am trying to accomplish by offering the amendment. I also express my appreciation to Sam Merrick and Ray Hurley of the committee staff for the yeoman service they rendered to me and to the other members of the committee in getting the bill into what I think is a better shape.

I hope the amendment will be agreed to. Mr. President, I announce for the information of Senators, that I have another amendment, as to which I shall probably ask for the yeas and nays. I shall require only a few minutes to explain this amendment. It will be offered immediately after the vote on the pending proposal.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Vermont [Mr. PROUTY]. 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 New Mexico [Mr. ANDERSON], the Senator from Colorado [Mr. CARROLL], the Senator from Connecticut [Mr. DODD], the Senator from Indiana [Mr. HARTKE], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. MCCARTHY], the Senator from Florida [Mr. SMATHERS], the Senator from Massachusetts [Mr. SMITH], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

On this vote the Senator from Minnesota [Mr. MCCARTHY] is paired with the Senator from Arizona [Mr. GOLDWATER]. If present and voting the Senator from Minnesota would vote "nay," and the Senator from Arizona would vote "yea."

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

I further announce that, if present and voting, the Senator from Colorado [Mr. CARROLL], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Connecticut [Mr. DODD], the Senator from Indiana [Mr. HARTKE], the Senator from Missouri [Mr. LONG], the Senator from Massachusetts [Mr. SMITH], and the Senator from Ohio [Mr. YOUNG] would all vote "nay."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Kansas [Mr. CARLSON] are absent because of illness.

The Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

On this vote, the Senator from Arizona [Mr. GOLDWATER] is paired with the Senator from Minnesota [Mr. MCCARTHY]. If present and voting, the Senator from Arizona would vote "yea," and the Senator from Minnesota would vote "nay."

The result was announced—yeas 43, nays 44, as follows:

[No. 162]

YEAS—43

Aiken	Eastland	Prouty
Allott	Ellender	Robertson
Beall	Ervin	Russell
Bennett	Fong	Saltonstall
Boggs	Hickenlooper	Schoeppel
Bush	Holland	Smith, Maine
Butler	Hruska	Stennis
Byrd, Va.	Jordan	Talmadge
Capehart	Keating	Thurmond
Case, S. Dak.	Kuchel	Tower
Cooper	Lausche	Wiley
Cotton	McClellan	Williams, Del.
Curtis	Miller	Young, N. Dak.
Dirksen	Morton	
Dworshak	Mundt	

NAYS—44

Bartlett	Hickey	Monroney
Bible	Hill	Morse
Burdick	Humphrey	Moss
Byrd, W. Va.	Jackson	Muskie
Cannon	Javits	Neuberger
Case, N.J.	Johnston	Pastore
Church	Kefauver	Pell
Clark	Kerr	Proxmire
Douglas	Long, Hawaii	Randolph
Engle	Long, La.	Scott
Fulbright	Magnuson	Sparkman
Gore	Mansfield	Symington
Gruening	McGee	Williams, N.J.
Hart	McNamara	Yarborough
Hayden	Metcalf	

NOT VOTING—13

Anderson	Dodd	Smathers
Bridges	Goldwater	Smith, Mass.
Carlson	Hartke	Young, Ohio
Carroll	Long, Mo.	
Chavez	McCarthy	

So Mr. PROUTY's amendment was rejected.

Mr. CLARK. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

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

Mr. DIRKSEN. Mr. President, on that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BUSH. Mr. President, will the Chair state the pending question?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon [Mr. MORSE] to lay on the table the motion to reconsider of the Senator from Pennsylvania [Mr. CLARK].

Mr. RUSSELL. Mr. President, what is the proposal before the Senate?

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

Mr. CLARK. A vote of "yea" is a vote to table. A vote of "nay" is a vote against tabling.

The PRESIDING OFFICER. The Senator is correct.

Mr. HUMPHREY. I announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Alaska [Mr. BARTLETT], the Senator from Connecticut [Mr. DODD], the Senator from Arizona [Mr. HAYDEN], the Senator from North Carolina [Mr. JORDAN], the Senator from Missouri [Mr. LONG], and the Senator from Massachusetts [Mr. SMITH] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

On this vote, the Senator from Alaska [Mr. BARTLETT] is paired with the Senator from Arizona [Mr. GOLDWATER]. If present and voting, the Senator from Alaska would vote "yea," and the Senator from Arizona would vote "nay."

On this vote the Senator from Arizona [Mr. HAYDEN] is paired with the Senator from Kentucky [Mr. COOPER]. If present and voting, the Senator from Arizona would vote "yea," and the Senator from Kentucky would vote "nay."

On this vote the Senator from Massachusetts [Mr. SMITH] is paired with the Senator from South Dakota [Mr. MUNDT]. If present and voting, the Senator from Massachusetts would vote "yea," and the Senator from South Dakota would vote "nay."

On this vote the Senator from North Carolina [Mr. JORDAN] is paired with the Senator from Connecticut [Mr. DODD]. If present and voting, the Senator from North Carolina would vote "nay," and the Senator from Connecticut would vote "yea."

I further announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Missouri [Mr. LONG], and the Senator from New Mexico [Mr. ANDERSON] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Kansas [Mr. CARLSON] are absent because of illness.

The Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The Senator from Kentucky [Mr. COOPER] and the Senator from South Dakota [Mr. MUNDT] are detained on official business.

On this vote, the Senator from Kentucky [Mr. COOPER] is paired with the Senator from Arizona [Mr. HAYDEN]. If present and voting, the Senator from Kentucky would vote "nay," and the Senator from Arizona would vote "yea."

On this vote, the Senator from South Dakota [Mr. MUNDT] is paired with the Senator from Massachusetts [Mr. SMITH]. If present and voting, the Senator from South Dakota would vote "nay," and the Senator from Massachusetts would vote "yea."

On this vote, the Senator from Arizona [Mr. GOLDWATER] is paired with the Senator from Alaska [Mr. BARTLETT]. If present and voting, the Senator from Arizona would vote "nay," and the Senator from Alaska would vote "yea."

The result was announced—yeas 47, nays 40.

[No. 163]

YEAS—47

Bible	Hill	Morse
Burdick	Humphrey	Moss
Byrd, W. Va.	Jackson	Muskie
Cannon	Javits	Neuberger
Carroll	Johnston	Pastore
Case, N.J.	Kefauver	Pell
Church	Kerr	Proxmire
Clark	Long, Hawaii	Randolph
Douglas	Long, La.	Scott
Engle	Magnuson	Smathers
Fulbright	Mansfield	Sparkman
Gore	McCarthy	Symington
Gruening	McGee	Williams, N.J.
Hart	McNamara	Yarborough
Hartke	Metcalf	Young, Ohio
Hickey	Monroney	

NAYS—40

Aiken	Byrd, Va.	Eastland
Allott	Capehart	Ellender
Beall	Case, S. Dak.	Ervin
Bennett	Cotton	Fong
Boggs	Curtis	Hickenlooper
Bush	Dirksen	Holland
Butler	Dworshak	Hruska
Keating	Robertson	Thurmond
Kuchel	Russell	Tower
Lausche	Saltonstall	Wiley
McClellan	Schoeppel	Williams, Del.
Miller	Smith, Maine	Young, N. Dak.
Morton	Stennis	
Prouty	Talmadge	

NOT VOTING—13

Anderson	Cooper	Long, Mo.
Bartlett	Dodd	Mundt
Bridges	Goldwater	Smith, Mass.
Carlson	Hayden	
Chavez	Jordan	

So the motion to lay on the table was agreed to.

NOMINATION OF MAJ. GENE HAL WILLIAMS TO BE BRIGADIER GENERAL

Mrs. SMITH of Maine. Mr. President, yesterday all of the Reserve generals in the U.S. Senate made a most impressive statement on the Gene Hal Williams nomination. I ask unanimous consent that their statement be placed in the body of the RECORD.

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

STATEMENT OF RESERVE GENERALS IN THE U.S. SENATE

The undersigned, who constitute the Reserve general officers in the U.S. Senate, urge your serious consideration and study of Executive Report No. 8 which expresses the minority views of seven members of the Committee on Armed Services in opposition to the nomination of Maj. Gene Hal Williams for the rank of brigadier general in the U.S. Army Reserve.

We do not believe that this young man, a 33-year-old major with only a year and a half of commissioned active duty service, with no combat service, no oversea service and no decorations (only the Parachute Badge Award), possesses the necessary qualifications for general officer rank in the U.S. Army Reserve.

We fully recognize, and acquiesce in, the right of the Governor of West Virginia to bestow whatever State rank he wishes to on this nominee or any other person. That is clearly a State right and his prerogative. But we do not recognize that right as being binding so as to require that automatically the same rank must be given in Federal status in the U.S. Army Reserve, particularly when a nominee such as Major Williams is so obviously lacking in qualifications for the rank of brigadier general.

We believe that Major Williams should be required to meet the same qualifications as other members of the U.S. Army Reserve for promotion.

Under a policy of long standing, in order to be eligible for promotion to brigadier general, an Army Reservist (a) must have been a full colonel for at least 2 years (b) must have served in a general officer authorized position for at least a year and (c) must have earned credit for completion of the Command and General Staff College. Major Williams has none of these qualifications.

Under the present policy applied to Reserve officers in the U.S. Army Reserve, Major Williams would not be eligible for consideration for promotion to brigadier general before 1969. We see no reason why he should be given special treatment and exemption from the requirement of 8 more years service before even being eligible to be made a brigadier general.

This, in addition to his other obvious lack of qualifications, would make such special short-cut treatment for him grossly unfair to the thousands of loyally participating reservists and would seriously impair the morale of the Reserve Forces generally.

We hope all Senators will be present for the debate on August 24, 1961, to hear the pertinent and disturbing facts in this case presented before the vote is taken on this nomination.

STROM THURMOND,
Major General,
U.S. Army Reserve.
KENNETH B. KEATING,
Brigadier General,
U.S. Army Reserve.
BARRY GOLDWATER,
Brigadier General,
U.S. Air Force Reserve.
HOWARD W. CANNON,
Brigadier General,
U.S. Air Force Reserve.

Mrs. SMITH of Maine. Senator THURMOND is a major general in the U.S. Army Reserve. In World War II he served both in the European and the Asiatic-Pacific theaters of war, was awarded 5 battle stars and 16 decorations, medals, and awards, including the Legion of Merit, the Bronze Star Medal for combat, the Purple Heart for being wounded in combat, the Army Commendation Ribbon, the Presidential Distinguished Unit Citation, the Belgian Order of the Crown, and the French Croix de Guerre.

Senator KEATING is a brigadier general in the U.S. Army Reserve. He served in both World War I and World War II and both in the European and Asiatic-Pacific theaters of war. He was awarded three battle stars, the Legion of Merit twice, and the Order of the British Empire.

Senator BARRY GOLDWATER is a brigadier general and a command pilot in the U.S. Air Force Reserve. He served in World War II in the Asiatic-Pacific theater of war and was awarded the Air Medal and the Commendation Medal.

Senator HOWARD W. CANNON is a brigadier general and a command pilot in the U.S. Air Force Reserve. He served in World War II in the European theater of war. His decorations and awards include the Distinguished Flying Cross, the Air Medal awarded to him three times, the Purple Heart for being wounded in combat, seven battle stars, and the French Croix de Guerre with silver star. He was shot down while on a flying combat mission over Holland and evaded capture for 42 days before reaching Allied lines.

Mr. President, it is with considerable gratification that I have received notice from the ranking naval reservist in the U.S. Senate, Capt. HUGH SCOTT, of the U.S. Naval Reserve, presently the distinguished junior Senator from Pennsylvania, that he is supporting my opposition to the Gene Hal Williams nomination and that he will speak against the nomination when it is brought up for debate and voting.

Captain SCOTT has a distinguished naval service record which includes oversea service both in World War II and the Korean war, specifically Atlantic convoy, the North Atlantic patrol, and the occupation of Iceland in World War II, as well as service in the Pacific, including occupation of Japan with the 3d Amphibious Force. He served during the Korean war aboard the carrier *Valley Forge*. Among his decorations and awards are the Navy Commendation Ribbon and Philippine Liberation Ribbon.

Mr. President, I also ask unanimous consent that a news report with respect to this statement by the four Reserve generals which I have had included in my remarks be printed in the body of the RECORD, and I call particular attention of the Members of the Senate to the last paragraph of the article.

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

[From the New York Herald Tribune, Aug. 23, 1961]

THIRTY-THREE MONTH GUARDSMAN A GENERAL?—DOESN'T RATE IT, SAY FOUR SENATE GENERALS

(By Victor Wilson)

WASHINGTON, August 22.—Should the 33-year-old adjutant general of West Virginia's National Guard, with 33 months' Army service as a draftee, be given the star of brigadier general in the Army Reserve?

The Senate today scheduled debate for Thursday on this subject, with the outcome anyone's guess.

But the Senate's answer should be an emphatic "No" according to the only four of its Members who hold general status in the Reserve forces.

These four Senators took the unusual step today of circulating a letter to their colleagues urging them to be present for Thursday's debate "to hear the pertinent and disturbing facts in this case. * * *"

KEATING ONE OF THEM

They are Senators STROM THURMOND, Democrat, of South Carolina, an Army Reserve major general; KENNETH B. KEATING, Republican, of New York, an Army Reserve brigadier general; and Senators BARRY GOLDWATER, Republican, of Arizona, and HOWARD W. CANNON, Democrat, of Nevada, both Air Force Reserve brigadier generals.

Standing behind this Reserve senatorial brass is Senator MARGARET CHASE SMITH, Republican, of Maine, an inveterate foe of Armed Forces' promotion except on demonstrated merit.

The cause of the hassle is Gene Hal Williams, West Virginia's adjutant general. He was drafted in 1951, trained with the 101st Airborne Division, attended officer-candidate school, emerged a second lieutenant, rose to first lieutenant, was discharged in 1953, entered the Army Reserve, and was commissioned a Reserve major last June.

But last January, William W. Barron, a Democrat, and West Virginia's former attorney general, entered the Charleston State House as Governor. He immediately named Mr. Williams, one of his former assistants, as adjutant general of the State's National Guard.

That job pays $8,000 yearly. General Williams also became the State's director of selective service at an additional $6,100 yearly, paid by the Federal Government.

NAME FORWARDED

Since most States adjutants general rate a brigadier's star in the Army Reserve, Governor Barron forwarded Williams' name to President Kennedy. The latter routinely forwarded the nomination to the Senate, which routinely routed it to the Armed Services Committee. All officers, Regular or Reserve, aspiring to general officers' commissions, must be approved by the Senate.

Senator SMITH, a member of the committee, and others dug into the Williams' service record. They figured that he wouldn't rate a brigadier's star until 1969 under Regular Army promotion rules, and protested the action.

But the full Armed Services Committee, by a 10-to-7 vote, approved the nomination. Today's letter by the Senate's four Reserve general officers asking their colleagues to vote against, was the next blocking step decided upon. A full Senate vote will decide after debate.

"We do not believe that this young man * * * with only a year and one-half of commissioned active duty service, with no combat service, no oversea service, and no decorations (only the parachute badge award) possesses the necessary qualifications for general officer rank in the U.S. Army Reserve.

"We see no reason why he should be given special treatment and exemption from the requirement of 8 more years of service before even being eligible to be made a brigadier general.

"This, in addition to his other obvious lack of qualifications, would make such specially shortcut treatment for him grossly unfair to the thousands of loyally participating reservists, and would seriously impair the morale of the Reserve Forces generally."

A senatorial spokesman pointed out that if Williams' nomination is passed, he will receive an additional $2,000 yearly in Federal funds for 15 days of summer camp duty, plus showup at four National Guard drill services monthly.

The spokesman also pointed out that win or lose in Thursday's scheduled vote, General Williams will be the last man, under a new Defense Department directive, to be eligible for a Reserve brigadier general's star until he has attained at least colonel's rank in the National Guard or Reserve.

Deputy Defense Secretary Roswell L. Gilpatric decreed this July 18 under the prodding of Senator SMITH and other Senators.

A spokesman for General Williams at Charleston told the Herald Tribune the latter thought he was being discriminated against because of what he termed Mr. Gilpatric's "retroactive rule." The spokesman quoted him further as saying:

"I'm not capable of leading a division into combat. I know that as well as anyone. If today's [international] situation had existed when I was offered the adjutant generalship, I would not have accepted it.

MANPOWER DEVELOPMENT AND TRAINING ACT OF 1961

The Senate resumed the consideration of the bill (S. 1991) relating to the occupational training, development, and use of the manpower resources of the Nation, and for other purposes.

Mr. PROUTY. Mr. President, I call up my amendment which is at the desk and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 26, line 6, beginning with "Except," it is proposed to strike out everything through the word "such" on line 9, and to insert in lieu thereof the words "Such weekly".

Mr. PROUTY. Mr. President, on the question of agreeing to this amendment, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. METCALF in the chair). Is there a sufficient second?

The yeas and nays were ordered.

Mr. PROUTY. Mr. President, for the benefit of Senators who now are on the floor, let me say I shall speak very, very briefly on this amendment.

Under the provisions of the bill as it now stands, the Secretary of Labor could use the entire $655 million for the

payment of the equivalent of unemployment compensation to youths between ages 16 and 22 who, perhaps in many cases, never have worked a day in their lives. This is possible even though the bill is ostensibly directed to affording this quasi-unemployment compensation to the heads of families who have been in the labor market or have been part of the labor force for 3 years. But as I have said, the Secretary of Labor could, because of a loophole, spend—if he saw fit to do so—the entire amount on the youth programs. These young people will be entitled, under the provisions of the bill, to vocational training and other types of training. This is all right. But I do not believe they are entitled to receive unemployment compensation while they are taking such training courses. I feel very strongly that this unwise grant of authority should be eliminated.

It should be noted that the committee has already reported a bill relative to the Youth Conservation Corps, which contemplates an expenditure of $4,000 a year per man; and the committee has included provisions for another training program which will equip young persons to be game wardens, janitors, and so forth, for public agencies. These young people will receive their training at considerable expense to the taxpayers.

How many more youth training programs do we need at the present time?

Under my amendment, people between 16 and 22 years of age will be entitled to receive vocational education and on the job training, but they will not be entitled to receive compensation for taking the training.

That, in brief, is the essence of my amendment; and I hope very much that it will be adopted.

Mr. CLARK. Mr. President, I should like to read to the Senate a letter in connection with this matter, directed to me by the Secretary of Labor, and received by me late yesterday afternoon. The letter is dated August 22, and reads as follows:

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 22, 1961.

Hon. JOSEPH S. CLARK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CLARK: In response to your request, I am happy to explain my intentions with respect to exercise of the authority vested in me by section 203(c) of S. 1991, to provide training allowances for youths.

As you know, this authorization is limited to instances in which the "Secretary of Labor finds such training allowances are necessary to provide occupational training for youths". Otherwise the allowances are "limited to unemployed persons who have had not less than 3 years of experience in gainful employment and who are heads of families."

It is my firm conviction that priority and emphasis must be accorded the experienced unemployed heads of families. Their needs demand our attention and are the underlying reason for this legislation. It is in their own and the national interest that they be assisted to acquire new or improved skills which will enable them to obtain gainful employment.

However, some youths also need and deserve our assistance in acquiring skills which will permit them to take their rightful places in our labor force. It is for their special needs that the authority to provide training allowances where necessary, is contained in the bill.

I do not anticipate the need to expend much of the authorized funds for training allowances for youths. Careful review of the needs and the resources leads me to conclude that less than 5 percent of the total funds authorized for carrying out the purposes of this bill would be required for training allowances for youths. In administering the bill, I would not expend more than this sum for this purpose.

I hope that this information will be helpful to you in considering this legislation.

Cordially,

ARTHUR J. GOLDBERG.

I should like to ask the Senator from Vermont a question: In view of that letter from the Secretary of Labor, will the Senator from Vermont be willing to withdraw his amendment, and to rely on the legislative history we are now making, to the effect that it is the intention of the Senate that the Secretary of Labor be closely held to the letter which I have now read into the RECORD, and that it is the feeling of the Senator in charge of the bill on the floor and is also the feeling of the Senator from Vermont [Mr. PROUTY], a member of the subcommittee and a member of the full committee, who is proposing this amendment, that we wish these payments to youths to be held down, and in no event to be more than 5 percent of the total amount appropriated?

I hope the Senator from Vermont will be willing to accept the assurance from the Secretary of Labor and from the Senator from Pennsylvania—namely, that we do not intend to have a large part of the money to be made available go for training allowances for youths.

Mr. PROUTY. Mr. President, I should like very much to go along with the suggestion of the Senator from Pennsylvania. But it seems to me that to do so would be to establish a very dangerous precedent—if we began to pay unemployment compensation, which is what it really would be, to persons who have never worked and are not entitled to receive unemployment compensation.

My amendment will do nothing to prevent occupational training of these young people. I want them to have it, and I think they should have it.

But I do not think they should be treated in the same way as the head of a family who has been a member of the labor force, and is entitled to receive compensation, while he upgrades his skill. I regard the proposal in that part of the bill as very dangerous. So I do not think I can accept the suggestion of the Senator from Pennsylvania.

Mr. CLARK. Let me say that, as the Senator from Vermont knows, the testimony showed in ample detail the desperate plight of thousands of young men and young women who have dropped out of school, and do not have employable skills. They have no place to which to turn, and they cannot obtain employment, and they are on the streets, and all too frequently some of them are participating in acts of juvenile delinquency.

Surely the Senator from Vermont will agree that many of these young people must, if they are to be trained in adequate skills, leave their home communities, because of the fact that in or near their home communities there is no means of giving them such training. The Senator from Vermont will recall that in the testimony in regard to Pennsylvania there was reference to the training school at Williamsport, Pa. It is a very good school, as I am sure all will agree. That facility is in central Pennsylvania, and it is an important school in Pennsylvania for training in skills which many young persons, and also many older persons, would like to have made available to them. Therefore, those in Pennsylvania who wished to receive such training would have to go to Williamsport. It seems to me that, at the very least, the Secretary should have discretion—if such persons have no way to get to Williamsport, or have no way to support themselves, once they get there—to provide a modest training allowance.

Mr. PROUTY. Mr. President, I think the Senator from Pennsylvania is exaggerating the situation. I think in most of the places where these young people are located, there are high schools or other facilities which would be available for the training of these young people.

I feel very strongly about this particular feature of the bill, and I certainly could not go along with the Senator's thinking on it.

Mr. CLARK. I wonder if the Senator would be willing to accept a substitute to the amendment which would restrict the funds to no more than 5 percent of the amounts appropriated, which is a relatively small amount, in view of the total amount provided, so the Secretary of Labor would have some flexibility in dealing with this serious problem?

Mr. PROUTY. No; I do not think I could agree to that. If it were 1 or 2 percent, I might.

Mr. CLARK. Mr. President, I offer a substitute to the amendment proposed by the Senator from Vermont, which, starting as does his amendment, on page 26, line 6, would substitute for the Senator's amendment the following words: "(c) Except where the Secretary of Labor finds such training allowances are necessary to provide occupational training for youths over sixteen but under twenty-two years of age, and only to the extent of 5 percent of the total allowances under this section"—and then proceeding as in the bill at the present time.

The PRESIDING OFFICER. The amendment offered by the Senator from Pennsylvania as a substitute for the amendment of the Senator from Vermont will be stated.

The LEGISLATIVE CLERK. It is proposed, beginning on page 26, line 6, to insert the following language:

Except where the Secretary of Labor finds such training allowances are necessary to provide occupational training for youths over sixteen but under twenty-two years of age, and only to the extent of 5 percent of the total allowances under this section, such

weekly training allowances shall be limited to unemployed persons who have had not less than three years of experience in gainful employment and who are heads of families or heads of households as defined in the Internal Revenue Code.

Mr. CLARK. Mr. President, I should like to say a word in support of my substitute amendment, and then I shall be ready for a vote. It goes as far as the Secretary of Labor is willing to go, and puts into statutory form his assurance, as contained in his letter, that he does not expect to spend substantial sums of money in this regard, and is willing to limit it to 5 percent of the total authorization. I think it is a substantial solution to the problem raised by the Senator from Vermont. I respect him for raising it. I think large sums of money should not be used for this purpose. I think we should support the Secretary of Labor. I urge the adoption of my substitute for the Prouty amendment.

I ask for the yeas and nays on my substitute to the Prouty amendment.

The yeas and nays were ordered.

Mr. PROUTY. Mr. President, I think a real concession has been made, and I am happy we have accomplished at least that much, but I think we should go still further. I think the provision should be stricken from the bill entirely.

We must remember that the so-called Youth Conservation Corps program may go into effect next year, not with my support, but a majority of the Congress may see fit to approve it. That bill involves a good many thousands of young people. Also, many young people undoubtedly will be called into the Armed Forces as a result of the buildup in our military strength.

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

Mr. PROUTY. I am happy to yield.

Mr. HOLLAND. Those of us who are not on the committee have been wondering if the training program under the Area Redevelopment Act does not cover a large number of the same persons who would be covered under this program.

Mr. PROUTY. It does to a large degree.

Mr. HOLLAND. Is the Senator able to advise the Senate what is the number or what is the proportion of the total number that are covered under the area redevelopment program out of the total number in the Nation?

Mr. PROUTY. I think perhaps the Senator from Pennsylvania has those figures at hand.

Mr. HOLLAND. Will the Senator from Pennsylvania yield for that question?

Mr. CLARK. The Senator from Vermont has the floor.

Mr. PROUTY. I have yielded to the Senator.

Mr. HOLLAND. I should like to address this question to the Senator from Pennsylvania: What is the proportion of the total number of young people who are involved in the training program under this bill who are to be covered also by the area redevelopment program, and therefore covered by the instructional part of that program?

Mr. CLARK. I cannot give the Senator an exact answer, but I can give him a pretty good idea. There are presently, in the age group from 16 through 21, roughly 1,500,000 young people who are seeking work and would like to find jobs. Of these, I would make what would be no more than a guess, that less than 25 percent of them are in areas of persistent and chronic unemployment. I say that for two reasons. The testimony before the subcommittee indicated that a large proportion of the young people whom we hope to retrain by this program are located in the great metropolitan areas of our country, in the large cities of New York, Chicago, Philadelphia, Detroit, Cleveland, and so forth. With only one or two exceptions, those large cities are not areas of chronic and consistent unemployment to be covered by the area redevelopment bill. The areas covered by the area redevelopment bill are the coal towns of West Virginia, the railroad towns of Pennsylvania, the shutdown textile towns of Massachusetts. So there is no particular connection between the young people we hope to help under the pending bill and the individuals whom it is hoped to help by the retraining provisions of the area redevelopment program.

It has been the constant experience that in areas of chronic and consistent unemployment young people leave. When there are no jobs for them there, they get out. I can give the Senator a good example. In Uniontown, Pa., in Fayette County, where I think there is the highest level of unemployment of any community which keeps statistics, with the possible exception of one or two areas in West Virginia, between 60 and 70 percent of the graduates of the local high schools leave because they cannot get jobs. That has been going on for years. These areas have been depopulated of their young people. They will not be around to get training under the area redevelopment program.

So while I cannot give the Senator from Florida definite statistics to answer his question, I can give him my assurance that what I have said is substantially correct.

Mr. HOLLAND. I thank the Senator.

Mr. PROUTY. I merely wish to say that I hope the substitute offered by the Senator from Pennsylvania will be defeated, and that my amendment will be adopted after we vote on the Clark substitute.

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

Mr. PROUTY. I yield.

Mr. LAUSCHE. If the amendment of the Senator from Vermont is adopted, will that limit the granting of aid to persons who are chronically unemployed and who have been previously engaged for a definite period in a particular occupation which is becoming obsolete?

Mr. PROUTY. That is correct. The proposal explicitly gives priority to heads of families who have been members of the labor force for a period of 3 years; but I should like to point out to the Senator that my amendment would not preclude training programs for young people. They simply would not be paid while they were going to school.

Mr. LAUSCHE. Under the present provisions of the bill, without the amendment of the Senator from Pennsylvania, if a 17-year-old boy were out of employment and wanted to be trained, would the provisions of the bill authorize payments to him on a weekly basis in the same way as would be granted to adults?

Mr. PROUTY. As the bill is presently written, yes.

Mr. LAUSCHE. That is, as the bill now stands.

Mr. PROUTY. That is correct. My amendment would change that, and the Clark amendment would limit the allowances to 5 percent of the amounts which are authorized for all allowances.

Mr. LAUSCHE. Is the Senator from Vermont able to tell what motivated the inclusion in the bill of the provisions which would make payable to 17-year-old and 18-year-old young men full compensation, such as would be given to adults?

Mr. PROUTY. I am unable to justify it in my own mind.

Mr. CLARK. Will the Senator yield to me, to permit me to answer that question?

Mr. PROUTY. I yield.

Mr. CLARK. The testimony showed that particularly in the great metropolitan areas—Cleveland, Cincinnati, Youngstown, Pittsburgh, Philadelphia, and the like—there is a serious problem in connection with out-of-school dropouts.

These young people many times have not finished school, or have lost interest, though some have graduated from school and found no jobs available because they did not possess the necessary skills. They are contributing to juvenile delinquency. They are roaming the streets in gangs. There is literally nothing for them to do.

The purpose of the bill is to permit the Secretary of Labor, within his discretion, after he takes care of the first priority of the retraining payments for members of the labor force, heads of families in the labor force who have been in it for 3 years, to pay some training allowance to these young people.

The amount is not specified in the bill. It is under the Secretary's discretion.

One could rest assured, in my judgment, that the expenditures would never be as high as the average unemployment compensation payment to the older workers. The provision simply would allow some discretion.

For example, if the Secretary found that a group of young people in Cleveland could be trained in some skill in the electronics area, as to which in Cleveland there is presently no facility available to train those people, he could send them elsewhere, to Ohio or to Pennsylvania, and while they were getting the training under the program, enrolled in a regular vocational training school, they could be paid the regular subsistence allowance so that they could survive while they were being trained.

Mr. LAUSCHE. May I ask whether the amendment of the Senator from Pennsylvania contemplates limiting the expenditure to 5 percent of the total amount authorized?

Mr. CLARK. The Senator is correct, the total authorized for allowances. I

offer the amendment because I wish to make it crystal clear, as does the Secretary of Labor, that the Secretary does not propose any great boondoggle. He is not interested in providing young people with allowances so that, once having dropped out of school, they will be paid for doing nothing.

The Secretary wishes to spend 95 percent of the sum authorized to be appropriated for training allowances for the older workers, for the permanent members of the labor force who have lost their jobs, but he would like to have a little leeway, only 5 percent, to enable him to make some payments to the young people.

Mr. LAUSCHE. Is there a discussion in the RECORD at all as to what has happened to the technical schools, which train people in various occupations and skills?

Mr. CLARK. Yes.

Mr. LAUSCHE. Why are not the normal schools being used? How are those treated?

Mr. CLARK. They are being used to capacity at the present time. Those schools will be used to an even greater extent under the program.

This provision relates to a group of young people who have dropped out of school. I agree with my friend in his approach. I know the great emphasis the Senator places upon personal character and individual initiative. I share his concern. I suppose that, in a stern and just world, one might say, "Never mind about these people. They are no good. They are the riffraff of the community. Do not train them. Let them go onto the streets."

This is an effort to try to redeem some few of these young people, by training them and giving them skill. The restriction is a very tight one, of only 5 percent of the total amount appropriated.

Mr. PASTORE. Mr. President, will the Senator yield at that point?

Mr. CLARK. I do not have the floor.

Mr. PROUTY. I yield to the Senator from Rhode Island.

Mr. PASTORE. If the real purpose—with which I would agree—is to give a subsistence allowance to those trainees who have to be sent away from home, why not confine the language to that purpose? If the payments are for those who have dropped out, who are living at home with their families, who are given an opportunity in the community to obtain the training, I do not believe the provision would be quite as necessary. The families could provide subsistence for those at home, as contrasted to the situation in which the training facilities are not available and it is necessary to send the youths away to some other place. If sent away, they would have no money to buy food while they were being trained. Where would they get their meals?

If we confine the provision to the situation in which these young people are sent to different localities to get training, I would be willing to see even the 5 percent ceiling raised, to provide more money. When the youths are to be taken away from their home environment, the situation would be quite different as to subsistence.

Mr. CLARK. I have great sympathy with the point of view expressed by the Senator from Rhode Island. Perhaps it is due to a lack of preparation that the substitute amendment is not more closely defined and refined.

We had an extensive discussion in the committee on this point, and the committee voted unanimously to report the bill to the Senate without considering a change in the language now under consideration, because we all felt we could safely trust the Secretary of Labor in this respect and that it was not necessary to write in a statutory restriction.

In addition—and I know the Senator from Rhode Island is aware of this, because the city of Providence, Rhode Island, is a city in which this is of considerable importance—there is the problem of the family itself. I am sure the Senator knows that there are thousands of families in Providence and in Pawtucket which are broken families, which have no wage earner in the family, with no support, and the people on relief. The wife, the husband having gone, cannot get a job.

These are the young people to whom we wish to give a little bit of help in connection with this retraining program.

I would urge the Senator not to insist that these young people have to move away from their homes. Three-fourths of them would be in that category, but let us give to the Secretary of Labor a small amount of flexibility, only 5 percent.

Mr. HOLLAND. Mr. President, will the Senator from Vermont yield to me, so that I may address a series of questions to the Senator from Pennsylvania?

Mr. PROUTY. I yield to the Senator from Florida.

Mr. HOLLAND. First, what is the period of time contemplated under the pending bill during which the unemployment compensation payments or subsistence payments might be made?

Mr. CLARK. The maximum time would be 1 year. It is contemplated that in most instances it would be substantially less. It depends on the length of the training to be given.

The reason we provided for up to a year is that there are some highly technical skills as to which the course would have to run that long.

Mr. HOLLAND. I have before me the committee report for the Area Redevelopment Act. I have not been able to get a copy of the act in its final form, but I assume that the report covers the act substantially in the form in which it was passed.

I note from the report, and I understand from an interpretation thereof given to me by the Senator from Pennsylvania, that $4.5 million was authorized for the retraining program under the Area Redevelopment Act.

Mr. CLARK. The Senator is correct. The Senator has the text, but it is my understanding—and I ask the Senator to check to see if I am correct—that the $4.5 million was intended for individuals who lived and who would work within the area of chronic and persistent unemployment, in order to help them to obtain skill which they might have to go outside the area to acquire but which, in all likelihood, they could acquire within the area.

Mr. HOLLAND. I understand this is for selection and training, and I understand that the subsistence payments which are allowed are covered by the next paragraph of the report. It is provided that the payments will be made only for the period a trainee is receiving occupational training or retraining, but that no trainee shall receive such payment for more than 16 weeks.

Mr. CLARK. The Senator is correct.

Mr. HOLLAND. It is further provided that an annual appropriation of $10 million is authorized for retraining subsistence payments.

Mr. CLARK. The Senator is correct.

Mr. HOLLAND. It seems to me that in view of the size of the proposed appropriation, the conditions of the pending bill vary much too widely from the conditions in the area redevelopment bill. For example, in the bill there is a limitation on subsistence payments of 16 weeks. I agree with the Senator from Pennsylvania that we should make allowable some subsistence payments to youths who may not have been employed before, but the only reason is that they have not been able to find a job. I see no reason, however, for establishing a much more liberal or more costly program per youth in that case than what we established under the Area Redevelopment Act for the training of persons generally who were out of employment. I wonder how the Senator feels we could justify the setting up of subsistence payments for not to exceed 1 year in this case, whereas we would limit them to 16 weeks during the period of training in the other case.

Mr. CLARK. I am sure the Senator from Florida will agree that it would be desirable to confine our present discussion to the amendment now pending, which has to do only with retraining allowances and not with the kind of subsistence payments to which my friend was referring in the second part of the report on the area redevelopment bill to which he had reference.

Mr. HOLLAND. That dealt solely with subsistence payments during the time of retraining.

Mr. CLARK. I think my friend also referred to the $4,500,000 appropriation, which was for training as well as retraining allowances, which comes first.

Mr. HOLLAND. Not for subsistence?

Mr. CLARK. In the amendment we are talking about retraining allowances not about subsistence.

Mr. HOLLAND. Am I to understand that the Senator is inclined to agree with the Senator from Florida that the disparity between the maximum of 1 year of subsistence provided in the bill and the 16 weeks in the other bill should be corrected?

Mr. CLARK. No, I do not agree with my friend, for this reason: In the area redevelopment bill we were dealing with a specific situation in which, when we came to the retraining and subsistence payments provision, we were thinking about adult workers, such as coal miners,

for example, who, it was hoped, could be retrained in some employable skill. It was the thought then—and that was before the Secretary of Labor had given us the benefit of his more mature thinking—that the kind of retraining job we would get for a coal miner probably could not last during a training period for more than 16 weeks. But when we talk about young people who are still in their adolescent and early adult years, we are thinking of the kind of jobs for which they could be trained. We would get into the kind of vocational and technical training which would have to continue for substantially more than 16 weeks. I have a list of them here. I do not believe it would be of any particular use to encumber the RECORD with the list at this point.

Mr. HOLLAND. Mr. President, I can see some soundness in what the Senator has said. I call his attention to the fact that young people of exactly the same description as the ones he is talking about as covered by the provisions of this bill were included by many thousands under the area redevelopment bill, and the training of young people under that bill was provided for. The provisions that I have referred to, namely, the authorization and appropriation of $10 million for retraining subsistence payments, with the condition that no trainee shall receive more than 16 weeks at the rate of unemployment compensation prevailing, was certainly a provision of the Area Redevelopment Act.

Mr. CLARK. It certainly was.

Mr. HOLLAND. And is at the present time.

Mr. CLARK. It certainly is.

Mr. HOLLAND. And it applies to many young people of exactly the same description—except as to the areas they come from—as those mentioned in the pending bill.

Mr. CLARK. The question is, How many is "many"? In my response to the Senator from Ohio, I attempted to point out that there really were not very many.

Mr. HOLLAND. If the Senator will allow me to make one further comment, I am quite agreeable to the idea of subsistence payments and of limiting them as suggested by the amendment to 5 percent of the total amount, which I understand to be $3 million, or thereabouts, for the first year. Is that correct?

Mr. CLARK. It would be $4,100,000 the first year.

Mr. HOLLAND. The first year. The total would be a $90 million appropriation?

Mr. CLARK. Yes, $4,100,000 the first year.

Mr. HOLLAND. For the first year, $4,100,000 which I do not think is excessive at all. But I find objectionable the great differentiation in the total period of payment of subsistence, which is unemployment compensation—or is based upon unemployment compensation—in the case of the area redevelopment trainee, many of whom are exactly like the people who are referred to in the provisions of the bill.

I thank the Senator from Vermont and the Senator from Pennsylvania.

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

Mr. PROUTY. I yield.

Mr. LAUSCHE. I wish to ask a question of both the Senator from Vermont [Mr. PROUTY] and the Senator from Pennsylvania [Mr. CLARK]. With respect to the eligibility of a person between the ages of 16 years and 22 years, who would differentiate between the one having the necessary means to buy his own education and training, and another person who is in poverty and does not have the necessary means?

Mr. CLARK. Mr. President, may I answer that question?

Mr. LAUSCHE. Yes.

Mr. CLARK. The bill provides for what to me seems to be a pretty careful screening process. In the first place, the Secretary of Labor must make a survey to determine where potential job opportunities exist. Having done so, he must then, in cooperation with State employment agencies and with the vocational and technical training and educational institutions of each State, conduct a series of tests to determine the aptitude of particular individuals to acquire the training which it is proposed to give them.

Having then, at least to some extent, one would hope, screened the capable from the incapable, the Secretary must make the next decision as to whether the capable need a retraining allowance; and if they do not need such an allowance, he will not give it to them, because the bill provides that only in cases in which the Secretary of Labor finds it necessary to make such payment will payment be made.

Mr. LAUSCHE. The payments would be made on the basis of need.

Mr. CLARK. The Senator is correct.

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

Mr. PROUTY. I yield.

Mr. PASTORE. Do I correctly understand, then, that the payments would not be made on a bloc basis, but would be made on an individual basis?

Mr. CLARK. The Senator is correct.

Mr. PASTORE. So in the same classroom there might be a boy who is 17 years old and who is receiving training without subsistence, and next to him might be one receiving subsistence because he needs it.

Mr. CLARK. I am sure what the Senator has described will happen in many instances. It is the committee's intention.

Mr. PASTORE. I feel there will be such cases.

Mr. CLARK. I am prepared to trust the Secretary of Labor.

Mr. PROUTY. Mr. President, may I point out that if the substitute offered by the distinguished Senator from Pennsylvania prevails, a 16-year-old boy could receive an average of $32 a week for 52 weeks while he was going to school, perhaps in his own community, where most of the applicants would be taken care of.

I think we should also recognize that this program will not be subject to review for another year, at least, on any important feature, and we might as well postpone grandiose plans until we find out where we are going. I think if the Clark substitute is rejected and if my amendment is agreed to, it will not adversely affect the program.

During the course of a 2-year period we can examine the question of subsistence and then make judgments. I think the judgments should be those of Congress rather than the Secretary of Labor, because I think a great many unfortunate things could creep into an arrangement of that nature. I hope the Clark substitute will be rejected and that my amendment will prevail.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Pennsylvania [Mr. CLARK] to the amendment offered by the Senator from Vermont [Mr. PROUTY]. 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 Connecticut [Mr. DODD], the Senator from Missouri [Mr. LONG], and the Senator from Oklahoma [Mr. MONRONEY] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

On this vote the Senator from New Mexico [Mr. CHAVEZ] is paired with the Senator from Kentucky [Mr. COOPER]. If present and voting the Senator from New Mexico would vote "yea" and the Senator from Kentucky would vote "nay."

On this vote the Senator from Missouri [Mr. LONG] is paired with the Senator from Arizona [Mr. GOLDWATER]. If present and voting the Senator from Missouri would vote "yea," and the Senator from Arizona would vote "nay."

I further announce that if present and voting the Senator from Connecticut [Mr. DODD], and the Senator from Oklahoma [Mr. MONRONEY] would vote "yea."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Kansas [Mr. CARLSON] are absent because of illness.

The Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The Senator from Kentucky [Mr. COOPER] is detained on official business.

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

On this vote, the Senator from Arizona [Mr. GOLDWATER] is paired with the Senator from Missouri [Mr. LONG]. If present and voting, the Senator from Arizona would vote "nay," and the Senator from Missouri would vote "yea."

The result was announced—yeas 53, nays 39, as follows:

[No. 164]

YEAS—53

Anderson	Cannon	Eastland
Bartlett	Carroll	Engle
Beall	Case, N.J.	Fulbright
Bible	Church	Gore
Burdick	Clark	Gruening
Byrd, W. Va.	Douglas	Hart

Hartke	Long, La.	Pell
Hayden	Magnuson	Proxmire
Hickey	Mansfield	Randolph
Hill	McCarthy	Smathers
Holland	McGee	Smith, Mass.
Humphrey	McNamara	Sparkman
Jackson	Metcalf	Stennis
Javits	Morse	Symington
Johnston	Moss	Williams, N.J.
Kefauver	Muskie	Yarborough
Kerr	Neuberger	Young, Ohio
Long, Hawaii	Pastore	

NAYS—39

Aiken	Ellender	Prouty
Allott	Ervin	Robertson
Bennett	Fong	Russell
Boggs	Hickenlooper	Saltonstall
Bush	Hruska	Schoeppel
Butler	Jordan	Scott
Byrd, Va.	Keating	Smith, Maine
Capehart	Kuchel	Talmadge
Case, S. Dak.	Lausche	Thurmond
Cotton	McClellan	Tower
Curtis	Miller	Wiley
Dirksen	Morton	Williams, Del.
Dworshak	Mundt	Young, N. Dak.

NOT VOTING—8

Bridges	Cooper	Long, Mo.
Carlson	Dodd	Monroney
Chavez	Goldwater	

So Mr. CLARK's amendment to Mr. PROUTY's amendment in the nature of a substitute was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Vermont as amended by the amendment of the Senator from Pennsylvania.

Mr. PROUTY. Madam President, I ask unanimous consent to withdraw my request for the yeas and nays on the pending amendment.

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

Mr. PROUTY. Madam President, I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Vermont, as amended by the amendment of the Senator from Pennsylvania.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. CLARK. Madam President, I ask unanimous consent to have printed at this point in the RECORD a tabulation giving the estimated costs of the bill, as submitted by the Department of Labor.

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

Manpower Training and Development Act of 1961—Estimates of cost revised per subcommittee print S. 1991, June 28, 1961

[In thousands of dollars]

	1962	1963	1964	1965
TITLE I				
Occupational training and manpower:				
Sec. 103.1 To provide for evaluation of the impact of automation on the utilization of the Nation's labor force, establishment of research in problems of automation, and publication of findings by the Secretary of Labor. Approximately 100 percent increase of present BLS entire productivity program	600	600	500	500
Sec. 103.2 To provide for factual studies by the Secretary of Labor of practices of employer and unions which impede mobility of workers and for encouragement of improved mobility practices for the Secretary of Labor estimated to about ½ of the automation job in size	300	200	200	200
Sec. 104.0 Development, compilation, and dissemination of information regarding skill requirements, occupational outlook, job opportunities, and employment trends. For printing based on previous experience	520	520	520	520
Sec. 105.0 For overall direction of programs under this act. About double present proposal for the Office of Automation—allows $50,000 for 1st year consultants and a base of about 10 professional and 5 clerical positions	150	150	150	150
Total, title I	1,570	1,470	1,370	1,370
TITLE II				
PART A				
Training and skill development programs:				
Sec. 202.0 For counseling testing and placement services for long-term unemployed and underemployed. 600,000 1st, 2d and 400,000 for the 3d and 4th year	3,000	3,000	2,000	2,000
Sec. 203.0 Retraining allowances for long-term unemployed. 60,000 1st year; 110,000 2d year; 200,000 3d year; 200,000 4th year.[1]				
Average of $32 week for 26 weeks or about $832 per person	49,840	90,520	83,000	83,000
Retraining allowances for on-the-job training (20,000 1st year and 40,000 2d and 100,000 the 3d and 4th year); 50 percent allowances or $416 per person	8,300	16,640	20,400	20,400
Youth training[1] 10,000 1st year; 20,000 2d year, and 50,000 3d and 4th[1]	4,160	8,320	10,400	10,400
On-the-job and related training:				
Sec. 204.0:				
(a) Encourage, develop and secure adoption of on-the-job programs 20 percent increase current program 1st year and 100 percent or more increase thereafter	1,000	3,000	3,000	3,000
(b) Supplementary classroom instruction with HEW	1,000	1,000	1,000	1,000
(c) Securing adherence to standards	500	500	500	500
Sec. 205.0 National Advisory Committee	30	30	30	30
Sec. 206.0 Report on operation of training programs	500	500	500	500
Total, title II, part A	68,330	123,510	120,830	120,830
PART B				
Vocational training:				
Sec. 401.0 Provision of vocational training. For unemployed 80,000 1st year; 120,000 2d year; 380,000 3d year; 380,000 4th year. For underemployed 30,000 and 40,000 for 2d year; 50,000 3d and 4th year thereafter; $300 per person; 100 percent Federal for unemployed and 50 percent for underemployed; 50 percent State matching 3d and 4th year	28,500	42,000	60,250	60,250
TITLE III				
(And sec. 207)				
Miscellaneous:				
For general administration and coordination (BES and grants)	1,600	2,750	2,750	2,750
Total Training and Manpower Act 1961—NOA expenditures	100,000	169,730	185,200	185,200
Expenditures	90,000	163,000	182,000	185,200
Liquidation costs in 1966 based on 3 months' activities				70,000

[1] 50 percent State matching 3d and 4th year.

Mr. CLARK. Madam President, I ask unanimous consent that the Secretary of the Senate in the enrollment of this bill be authorized to make any corrections of a technical or typographical nature.

The ACTING PRESIDENT pro tempore (Mrs. NEUBERGER in the chair.) Without objection, it is so ordered.

Mr. LAUSCHE. Madam President, I contemplate voting against the bill. It contains provisions which will duplicate what we are already doing in one form or another. The bill is only another example of spending, and I cannot subscribe to it.

I voted for the area redevelopment bill, which contemplated in a measure taking care of these problems; but I cannot go along with the unlimited spending programs which more and more are precipitating our country into great difficulties.

The ACTING PRESIDENT pro tempore. The bill has been read the third time. The question now is, Shall the bill pass?

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 Connecticut [Mr. DODD], the Senator from Missouri [Mr. LONG], and the Senator from Oklahoma [Mr. MONRONEY] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

I announce that the Senator from Alaska [Mr. GRUENING], and the Senator from Nevada [Mr. CANNON] were absent due to the failure of the bells to ring in their office.

On this vote the Senator from Alaska [Mr. GRUENING] is paired with the Senator from Arizona [Mr. GOLDWATER]. If present and voting the Senator from Alaska would vote "yea," and the Senator from Arizona would vote "nay."

I further announce that if present and voting, the Senator from New Mexico [Mr. CHAVEZ], the Senator from Connecticut [Mr. DODD], the Senator from Missouri [Mr. LONG], the Senator from Oklahoma [Mr. MONRONEY], and the Senator from Nevada [Mr. CANNON] would vote "yea."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES] and the Senator from Kansas [Mr. CARLSON] are absent because of illness.

The Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

On this vote, the Senator from Arizona [Mr. GOLDWATER] is paired with the Senator from Alaska [Mr. GRUENING]. If present and voting, the Senator from Arizona would vote "nay," and the Senator from Alaska would vote "yea."

The result was announced—yeas 60, nays 31, as follows:

[No. 165]

YEAS—60

Aiken	Hartke	Morse
Anderson	Hayden	Morton
Bartlett	Hickey	Moss
Beall	Hill	Muskie
Bible	Humphrey	Neuberger
Boggs	Jackson	Pastore
Burdick	Javits	Pell
Bush	Johnston	Prouty
Byrd, W. Va.	Keating	Proxmire
Capehart	Kefauver	Randolph
Carroll	Kerr	Scott
Case, N.J.	Kuchel	Smith, Mass.
Church	Long, Hawaii	Smith, Maine
Clark	Long, La.	Sparkman
Cooper	Magnuson	Symington
Douglas	Mansfield	Talmadge
Engle	McCarthy	Wiley
Fong	McGee	Williams, N.J.
Gore	McNamara	Yarborough
Hart	Metcalf	Young, Ohio

NAYS—31

Allott	Ervin	Russell
Bennett	Fulbright	Saltonstall
Butler	Hickenlooper	Schoeppel
Byrd, Va.	Holland	Smathers
Case, S. Dak.	Hruska	Stennis
Cotton	Jordan	Thurmond
Curtis	Lausche	Tower
Dirksen	McClellan	Williams, Del.
Dworshak	Miller	Young, N. Dak.
Eastland	Mundt	
Ellender	Robertson	

NOT VOTING—9

Bridges	Chavez	Gruening
Cannon	Dodd	Long, Mo.
Carlson	Goldwater	Monroney

So the bill (S. 1991) was passed.

The title was amended, so as to read: "A bill relating to manpower requirements, resources, development, and utilization, and for other purposes."

Mr. MANSFIELD. Madam President, I move to reconsider the vote by which the bill was passed.

Mr. CLARK. Madam President, will the Senator withhold his request so that the vote may be announced?

Mr. MANSFIELD. I thought the vote was announced.

The ACTING PRESIDENT pro tempore. The vote was announced.

Mr. CLARK. I move to lay the motion of the Senator from Montana on the table.

Mr. GRUENING. Madam President, I rise to a point of personal privilege. The bells did not ring, and I ask that I be recorded on the vote.

The ACTING PRESIDENT pro tempore. The request is not in order under the rules of the Senate. The vote has already been announced.

The question is on agreeing to the motion of the Senator from Pennsylvania to lay on the table the motion of the Senator from Montana to reconsider the vote by which the bill was passed.

The motion to lay on the table was agreed to.

Mr. MANSFIELD subsequently said. Mr. President, I think the record should be made clear that the distinguished Senator from Alaska [Mr. GRUENING], who arrived in the Chamber just as the Chair was announcing the result of the vote on Senate bill 1991, relating to the occupational training, development, and use of the manpower resources of the Nation, and for other purposes, was unable to arrive earlier because the bells did not ring; and therefore his position should be made clear at this time.

The Chair will recall that just as the result of the vote was being announced, the Senator from Alaska entered the Chamber, and asked to be recognized; but because of the fact that the vote was in the process of being announced, it was impossible for the Chair to recognize him at that time.

But the Senator from Alaska was very much in favor of this particular bill, and he would have voted in favor of it if he had been given an opportunity to do so. But he was not given the opportunity to vote for the bill, because of the failure of the bells, which are supposed to be in order to call all of us here.

So I ask unanimous consent that the Senator from Alaska [Mr. GRUENING] be recorded as in favor of Senate bill 1991.

Mr. KUCHEL. Mr. President, reserving the right to object, I merely wish to ask whether the distinguished majority leader has discussed this question with the minority leader.

Mr. MANSFIELD. No, I did not, because the Senator from Alaska was here at the time, and the minority leader was aware of it. But I am quite certain in my own mind that the Senator from Illinois, the minority leader, would go along with my suggestion, because what happened to the Senator from Alaska could happen to any Senator, and I am sure the minority leader would want to accord him this courtesy.

Mr. KUCHEL. I understand that; but in the absence of the minority leader——

Mr. MANSFIELD. I have no doubt that the minority leader would agree to what I am going to ask, if it can be granted.

The PRESIDING OFFICER (Mr. METCALF in the chair). Let the Chair rule on this matter. The Chair calls attention to rule XII, which reads in part, as follows:

> No motion to suspend this rule shall be in order, nor shall the Presiding Officer entertain any request to suspend it by unanimous consent.

Rule XII provides for voting, and provides that it is not in order for unanimous consent to be requested in order to permit a Senator to vote after the result of a vote has been announced.

Mr. MANSFIELD. Of course, Mr. President, I accept the ruling of the Chair; it is what I anticipated it would be. But I wanted to state clearly, for the RECORD, that an attempt was made by the Senator from Alaska to be present and to vote, but that he was prevented from voting through no fault of his own, and that therefore this explanation should be made.

AMENDMENT TO FEDERAL RESERVE ACT

Mr. MANSFIELD. Madam President, I ask unanimous consent that the pending business be laid aside temporarily, and that the Senate proceed to the consideration of Calendar No. 713, Senate bill 1005.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1005) to amend section 10 and section 3 of the Federal Reserve Act, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill.

Mr. CARROLL. Madam President, on August 15 the Senate Banking and Currency Committee met in executive session and discussed Senate bill 1005, which amends a portion of the Federal Reserve Act.

The bill confers on the Board of Governors of the Reserve the power of authorizing construction of new branch bank buildings and additions to old buildings.

At this meeting the committee studied at length a problem I had presented to the chairman, the distinguished junior Senator from Virginia [Mr. ROBERTSON].

I had raised the question with the chairman and several other committee members, of the wisdom of permitting the Federal Reserve to move its branch bank in Denver rather than expand the bank at its present site.

Such a move, I pointed out, was contemplated by the Reserve.

The bank is presently located at 17th and Arapahoe in Denver and provides what Denver civic groups call an anchor against deterioration of downtown Denver.

This is a factor that should be of legitimate concern to the Federal Govern-

ment, which is already involved deeply in urban renewal projects in several Denver areas, one relatively close to the present bank.

It is as much in the public interest to prevent conditions that lead to urban decay as it is to make restoration once the decay has occurred.

And it is more economical.

Madam President, so that the Senate may know how important it is for the Federal Government to help stop urban deterioration before it has to pour millions into renewal of urban areas, I want to offer some statistics on urban renewal projects in Denver.

There are five urban renewal projects now in various stages of progress in Denver.

They are: First, Avondale area; second, Blake Street area; third, Whittier School area; fourth, Jerome Park area; and fifth, West Colfax area.

The Federal Government share in these projects will come to about $8 million. The city of Denver's share will be $3.3 million.

Two months ago Mr. Bruce Rockwell, chairman of the Denver Urban Renewal Authority, described the long-range urban renewal plans of the city of Denver as costing $36 million, $24 million of which will be from the Federal Government.

Madam President, $12 million of the $36 million will be spent in restoring downtown Denver, not far from the present location of the Federal Reserve bank; $8 million of the $12 million will be Federal funds.

It is readily obvious why, in terms of potential Federal investment in the area, it is important that the Federal Reserve not contribute to deterioration of any other downtown areas.

Madam President, I ask unanimous consent that there be printed at this point in the RECORD an article from the June 30, 1961, Rocky Mountain News describing Denver's urban renewal plans.

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

[From the Rocky Mountain News (Colo.), June 30, 1961]

THIRTY-SIX MILLION DOLLARS COST SET ON URBAN PLAN

(By Del Harding)

A 6-year, $36 million urban renewal program was presented to the Denver Urban Renewal Authority Thursday.

Bruce Rockwell, authority board chairman, said the program was submitted to the Capital Improvements Committee for use as a guide in planning long-range urban renewal needs.

But he stressed the program, which calls for $11.8 million in local funds with the rest coming from Federal grants, is only a tentative list of proposals for use as a guide for possible future needs.

DISCUSS PROGRAM

Authority board members discussed the program at their meeting Thursday but took no formal action.

Rockwell said the program assumes the proposed metropolitan sales tax will be approved this fall by the voters. If not, the program will have to be altered.

Robert Cameron, authority secretary, was told to examine the $5.6 billion housing bill passed Wednesday by Congress to determine how it will affect Denver's urban renewal program.

The 6-year program calls for spending $1.9 million ($400,000 in local funds) in 1962 on expanding the Whittier School neighborhood project and $495,000 ($165,000 local funds) in setting up the Jerome Park project.

Proposed for 1963 is a $1.6 million ($530,000 local funds) project on West Colfax Avenue and a $1.5 million ($500,000 local funds) project in the St. Luke's Hospital area.

LATER YEARS

Proposed in later years:

1964: $3 million ($1 million local funds) for project in city-county building area; $2.2 million ($750,000 local) for project in Whittier School-Blake Street area.

1965: $6 million (half local funds) for project in Colorado University extension center area and $3 million ($1 million local) for an east Denver project.

1966: $6 million ($2 million local) for a lower downtown project; $1.5 million ($500,000 local) for another east Denver project.

1967: $6 million ($2 million local) for another lower downtown project; $3 million ($1 million local) for another St. Luke's area project.

LANGUAGE IN COMMITTEE REPORT

Mr. CARROLL. Madam President, the Banking and Currency Committee saw fit, in connection with the Denver problem to add at my request some general language to the report on S. 1005.

This language, which is on page three of Senate Report No. 737, I think puts the Reserve Board on notice that the Congress does not look with favor on capricious new construction merely to provide a more luxurious atmosphere.

When the Senate and House required additional space we expanded at our present locations. We did not search out property on upper Massachusetts Avenue to construct brandnew headquarters—though no doubt life is more genteel in Spring Valley.

The language in the report which I consider to be adequate notice to the Reserve to halt its present plans is as follows:

The committee expects that the Board of Governors will exercise sound judgment and prudent economy in acting under this amendment. The committee expects that the Board will only approve proposed new construction or additions under the amendment where such expenditures are shown to be demonstrably necessary, and then only to the extent necessary. The committee expects that the Board of Governors in the exercise of good judgment and sound discretion will act only after fully obtaining the views of local persons and organizations, and only after giving full weight to local needs and practices, so that the location of branch bank buildings will be as convenient and as advantageous as possible. The committee expects that the Board of Governors will not approve extravagant or unnecessary construction.

Madam President, you will notice in the report language that the committee "expects" the Board will act "only" after having given "full weight" to local needs.

I hope that in fulfilling that mandate the Reserve will commence to hold a public hearing in Denver, at which time the mayor and his executive department heads, civic associations, and interested businessmen, property owners, and other citizens will have ample opportunity to express their opinions pro and con on the proposed move of the bank.

Following the August 15 action of the Banking and Currency Committee, Madam President, both daily newspapers took editorial positions against moving the bank.

I ask unanimous consent that at this point an editorial from the Denver Post dated August 21 and an editorial from the Rocky Mountain News dated August 16 be printed in the RECORD.

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

[From the Denver Post, Aug. 21, 1961]

BANK RELOCATION SHOULD BE BLOCKED

The move to block plans of the Federal Reserve bank to relocate from its site at 17th and Arapahoe Streets is a sound move.

Having outgrown its present building, the bank should expand onto the adjacent property, which it acquired in 1953, rather than purchase additional land at a different location and erect an entirely new structure for a cost estimated at $2 million.

We support the position of Senator JOHN CARROLL against improvident and unnecessary construction of new and costly buildings, in part because reasons so far advanced for the proposed relocation are not urgent reasons.

Results of such a move, for another thing, might well be, in the Colorado Senator's words, "a disaster to downtown development."

The Federal Reserve, having watched the increasing deterioration of the lower downtown area and its abandonment by large commercial operations, including other banks, has cited "sound business practice" as its main reason for considering the uptown move.

Although the bank has no direct dealing with the public, but instead handles Federal securities and lends money to other banks, its spokesmen see a more efficient business operation in new and modern quarters.

An officer in the 10th Federal Reserve District office in Kansas City, Mo., of which the Denver bank is a branch, said for it to remain at its 17th Street location would be "to gamble on changes in the general downtown composition during the next 15 years."

We suggest that the gamble is a good one, with the odds heavily in favor of an aggressive program of improvement, which is finally off to a promising start.

We also suggest that the Federal Reserve bank, as an important member of the business community, should take a leading role in this program and remain as an anchor in the lower downtown area.

Senator CARROLL has set forth other good arguments against the proposed relocation, which also is opposed by the Denver Downtown Improvement Association and Mayor Batterton.

It would be difficult to dispose of the present building without a tremendous loss.

The adjacent property, acquired when expansion needs already were being recognized, were purchased nevertheless at a period of high property costs and could not be sold except at a loss.

The present location is three blocks from the complex of Federal buildings with which it maintains constant business traffic. This group eventually will include the new Federal office building and courthouse.

These strike us as hard business facts which serve to bolster the less tangible but equally important argument of sound support to the program of revitalizing Denver's downtown.

Pulling out might well wreck a promising civic effort. Standing firm would be an immeasurable boost for the downtown program and might even save it.

[From the Rocky Mountain News, Aug. 16, 1961]

BUT WHY MOVE?

We have seen no compelling reasons advanced for moving the Federal Reserve bank from its present location at 17th and Arapahoe Streets.

The bank has served this region well from this location and we see no reason why it cannot continue to do so.

If it were to be moved, it strikes us that it probably should be located over here in our neighborhood, near the U.S. Mint with which it has close and frequent business relations.

But the bank now has a fine building, which it has outgrown. But it also has acquired for $400,000 adjacent property with a view to expansion of the present building.

This leads us to agree with U.S. Senator JOHN CARROLL in his proposal to roadblock any plans to move the bank to a new site and with downtown Denver supporters who have begun mobilization to keep the Federal Reserve bank in its present location.

The bank—which deals mainly with other banks and with the mint—has been growing right along with this booming region.

It was only last month when John R. Farrell, director of bank operations for the Federal Reserve Board, testified for a Senate committee that the Denver bank urgently needs a new building.

Officials of the bank have seen the expansion needs coming for a long time. And that is why the additional lots were acquired when they were available.

Federal Reserve banks in seven other cities are also in line for possible moves, it appears.

Senator CARROLL's effort to block moving plans here would have no bearing, it is understood, on what might be done in any other city.

Mr. CARROLL. Madam President, I presented to the Banking and Currency Committee three arguments for expanding the bank at its present site. They are:

First. The present structure, with its underground vaults and special design, would be difficult to dispose of without taking a substantial loss.

Second. A loss would be suffered on sale of the additional six lots bought at the high price of $400,000.

Third. The present structure is conveniently located only three blocks from the complex of Denver Federal buildings—including a new $17 million office building just funded by the Congress and about to be constructed by the GSA.

I have been assured that sufficient property to expand the bank can be optioned adjacent to the present bank structure at reasonable figures. This, of course, would be something the Reserve would have to judge. But I am confident that the downtown businessmen, civic leaders, and property owners will extend themselves to any reasonable length to accommodate the Reserve to keep the bank at its present location.

Madam President, I ask unanimous consent that at this point there be printed in the RECORD my letter of August 14 to Chairman ROBERTSON. I think it more fully described my own feelings and the sentiments of downtown Denver civic leaders on this issue.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
August 14, 1961.

Hon. A. WILLIS ROBERTSON,
Chairman, Committee on Banking and Currency, U.S. Senate, Washington, D.C.

DEAR WILLIS: I understand that your committee will consider on Tuesday S. 1005, which confers on the Federal Reserve Board of Governors the power of authorizing construction of new buildings for the Reserve's branch banks.

The Reserve, in the person of Mr. John R. Farrell, director of bank operations, has, I understand, testified in favor of this amendment of the Federal Reserve Act. In his testimony he described as one of the Federal Reserve needs "a new building in Denver."

This is a highly controversial issue.

However, it is only one of eight new construction projects cited as needed by the Reserve (two described as "new" buildings and six described as "additions").

I would be reluctant to oppose committee action on S. 1005 merely because of controversy over one of the eight projects.

It may be possible for you, however, to stipulate in your committee report some language which might restrain the Federal Reserve Board from improvident and unnecessary construction of new and costly buildings.

I fear this is what may happen in Denver if we do not warn the Reserve to act with prudence.

The mayor of Denver does not favor a change in location of the Federal Reserve bank in Denver.

He has written me on this matter and I enclose a copy of his letter.

There is a long history behind the proposed new Reserve bank structure in Denver.

On March 2, 1953, the Reserve bought for $400,000 six lots adjoining the present bank. It planned at that time to expand its existing facilities from 34,000 square feet to 68,000 square feet. However, when it was learned that the costs would run to $2.2 million ($600,00 more than anticipated) the project was dropped.

The bank still owns those 6 lots.

In October of 1958 the question of expansion was revived and the bank acquired options on an additional 13 lots, averaging about $30,000 per lot.

In January 1959 the Reserve dropped all options and began exploring once again the concept of a brandnew building in another part of the downtown area.

The Downtown Improvement Association strongly opposes the shift of the Reserve location, as does the Mayor's Downtown Master Plan Committee. These two civic groups have pointed out that the Reserve bank in its present location "acts as an anchor for business in the lower downtown area." Movement of the bank would be, in their terms, "a disaster to downtown development."

Other arguments that have been given to me for expanding the bank in its present location are:

1. The present structure, with its underground vaults and special design, would be difficult to dispose of without taking a substantial loss.

2. Equally, a loss would be suffered on sale of the additional six lots, bought at the high price of $400,000.

3. The present structure is conveniently located only 3 blocks from the complex of Denver Federal buildings (including a new $17 million office building just funded by the Congress and about to be constructed by the GSA).

It would seem to me, WILLIS, that it would be in order for the Senate, in its report on S. 1005, to caution the Reserve against reckless construction of new buildings merely to locate in a newer part of town, when economy and local public sentiment dictate that expansion at present location is the sensible course of procedure.

With warmest personal regards.

Sincerely,

JOHN A. CARROLL.

Mr. CARROLL. Madam President, I also ask unanimous consent that at this point in the RECORD there be printed a letter to me from the mayor of Denver, Richard Batterton, opposing a shift of the bank.

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

DENVER, COLO., *August 8, 1961.*

Hon. JOHN A. CARROLL,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR JOHN: Recent reports that the Denver branch of the Federal Reserve bank may be moved from its present location have been very disturbing to businessmen in the lower downtown area.

While I realize that there may be overriding considerations, such a move would deal a serious blow to plans for rehabilitating that area.

I will appreciate your watching the situation and doing anything you can to prevent any hasty decision.

Best regards.

Sincerely,

DICK BATTERTON,
Mayor.

Mr. CARROLL. Madam President, I do not object to the passage of S. 1005. However, I did think that prior to its passage a legislative history should be made in the RECORD, explaining the background of the language in Banking and Currency Committee Report No. 737.

I hope that the Governors of the Federal Reserve Board heed the recommendations of the committee and call a public hearing in Denver, giving opportunity to be heard all the citizens who have feelings pro and con on the movement of the Denver branch bank.

I think the Board will then agree that the preponderance of sentiment and logic will be to expand the bank in its present location.

The ACTING PRESIDENT pro tempore. The bill is open to amendment.

If there be no amendment to be offered, the question is on the engrossment and third reading of the bill.

The bill (S. 1005) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the Federal Reserve Act, as amended, is hereby further amended by striking paragraph nine thereof (U.S.C., title 12, sec. 522).

SEC. 2. Section 3 of the Federal Reserve Act, as amended (U.S.C., title 12, sec. 521), is hereby further amended by adding at the end thereof the following paragraph:

"No Federal Reserve Bank shall have authority hereafter to enter into any contract or contracts for the erection of any branch bank building of any kind or character or

to authorize the erection of any such building, except with the approval of the Board of Governors of the Federal Reserve System."

AMENDMENT OF TITLE 18, UNITED STATES CODE, RELATING TO PROHIBITION OF CERTAIN TRAVEL

Mr. MANSFIELD. Mr. President, I ask the Presiding Officer to lay before the Senate the message from the House of Representatives amending S. 1653, to amend title 18, United States Code, to prohibit travel or transportation in commerce in aid of racketeering enterprises.

The PRESIDING OFFICER (Mr. METCALF in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 1653) to amend title 18, United States Code, to prohibit travel or transportation in commerce in aid of racketeering enterprises, which was, to strike out all after the enacting clause and insert:

That chapter 95 of title 18, United States Code, is amended (a) by adding the following new section at the end thereof:

"§ 1952. Interstate and foreign travel or transportation in aid of racketeering enterprises

"(a) Whoever travels in interstate or foreign commerce or uses any facility in interstate or foreign commerce, including the mail, with intent to—

"(1) distribute the proceeds of any unlawful activity; or

"(2) commit any crime of violence to further any unlawful activity; or

"(3) otherwise promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity

and thereafter performs or attempts to perform any of the acts specified in subparagraphs (1), (2), and (3), shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

"(b) As used in this section 'unlawful activity' means any business enterprise involving gambling, liquor, narcotics, or prostitution offenses or extortion or bribery in connection with such offenses in violation of the laws of the State in which they are committed or of the United States.

"(c) Investigations of violations under this section involving liquor or narcotics shall be conducted under the supervision of the Secretary of the Treasury."

and (b) by adding the following item to the analysis of the chapter:

"Sec. 1952. Interstate and foreign travel or transportation in aid of racketeering enterprises."

Mr. MANSFIELD. Mr. President, in amending S. 1653, the committee struck the text of the language which was agreed to by the Senate on July 28, 1961, and inserted in lieu thereof substitute language.

Mr. President, I move that the Senate disagree to the amendment by the House of Representatives, request a conference, and that the Presiding Officer appoint conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Presiding Officer appointed Mr. EASTLAND, Mr. KEFAUVER, Mr. JOHNSTON, Mr. DIRKSEN, and Mr. HRUSKA conferees on the part of the Senate.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns today, it adjourn to meet at 10 o'clock tomorrow morning.

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

ANNOUNCEMENT OF CONSIDERATION ON TOMORROW OF NOMINATION OF MAJ. GENE HAL WILLIAMS

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is anticipated that at about the hour of 3 o'clock tomorrow afternoon deliberations will begin on the nomination of the adjutant general for the State of West Virginia.

PEACE CORPS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 682, Senate bill 2000.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2000) to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 2000) to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower, which had been reported from the Committee on Foreign Relations, with amendments, on page 2, line 2, after the word "Corps", to strike out "which shall make available to interested countries and areas and to international organizations men and women of the United States qualified for service abroad and willing to serve under conditions of hardship to help the peoples of such countries and areas in meeting their needs for manpower; to provide broader opportunities for men and women of the United States and United States private organizations, through service abroad, to contribute actively to their country's efforts in the cause of world peace and friendship; and through the service abroad of the men and women participating in Peace Corps programs," and insert "and"; after line 22, to strike out:

(c) Unexpended balances of funds made available pursuant to chapter III of the Mutual Security Act of 1954, as amended, and allocated to the Peace Corps agency established within the Department of State pursuant to Executive Order Numbered 10924, dated March 1, 1961, are hereby authorized to be continued available for the general purposes for which appropriated, and may be consolidated with the appropriation authorized by subsection (b) of this section.

At the top of page 4, to insert:

(c) (1) Nothing contained in this Act shall be construed to infringe upon the powers or functions of the Secretary of State.

(2) The President shall prescribe appropriate procedures to assure coordination of Peace Corps activities with other activities of the United States Government in each country, under the leadership of the chief of the United States diplomatic mission.

(3) Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of the programs authorized by this Act, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.

(d) Except with the approval of the Secretary of State, the Peace Corps shall not be assigned to perform services which could readily be performed by other available agencies of the United States Government in the country concerned.

On page 5, line 4, after the word "employment", to strike out "of" and insert "of, or holding office under"; at the beginning of line 14, to strike out "required examinations or"; in line 18, after the word "at", to strike out "rates fixed by the President based upon the number of months" and insert "a rate not to exceed $75 for each month"; on page 7, line 6, after the word "appropriate", to strike out "Under such regulations" and insert "Subject to such conditions"; in line 13, after "(f)", to strike out "(1)"; at the beginning of line 17, to strike out "(A)" and insert "(1)"; at the beginning of line 23, to strike out "(B)" and insert "(2)"; on page 8, line 9, after the word "appointment", to strike out "Under such conditions as the President may determine, examinations or other prerequisites to employment established by any law administered by the Civil Service Commission may be waived for persons who have completed training under section 8(a) of this Act and have served abroad as volunteers."; after line 15, to strike out:

(2) For the purposes of paragraph (1)(A) of this subsection, volunteers and volunteer leaders shall be deemed to be receiving compensation during their service at the rates mentioned in subsection (d)(1) of this section.

On page 9, line 14, after the word "leaders", to insert "The ratio of the total number of volunteer leaders to the total number of volunteers in service at any one time shall not exceed one to twenty-five."; after line 20, to strike out:

(1) members of families of volunteer leaders may receive such living, travel, and leave allowances, and such housing, transportation (including transportation for personnel and household effects), subsistence, and clothing as the President may determine;

And, in lieu thereof, to insert:

(1) volunteer leaders shall be entitled to receive termination payments at a rate not to exceed $100 for each month of satisfactory service as determined by the President;

(2) spouses and minor children of volunteer leaders may receive such living, travel, and leave allowances, and such housing, transportation (including transportation of not to exceed three hundred pounds per person of unaccompanied necessary personal

and household effects), subsistence, and essential special items of clothing, as the President may determine, but the authority contained in this paragraph shall be exercised only under exceptional circumstances;

On page 10, at the beginning of line 17, to strike out "(2) members of the families" and insert "(3) spouses and minor children"; in line 22, after the word "such", to strike out "regulations" and insert "conditions"; on page 11, at the beginning of line 1, to strike out "(3) members of the families" and insert "(4) spouses and minor children"; at the beginning of line 4, to insert "necessary to accomplish the purposes of this Act"; on page 12, line 20, after the word "persons", to strike out the comma and "except that policymaking officials shall not be subject to that part of section 1005 which prohibits political tests"; on page 14, after line 2, to strike out:

(c) The President may maintain special missions or staffs abroad in such countries and for such periods of time as may be necessary to carry out the purposes of this Act. Each such special mission or staff shall be under the direction of a chief, who shall be appointed by the President and may, notwithstanding any other law, be removed by the President at his discretion. The chief shall be entitled to receive (1) in cases approved by the President, the same compensation and allowances as a chief of mission, class 3, or a chief of mission, class 4, within the meaning of the Foreign Service Act of 1946, as amended, or (2) compensation, allowances, and benefits applicable to persons employed or assigned in accordance with subsection (c) of this section, as the President shall determine to be appropriate.

And, in lieu thereof, to insert:

(e) In each country or area in which volunteers serve abroad, the President may appoint an employee or a volunteer as a Peace Corps representative to have direction of other employees of the Peace Corps abroad and to oversee the activities carried on under this Act in such country or area. Unless a representative is a volunteer, the compensation, allowances and benefits and other terms and conditions of service of each such representative shall be the same as those of a person appointed or assigned pursuant to either of the paragraphs of subsection (c) of this section, except that any such representative may, notwithstanding any provision of law, be removed by the President in his discretion.

On page 15, line 17, after the word "for", where it appears the second time, to strike out "persons," and insert "citizens of the United States,"; on page 16, line 6, after the word "for", to strike out "participation of" and insert "assistance by"; in line 20, after the word "States", to strike out "for training under section 8(b)" and insert "under contract pursuant to section 10(a)(4)"; in line 24, after "U.S.C.", to strike out "101(a)(15)" and insert "1101(a)(15)"; on page 17, at the beginning of line 3, to insert "The fifth and sixth sentences of section 201 (a) of the United States Information and Educational Exchange Act of 1948 (or corresponding provisions of any successor Act) shall be applicable with respect to persons so admitted."; in line 13, after the word "thereof", to strike out "international organizations and agencies,"; after line 17, to insert:

(2) assign volunteers in special cases to temporary duty with international organizations and agencies when the Secretary of State determines that such assignment would serve the purposes of this Act;

At the beginning of line 22, to strike out "(2)" and insert "(3)"; on page 18, at the beginning of line 5, to strike out "(3)" and insert "(4)"; in line 14, after the word "President", to insert "under such regulations as he may prescribe"; in line 16, after the word "States", to strike out the comma and "or against any United States private organization or firm to which a volunteer has been detailed or assigned,"; in line 23, after the word "employee", to insert "while in the performance of his duties"; in line 25, after the word "of", to strike out "such" and insert "any", and in the same line, after the word "volunteer", to insert "while in the performance of his duties"; on page 19, line 1, after the word "within", to strike out "two years" and insert "one year"; after line 12, to strike out:

(d) Whenever the President determines it to be in furtherance of the purposes of this Act—

(1) the President may exercise, in carrying out functions authorized by this Act, any authority relating to administrative or personnel functions available by law to the agency primarily responsible for administering nonmilitary assistance programs under the Mutual Security Act of 1954, as amended, or any Act which substantially repeals that Act; and

(2) functions authorized by this Act may be performed without regard to such provisions of law (other than the Renegotiation Act of 1951, as amended) regulating the making, performance, amendment, or modification of contracts and the expenditure of Government funds as the President may specify.

And, in lieu thereof, to insert:

(d) Whenever the President determines it to be in furtherance of the purposes of this Act, functions authorized by this Act may be performed without regard to such provisions of law (other than the Renegotiation Act of 1951, as amended) regulating the making, performance, amendment, or modification of contracts and the expenditure of Government funds as the President may specify.

On page 20, after line 9, to strike out:

(c) The President may allocate or transfer to any agency of the United States Government all or any part of any funds available for carrying out the purposes of this Act, including any advance received by the United States from any country or international organization under authority of this Act. Such funds shall be available for obligation and expenditure for the purposes of this Act in accordance with authority granted in this Act or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

At the beginning of line 20, to strike out "(f)" and insert "(e)"; on page 21, at the beginning of line 4, to strike out "(g)" and insert "(f)"; on page 22, in the heading in line 1, after the word "Council" to strike out "And Career Planning Board"; in line 5, after the word "Council", to insert "twenty-five", and in the same line, after the word "are", to strike out "broadly"; after line 11, to strike out:

(b) The President may appoint to membership in a board to be known as the Career Planning Board persons especially qualified to advise and consult with the President with regard to the development of policies and programs designed to assist the future careers of volunteers after conclusion of their service.

At the beginning of line 18, to strike out "(c)" and insert "(b)", and in the same line, after the word "the", to strike out "boards" and insert "board"; in line 24, after the word "each", to strike out "day" and insert "day, not to exceed twenty days in any fiscal year in the case of any such member"; on page 23, line 22, after the word "of", where it appears the second time, to strike out "either of the boards" and insert "the board"; on page 29, line 7, after the word "properties", to strike out the comma and "without regard to the limitation contained in section 322 of Public Law 72–212, as amended (40 U.S.C. 278a)"; after line 15, to strike out:

(3) purchase, maintenance, operation, and hire of aircraft: *Provided*, That aircraft for administrative purposes may be purchased only as specifically provided for in an appropriation or other Act;

And, in lieu thereof, to insert:

(3) rental and hire of aircraft;

In line 22, after the word *"Provided"*, to strike out "That, except as may otherwise be provided in an appropriation or other Act, passenger motor vehicles for administrative purposes abroad may be purchased for replacement only, and such vehicles may be exchanged or sold and replaced by an equal number of such vehicles, and the cost, including exchange allowance, of each such replacement shall not exceed $3,500 in the case of an automobile for the chief of any special mission or staff abroad established under section 7(e): *Provided further*, That passenger motor vehicles may be purchased for use in the United States only as may be specifically provided in an appropriation or other Act" and insert "That passenger motor vehicles for administrative purposes may be purchased for use or replacement only as may be provided in an appropriation or other Act, and the cost, including exchange allowance, of each such motor vehicle shall not exceed $2,500 in the case of an automobile for any Peace Corps country representative appointed under section 7(e)"; on page 30, after line 22, to strike out:

(7) expenditures (not to exceed $5,000 in any fiscal year except as may otherwise be provided in an appropriation or other Act) of a confidential character other than entertainment: *Provided*, That a certificate of the amount of each such expenditure, the nature of which it is considered inadvisable to specify, shall be made by the Director of the Peace Corps or such person as he may designate, and every such certificate shall be deemed a sufficient voucher for the amount herein specified;

And, in lieu thereof, to insert:

(7) expenditures (not to exceed $5,000 in any fiscal year except as may be otherwise provided in an appropriation or other Act)

not otherwise authorized by law to meet unforeseen emergencies or contingencies arising in the Peace Corps: *Provided,* That a certificate of the amount only of each such expenditure and that such expenditure was necessary to meet an unforeseen emergency or contingency, made by the Director of the Peace Corps or his designee, shall be deemed a sufficient voucher for the amount therein specified;

On page 31, line 18, after the word "vehicles", to strike out "or aircraft"; in line 20, after the word "exceed", to strike out "ten" and insert "three"; on page 33, line 1, after the word "of", to strike out "final selection for service abroad" and insert "commencement of training"; after line 8, to strike out:

(b) Persons serving as members of the National Advisory Council and the Career Planning Board of the agency referred to in subsection (a) of this section shall be members of the National Advisory Council and the Career Planning Board, respectively, established under section 12 of this Act without appointment thereunder.

And, in lieu thereof, to insert:

(b) Any person who was appointed by and with the advice and consent of the Senate to be Director of the Peace Corps prior to the enactment of this Act may be appointed by the President to be Director of the Peace Corps under section 4(a) of this Act without further action by the Senate.

At the top of page 34, to strike out:

APPLICABILITY OF MUTUAL DEFENSE ASSISTANCE CONTROL ACT

SEC. 18. The Mutual Defense Assistance Control Act of 1951 (22 U.S.C. 1611 et seq.) shall not apply with respect to functions carried out under this Act.

In line 7, to change the section number from "19" to "18"; in line 11, to change the section number from "20" to "19"; in line 16, after "(iii)", to insert "not in excess of three years"; in line 19, after the word "shall", to insert "not"; at the beginning of line 21, to strike out "only" and insert "except"; in line 25, after the word "exceed", to strike out "in the aggregate"; on page 35, line 1, after the word "canceled", to strike out "(A)"; in line 3, after the word "State", to insert "or as a full-time teacher in a public elementary or secondary school in a foreign country or area as a Peace Corps volunteer"; in line 9, after the word "service", to strike out the semicolon and "and (B) for service as a volunteer under the Peace Corps Act, at the rate of 10 per centum of the amount of such loan plus interest thereon, which was unpaid on the first day of such service, for each completed eight months of such service" and insert a colon and "*Provided,* That this paragraph (3) shall not apply with respect to service as a volunteer in the case of a loan outstanding on the effective date of the Peace Corps Act except with the consent of the then obligee institution;" "; after line 17, to strike out:

TAXATION OF ALLOWANCES

SEC. 21. The Internal Revenue Code of 1954, as amended, is amended in the following respects:

(1) Section 912 of such Code relating to exemption for certain allowances is amended by adding the following new paragraph (3):

"(3) PEACE CORPS ALLOWANCE.—In the case of volunteers within the meaning of the Peace Corps Act and members of families of such volunteers, amounts received as allowances under sections 5 or 6 of the Peace Corps Act (other than termination payments under section 5(c) of said Act)."

(2) Section 1303(b) of such Code relating to income from back pay is amended by adding the following new paragraph (4):

"(4) Termination payments authorized by the provisions of section 5(c) of the Peace Corps Act and received or accrued by an individual during the taxable year on account of any period of service as a volunteer under the Peace Corps Act occurring prior to the taxable year."

On page 36, after line 13, to strike out:

SOCIAL SECURITY COVERAGE

SEC. 22. During any period of service as a volunteer under this Act, an individual shall, notwithstanding the provisions of section 210 of the Social Security Act and section 3121 of the Internal Revenue Code of 1954, be deemed to be performing service constituting employment for purposes of title II of such Act and chapter 21 of such Code; and, subject to the provisions of section 209(a) of such Act and section 3121(a)(1) of such Code, any such individual shall be deemed to have received wages for such service at the rate determined under section 5(c) with respect to termination payments.

On page 37, line 2, to change the section number from "23" to "20"; after line 4, to strike out:

MILITARY SERVICE AFTER DECEMBER 1956 AND PEACE CORPS VOLUNTEER SERVICE

On page 38, after line 10, to strike out:

REEMPLOYMENT AND VOTING RIGHTS

SEC. 24. (a) Any person in the employ of the United States Government, its territories or possessions, any political subdivision or agency thereof, or the District of Columbia, or in the employ of any private employer, shall upon request be granted a leave of absence from such employment for the purpose of undertaking any required training under section 8(a) of this Act. Upon termination of such training (or upon discharge from hospitalization incident to such training) such person shall be entitled to return to his position with such seniority, status, pay and vacation rights as he would be entitled to had he not been absent for such purpose, if, but only if, he shall report for work not more than ten days following termination of such training (or following discharge from such hospitalization). If such person is not qualified to perform the duties of his position by reason of disability incident to such training but is qualified to perform the duties of any other position in the employ of the employer or his successor in interest, he shall be restored by that employer or such successor to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay or the nearest approximation thereof consistent with the circumstances of his case.

(b) Any volunteer who, prior to his first day of service under this Act, has been for more than six months in the employ of the United States Government, its territories or possessions, any political subdivision or agency thereof, or the District of Columbia, or in the employ of any private employer, and who has completed any period of satisfactory service abroad as a volunteer, shall, upon termination of such service, be entitled to return to his position or to a position of like seniority, status, and pay with the employer or his successor in interest, if, but only if, he shall make application for reemployment to such employer or successor within sixty days after termination of his service (or after discharge from hospitalization incident to such service continuing for not more than one year after such termination). If such person is not qualified to perform the duties of such position by reason of disability sustained during service under this Act but is qualified to perform the duties of any other position in the employ of such employer or successor, he shall be restored to such other position the duties of which he is qualified to perform as will accord him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances of his case. Any person reemployed under this subsection shall be considered as having been on furlough or leave of absence and shall be restored to employment without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to any established rules and practices relating to employees on furlough or leave of absence, and shall not be discharged from the position to which restored without cause within one year after such restoration. This subsection shall not apply with respect to employment in any temporary position.

(c) In case any private employer shall fail or refuse to comply with the provisions of this section or shall deny any rights accorded hereunder, he may be specifically required to comply with the provisions hereof, to grant such rights, and in addition, to compensate the person injured thereby for any loss of wages or other benefits occasioned thereby, in an appropriate action or proceeding against the employer in any court of competent jurisdiction.

(d) The President may render such aid as he deems appropriate to assist former volunteers in the securing of their reemployment rights in private employment under this section, and shall make appropriate arrangements to effectuate such rights in Government employment.

(e) Any person in service as a volunteer under this Act shall be permitted to vote in person or by absentee ballot in any general, special or primary election occurring in the State of which he is a resident, whether he is within or without such State at the time of such election, if under the law of such State he is otherwise entitled so to vote in such election; but nothing in this subsection shall be construed to require granting to such person a leave of absence of more than one day to permit him so to vote.

On page 41, after line 12, to insert:

SEC. 21. All persons employed or assigned to duties under this Act shall be investigated to insure that the employment or assignment is consistent with the national interest in accordance with standards and procedures established by the President. If an investigation made pursuant to this section develops any data reflecting that the person who is the subject of the investigation is of questionable loyalty or is a questionable security risk, the investigating agency shall refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation. The results of that full field investigation shall be furnished to the initial investigating agency, and to the agency by which the subject person is employed, for information and appropriate action. Volunteers shall be deemed employees of the United States Government for the purpose of this section.

On page 42, after line 3, to strike out:

SEC. 25. (a) The term "abroad" means any area outside the continental United States, Alaska, and Hawaii.

And, in lieu thereof, to insert:

SEC. 22. (a) The term "abroad" means any area outside the United States.

(b) The term "United States" means the several States and territories and the District of Columbia.

At the beginning of line 10, to strike out "(b)" and insert "(c)"; at the beginning of line 13 to strike out "(c)" and insert "d"; in line 15, after the word "services", to strike out "such as travel and escorts"; at the beginning of line 17, to strike out "(d)" and insert "(e)"; on page 43, at the beginning of line 1, to strike out "(e)" and insert "(f)"; in line 6, to change the section number from "26" to "23"; and in line 12, to change the section number from "27" to "24"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Peace Corps Act".

DECLARATION OF PURPOSE

SEC. 2. The Congress of the United States declares that it is the policy of the United States and the purpose of this Act to promote world peace and friendship through a Peace Corps, and to promote a better understanding of other peoples on the part of the American people and a better understanding of the American people on the part of the peoples served.

AUTHORIZATION

SEC. 3. (a) The President is authorized to carry out programs in furtherance of the purposes of this Act, on such terms and conditions as he may determine.

(b) There is hereby authorized to be appropriated to the President for the fiscal year 1962 not to exceed $40,000,000 to carry out the purposes of this Act.

DIRECTOR OF THE PEACE CORPS AND DELEGATION OF FUNCTIONS

SEC. 4. (a) The President may appoint, by and with the advice and consent of the Senate, a Director of the Peace Corps, whose compensation shall be fixed by the President at a rate not in excess of $20,000 per annum, and a Deputy Director of the Peace Corps, whose compensation shall be fixed by the President at a rate not in excess of $19,500 per annum.

(b) The President may exercise any functions vested in him by this Act through such agency or officer of the United States Government as he shall direct. The head of any such agency or any such officer may promulgate such rules and regulations as he may deem necessary or appropriate to carry out such functions, and may delegate to any of his subordinates authority to perform any of such functions, including, if he shall so specify, the authority successively to redelegate any of such functions.

(c)(1) Nothing contained in this Act shall be construed to infringe upon the powers or functions of the Secretary of State.

(2) The President shall prescribe appropriate procedures to assure coordination of Peace Corps activities with other activities of the United States Government in each country, under the leadership of the chief of the United States diplomatic mission.

(3) Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of the programs authorized by this Act, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.

(d) Except with the approval of the Secretary of State, the Peace Corps shall not be assigned to perform services which could readily be performed by other available agencies of the United States Government in the country concerned.

PEACE CORPS VOLUNTEERS

SEC. 5. (a) The President may enroll in the Peace Corps for service abroad qualified citizens and nationals of the United States (referred to in this Act as "volunteers"). The terms and conditions of the enrollment, training, compensation, hours of work, benefits, leave, termination, and all other terms and conditions of the service of volunteers shall be exclusively those set forth in this Act and those consistent therewith which the President may prescribe; and, except as provided in this Act, volunteers shall not be deemed officers or employees or otherwise in the service or employment of, or holding office under, the United States for any purpose.

(b) Volunteers shall be provided with such living, travel, and leave allowances, and such housing, transportation, supplies, equipment, subsistence, and clothing as the President may determine to be necessary for their maintenance and to insure their health and their capacity to serve effectively. Transportation and travel allowances may also be provided, in such circumstances as the President may determine, for applicants for enrollment to or from places of training and places of enrollment and for former volunteers from places of termination to their homes in the United States.

(c) Volunteers shall be entitled to receive termination payments at a rate not to exceed $75 for each month of satisfactory service as determined by the President. The termination payment of each volunteer shall be payable at the termination of his service, or may be paid during the course of his service to the volunteer, to members of his family or to others, under such circumstances as the President may determine. In the event of the volunteer's death during the period of his service, the amount of any unpaid termination payment shall be paid in accordance with the provisions of section 61f of title 5 of the United States Code.

(d) Volunteers shall be deemed to be employees of the United States Government for the purposes of the Federal Employees' Compensation Act (39 Stat. 742), as amended: *Provided, however,* That entitlement to disability compensation payments under that Act shall commence on the day after the date of termination of service. For the purposes of that Act—

(1) volunteers shall be deemed to be receiving monthly pay at the lowest rate provided for grade 7 of the general schedule established by the Classification Act of 1949, as amended, and volunteer leaders (referred to in section 6 of this Act) shall be deemed to be receiving monthly pay at the lowest rate provided for grade 11 of such general schedule; and

(2) any injury suffered by a volunteer during any time when he is located abroad shall be deemed to have been sustained while in the performance of his duty and any disease contracted during such time shall be deemed to have been proximately caused by his employment, unless such injury or disease is caused by willful misconduct of the volunteer or by the volunteer's intention to bring about the injury or death of himself or of another, or unless intoxication of the injured volunteer is the proximate cause of the injury or death.

(e) Volunteers shall receive such health care during their service, and such health examinations and immunization preparatory to their service, as the President may deem necessary or appropriate. Subject to such conditions as the President may prescribe, such health care, examinations, and immunization may be provided for volunteers in any facility of any agency of the United States Government, and in such cases the appropriation for maintaining and operating such facility shall be reimbursed from appropriations available under this Act.

(f) Any period of satisfactory service of a volunteer under this Act shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

(1) for the purposes of the Civil Service Retirement Act, as amended (5 U.S.C. 2251, et seq.), section 852(a)(1) of the Foreign Service Act, as amended (22 U.S.C. 1092(a)(1)), and every other Act establishing a retirement system for civilian employees of any United States Government Agency; and

(2) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, and layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Civil Service Commission, the Foreign Service Act, and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided,* That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment.

(g) The President may detail or assign volunteers or otherwise make them available to any entity referred to in paragraph (1) of section 10(a) on such terms and conditions as he may determine: *Provided, however,* That any volunteer so detailed or assigned shall continue to be entitled to the allowances, benefits and privileges of volunteers authorized under or pursuant to this Act.

(h) Volunteers shall be deemed employees of the United States Government for the purposes of the Federal Tort Claims Act and any other Federal tort liability statute.

(i) The service of a volunteer may be terminated at any time at the pleasure of the President.

PEACE CORPS VOLUNTEER LEADERS

SEC. 6. The President may enroll in the Peace Corps qualified citizens or nationals of the United States whose services are required for supervisory or other special duties or responsibilities in connection with programs under this Act (referred to in this Act as "volunteer leaders"). The ratio of the total number of volunteer leaders to the total number of volunteers in service at any one time shall not exceed one to twenty-five. Except as otherwise provided in this Act, all of the provisions of this Act applicable to volunteers shall be applicable to volunteer leaders, and the term "volunteers" shall include "volunteer leaders": *Provided, however,* That—

(1) volunteer leaders shall be entitled to receive termination payments at a rate not to exceed $100 for each month of satisfactory service as determined by the President;

(2) spouses and minor children of volunteer leaders may receive such living, travel, and leave allowances, and such housing, transportation (including transportation of not to exceed three hundred pounds per person of unaccompanied necessary personal and household effects), subsistence, and essential special items of clothing, as the President may determine, but the authority contained in this paragraph shall be exercised only under exceptional circumstances;

(3) spouses and minor children of volunteer leaders accompanying them may receive such health care as the President may determine and upon such terms as he may determine, including health care in any facility referred to in section 5(e) of this Act, subject to such conditions as the President may prescribe and subject to reimbursement of appropriations as provided in section 5(e); and

(4) spouses and minor children of volunteer leaders accompanying them may receive such orientation, language, and other training necessary to accomplish the purposes of this Act as the President may determine.

PEACE CORPS EMPLOYEES

SEC. 7. (a) The President may employ such persons, other than volunteers, as the President deems necessary to carry out the provisions and purposes of this Act. Except as otherwise provided in this Act, such persons (hereinafter sometimes referred to as "employees") shall be employed in accordance with and shall be subject to the laws applicable to personnel employed by the United States Government.

(b) Of the persons so employed in the United States in activities authorized by this Act, not to exceed forty may be compensated without regard to the provisions of the Classification Act of 1949, as amended, of whom not to exceed thirty may be compensated at rates higher than those provided for grade fifteen of the general schedule established by the Classification Act of 1949, as amended, and of these not to exceed two may be compensated at a rate in excess of the highest rate provided for grades of such general schedule but not in excess of $19,000 per year. Such positions shall be in addition to those authorized by section 4(a) of this Act to be filled by Presidential appointment, and in addition to the number authorized by section 505 of the Classification Act of 1949, as amended.

(c) For the purpose of performing functions under this Act outside the United States, the President may—

(1) employ or assign persons, or authorize the employment or assignment of officers or employees of agencies of the United States Government, who shall receive compensation at any of the rates provided for persons appointed to the Foreign Service Reserve and Staff under the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.), together with allowances and benefits thereunder; and persons so employed or assigned shall be entitled, except to the extent that the President may specify otherwise in cases in which the period of the employment or assignment exceeds thirty months, to the same benefits as are provided by section 528 of that Act for persons appointed to the Foreign Service Reserve, and the provisions of section 1005 of that Act shall apply in the case of such persons; and

(2) utilize such authority, including authority to appoint and assign persons for the duration of operations under this Act, contained in the Foreign Service Act of 1946, as amended, as the President deems necessary to carry out functions under this Act. Such provisions of the Foreign Service Act as the President deems appropriate shall apply to persons appointed or assigned under this paragraph, including in all cases, the provisions of section 528 of that Act: *Provided, however,* That the President may by regulation make exceptions to the application of section 528 in cases in which the period of the appointment or assignment exceeds thirty months: *Provided further,* That Foreign Service Reserve officers appointed or assigned pursuant to this paragraph shall receive within-class salary increases in accordance with such regulations as the President may prescribe: *Provided further,* That under this paragraph the President may initially assign persons for duty within the United States for periods not to exceed four years prior to assignment for duty abroad.

(d) The President is authorized to prescribe by regulation standards or other criteria for maintaining adequate performance levels for persons appointed or assigned pursuant to subsection (c)(2) of this section and section 527(c)(2) of the Mutual Security Act of 1954, as amended, and may, notwithstanding any other law, separate persons who fail to meet such standards or other criteria, and also may grant such persons severance benefits of one month's salary for each year of service, but not to exceed one year's salary at the then current salary rate of such persons.

(e) In each country or area in which volunteers serve abroad, the President may appoint an employee or a volunteer as a Peace Corps representative to have direction of other employees of the Peace Corps abroad and to oversee the activities carried on under this Act in such country or area. Unless a representative is a volunteer, the compensation, allowances and benefits and other terms and conditions of service of each such representative shall be the same as those of a person appointed or assigned pursuant to either of the paragraphs of subsection (c) of this section, except that any such representative may, notwithstanding any provision of law, be removed by the President in his discretion.

VOLUNTEER TRAINING

SEC. 8. (a) The President shall make provision for such training as he deems appropriate for each applicant for enrollment as a volunteer and each enrolled volunteer. All of the provisions of this Act applicable respectively to volunteers and volunteer leaders shall be applicable to applicants for enrollment as such during any period of training occurring prior to enrollment, and the respective terms "volunteers" and "volunteer leaders" shall include such applicants during any such period of training.

(b) The President may also make provision, on the basis of advances of funds or reimbursement to the United States, for training for citizens of the United States, other than those referred to in subsection (a) of this section, who have been selected for service abroad in programs not carried out under authority of this Act which are similar to those authorized by this Act. The provisions of section 9 of this Act shall apply, on a similar advance of funds or a reimbursement basis, with respect to persons while within the United States for training under authority of this subsection. Advances or reimbursements received under this subsection may be credited to the current applicable appropriation, fund, or account and shall be available for the purposes for which such appropriation, fund, or account is authorized to be used.

PARTICIPATION OF FOREIGN NATIONALS

SEC. 9. In order to provide for assistance by foreign nationals in the training of volunteers, and to permit effective implementation of Peace Corps projects with due regard for the desirability of cost-sharing arrangements, where appropriate, the President may make provision for transportation, housing, subsistence, or per diem in lieu thereof, and health care or health and accident insurance for foreign nationals engaged in activities authorized by this Act while they are away from their homes, without regard to the provisions of any other law: *Provided, however,* That per diem in lieu of subsistence furnished to such persons shall not be at rates higher than those prescribed by the Secretary of State pursuant to section 12 of Public Law 84-885 (70 Stat. 890). Such persons, and persons coming to the United States under contract pursuant to section 10(a)(4), may be admitted to the United States, if otherwise qualified, as nonimmigrants under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) for such time and under such conditions as may be prescribed by regulations promulgated by the Secretary of State and the Attorney General. The fifth and sixth sentences of section 201(a) of the United States Information and Educational Exchange Act of 1948 (or corresponding provisions of any successor Act) shall be applicable with respect to persons so admitted.

GENERAL POWERS AND AUTHORITIES

SEC. 10. (a) In furtherance of the purposes of this Act, the President may—

(1) enter into, perform, and modify contracts and agreements and otherwise cooperate with any agency of the United States Government or of any State or any subdivision thereof, other governments and departments and agencies thereof, and educational institutions, voluntary agencies, farm organizations, labor unions, and other organizations, individuals, and firms;

(2) assign volunteers in special cases to temporary duty with international organizations and agencies when the Secretary of State determines that such assignment would serve the purposes of this Act;

(3) accept in the name of the Peace Corps and employ in furtherance of the purposes of this Act (A) voluntary services notwithstanding the provisions of 31 U.S.C. 665(b), and (B) any money or property (real, personal or mixed, tangible or intangible) received by gift, devise, bequest, or otherwise; and

(4) contract with individuals for personal services abroad, and with aliens (abroad or within the United States) for personal services within the United States: *Provided,* That no such person shall be deemed an officer or employee or otherwise in the service or employment of the United States Government for any purpose.

(b) Notwithstanding any other provision of law, whenever the President determines that it will further the purposes of this Act, the President under such regulations as he may prescribe may settle and pay, in an amount not exceeding $15,000, any claim against the United States, for loss of or damage to real or personal property (including loss of occupancy or use thereof) belonging to, or for personal injury or death of, any person not a citizen or resident of the United States, where such claim arises abroad out of the act or omission of any Peace Corps employee while in the performance of his duties, or out of the act or omission of any volunteer while in the performance of his duties, but only if such claim is presented in writing within one year after it accrues. Any amount paid in settlement of any claim under this subsection shall be accepted by the claimant in full satisfaction thereof and shall bar any further action or proceeding hereon.

(c) Subject to any future action of the Congress, a contract or agreement which entails commitments for the expenditure of funds available for the purposes of this Act, including commitments for the purpose of paying or providing for allowances and other benefits of volunteers authorized by sections 5 and 6 of this Act, may extend at any time for not more than thirty-six months.

(d) Whenever the President determines it to be in furtherance of the purposes of this Act, functions authorized by this Act may be performed without regard to such provisions of law (other than the Renegotiation Act of 1951, as amended) regulating the making, performance, amendment, or modification of contracts and the expenditure of Government funds as the President may specify.

(e) Any officer of the United States Government carrying out functions under this Act may utilize the services and facilities of, or procure commodities from, any agency of the United States Government as the President shall direct, or with the consent of the head of such agency, and funds allocated pursuant to this subsection to any such agency may be established in separate appropriation accounts on the books of the Treasury.

(f) In the case of any commodity, service, or facility procured from any agency of the United States Government under this Act,

reimbursement or payment shall be made to such agency from funds available under this Act. Such reimbursement or payment shall be at replacement cost, or, if required by law, at actual cost, or at any other price authorized by law and agreed to by the owning or disposing agency. The amount of any such reimbursement or payment shall be credited to current applicable appropriations, funds, or accounts from which there may be procured replacements of similar commodities, services, or facilities, except that where such appropriations, funds, or accounts are not reimbursable except by reason of this subsection, and when the owning or disposing agency determines that such replacement is not necessary, any funds received in payment therefor shall be covered into the Treasury as miscellaneous receipts.

REPORTS

SEC. 11. The President shall transmit to the Congress, at least once in each fiscal year, a report on operations under this Act.

NATIONAL ADVISORY COUNCIL

SEC. 12. (a) The President may appoint to membership in a board to be known as the National Advisory Council twenty-five persons who are representative of educational institutions, voluntary agencies, farm organizations, and labor unions, and other public and private organizations and groups as well as individuals interested in the programs and objectives of the Peace Corps, to advise and consult with the President with regard to policies and programs designed to further the purposes of this Act.

(b) Members of the board referred to in this section shall serve at the pleasure of the President and meet at his call. They shall receive no compensation for their services, but members who are not officers or employees of the United States Government may each receive out of funds made available for the purposes of this Act a per diem allowance of $50 for each day, not to exceed twenty days in any fiscal year in the case of any such member, spent away from his home or regular place of business for the purpose of attendance at meetings or conferences and in necessary travel, and while so engaged may be paid actual travel expenses and per diem in lieu of subsistence and other expenses, at the applicable rate prescribed by the Standardized Government Travel Regulations, as amended from time to time.

EXPERTS AND CONSULTANTS

SEC. 13. (a) Experts and consultants or organizations thereof may, as authorized by section 15 of the Act of August 2, 1946, as amended (5 U.S.C. 55a), be employed by any agency of the United States Government for the performance of functions under this Act, and individuals so employed may be compensated at rates not in excess of $75 per diem, and while away from their homes or regular places of business, they may be paid actual travel expenses and per diem in lieu of subsistence and other expenses at the applicable rate prescribed in the Standardized Government Travel Regulations, as amended from time to time, while so employed: *Provided,* That contracts for such employment may be renewed annually.

(b) Service of an individual as a member of the board authorized to be established by section 12 of this Act or as an expert or consultant under subsection (a) of this section shall not be considered as service or employment bringing such individual within the provisions of sections 281, 283, or 284 of title 18 of the United States Code, or of section 190 of the Revised Statutes (5 U.S.C. 99), or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of service, or the payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United States Government, except insofar as such provisions of law may prohibit any such individual from receiving compensation in respect of any particular matter in which such individual was directly involved in the performance of such service; nor shall such service be considered as employment or holding of office or position bringing such individual within the provisions of section 13 of the Civil Service Retirement Act, as amended (5 U.S.C. 2263), section 212 of the Act of June 30, 1932, as amended (5 U.S.C. 59a), section 872 of the Foreign Service Act of 1946, as amended, or any other law limiting the reemployment of retired officers or employees or governing the simultaneous receipt of compensation and retired pay or annuities.

DETAIL OF PERSONNEL TO FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

SEC. 14. (a) In furtherance of the purposes of this Act, the head of any agency of the United States Government is authorized to detail, assign, or otherwise make available any officer or employee of his agency (i) to serve with, or as a member of, the international staff of any international organization, or (ii) to any office or position to which no compensation is attached with any foreign government or agency thereof: *Provided,* That such acceptance of such office or position shall in no case involve the taking of an oath of allegiance to another government.

(b) Any such officer or employee, while so detailed or assigned, shall be considered, for the purpose of preserving his allowances, privileges, rights, seniority, and other benefits as such, an officer or employee of the United States Government and of the agency of the United States Government from which detailed or assigned, and he shall continue to receive compensation, allowances, and benefits from funds authorized by this Act. He may also receive, under such regulations as the President may prescribe, representation allowances similar to those allowed under section 901 of the Foreign Service Act of 1946 (22 U.S.C. 1131). The authorization of such allowances and other benefits, and the payment thereof out of any appropriations available therefor, shall be considered as meeting all of the requirements of section 1765 of the Revised Statutes (5 U.S.C. 70).

(c) Details or assignments may be made under this section—

(1) without reimbursement to the United States Government by the international organization or foreign government;

(2) upon agreement by the international organization or foreign government to reimburse the United States Government for compensation, travel expenses, and allowances, or any part thereof, payable to such officer or employee during the period of assignment or detail in accordance with subsection (b) of this section; and such reimbursement shall be credited to the appropriation, fund, or account utilized for paying such compensation, travel expenses, or allowances, or to the appropriation, fund, or account currently available for such purpose; or

(3) upon an advance of funds, property or services to the United States Government accepted with the approval of the President for specified uses in furtherance of the purposes of this Act; and funds so advanced may be established as a separate fund in the Treasury of the United States Government, to be available for the specified uses, and to be used for reimbursement of appropriations or direct expenditure subject to the provisions of this Act, any unexpended balance of such account to be returned to the foreign government or international organization.

UTILIZATION OF FUNDS

SEC. 15. (a) Funds made available for the purposes of this Act may be used for compensation, allowances and travel of employees, including Foreign Service personnel whose services are utilized primarily for the purposes of this Act, for printing and binding without regard to the provisions of any other law, and for expenditures outside the United States for the procurement of supplies and services and for other administrative and operating purposes (other than compensation of employees) without regard to such laws and regulations governing the obligation and expenditure of Government funds as may be necessary to accomplish the purposes of this Act.

(b) Funds made available for the purposes of this Act may be used to pay expenses in connection with travel abroad of employees and, to the extent otherwise authorized by this Act, of volunteers, including travel expenses of dependents (including expenses during necessary stopovers while engaged in such travel), and transportation of personal effects, household goods, and automobiles when any part of such travel or transportation begins in one fiscal year pursuant to travel orders issued in that fiscal year, notwithstanding the fact that such travel or transportation may not be completed during the same fiscal year, and cost of transporting to and from a place of storage, and the cost of storing automobiles of employees when it is in the public interest or more economical to authorize storage.

(c) Funds available under this Act may be used to pay costs of training employees employed or assigned pursuant to section 7 (c)(2) of this Act (through interchange or otherwise) at any State or local unit of government, public or private nonprofit institution, trade, labor, agricultural, or scientific association or organization, or commercial firm; and the provisions of Public Law 84-918 (7 U.S.C. 1881 et seq.) may be used to carry out the foregoing authority notwithstanding that interchange of personnel may not be involved or that the training may not take place at the institutions specified in that Act. Such training shall not be considered employment or holding of office under section 2 of the Act of July 31, 1894, as amended (5 U.S.C. 62), and any payments or contributions in connection therewith may, as deemed appropriate by the head of the agency of the United States Government authorizing such training, be made by private or public sources and be accepted by any trainee, or may be accepted by and credited to the current applicable appropriation of such agency: *Provided, however,* That any such payments to an employee in the nature of compensation shall be in lieu, or in reduction, of compensation received from the United States Government.

(d) Funds available for the purposes of this Act shall be available for—

(1) rent of buildings and space in buildings in the United States, and for repair, alteration, and improvement of such leased properties;

(2) expenses of attendance at meetings concerned with the purposes of this Act, including (notwithstanding the provisions of section 9 of Public Law 60-328 (31 U.S.C. 673)) expenses in connection with meetings of persons whose employment is authorized by section 13(a) of this Act;

(3) rental and hire of aircraft;

(4) purchase and hire of passenger motor vehicles: *Provided,* That passenger motor vehicles for administrative purposes may be purchased for use or replacement only as may be provided in an appropriation or other Act, and the cost, including exchange allowance, of each such motor vehicle shall not exceed $2,500 in the case of an automobile for any Peace Corps country representative appointed under section 7(e);

(5) entertainment (not to exceed $5,000 in any fiscal year except as may otherwise be provided in an approprition or other Act);

(6) exchange of funds without regard to section 3561 of the Revised Statutes (31 U.S.C. 543) and loss by exchange;

(7) expenditures (not to exceed $5,000 in any fiscal year except as may be otherwise provided in an appropriation or other Act) not otherwise authorized by law to meet unforeseen emergencies or contingencies arising in the Peace Corps: *Provided*, That a certificate of the amount only of each such expenditure and that such expenditure was necessary to meet an unforeseen emergency or contingency, made by the Director of the Peace Corps or his designee, shall be deemed a sufficient voucher for the amount therein specified;

(8) insurance of official motor vehicles acquired for use abroad;

(9) rent or lease abroad for not to exceed three years of offices, health facilities, buildings, grounds, and living quarters, and payments therefor in advance; maintenance, furnishings, necessary repairs, improvements, and alterations to properties owned or rented by the United States Government or made available for its use abroad; and costs of fuel, water, and utilities for such properties;

(10) expenses of preparing and transporting to their former homes, or, with respect to foreign participants engaged in activities under this Act, to their former homes or places of burial, and of care and disposition of, the remains of persons or members of the families of persons who may die while such persons are away from their homes participating in activities under this Act;

(11) use in accordance with authorities of the Foreign Service Act of 1946, as amended (22 U.S.C. 801 et seq.), not otherwise provided for; and

(12) ice and drinking water for use abroad.

APPOINTMENT OF PERSONS SERVING UNDER PRIOR LAW

SEC. 16. (a) Under such terms and conditions as the President may prescribe, volunteer personnel who on the effective date of this Act have been engaged by contract by, or pursuant to agreement with, the Peace Corps agency established within the Department of State pursuant to Executive Order Numbered 10924, dated March 1, 1961, may be enrolled as volunteers or volunteer leaders under this Act. Such enrollment may be made effective, for any or all purposes, as of a date prior to the effective date of this Act but not earlier than the date of commencement of training of the person in question. All allowances and termination payments similar to those authorized by this Act received by any such person or by members of his family or payable with respect to any period between the effective date and the actual date of such enrollment shall be deemed for all purposes to have been received or to be payable under the appropriate provision of this Act.

(b) Any person who was appointed by and with the advice and consent of the Senate to be Director of the Peace Corps prior to the enactment of this Act may be appointed by the President to be Director of the Peace Corps under section 4(a) of this Act without further action by the Senate.

USE OF FOREIGN CURRENCIES

SEC. 17. Whenever possible, expenditures incurred in carrying out functions under this Act shall be paid for in such currency of the country or area where the expense is incurred as may be available to the United States.

SEAL

SEC. 18. The President may adopt, alter, and use an official seal or emblem of the Peace Corps of such design as he shall determine, which shall be judicially noticed.

MORATORIUM ON STUDENT LOANS

SEC. 19. Section 205 of the National Defense Education Act of 1958 (Public Law 85-864) (20 U.S.C. 425) is amended in the following respects—

(1) by deleting the word "or" immediately preceding section 205(b)(2)(A)(ii) and by adding immediately after that section the following: "or (iii) not in excess of three years, during which the borrower is in service as a volunteer under the Peace Corps Act: *Provided*, That this clause shall not apply to any loan outstanding on the effective date of the Peace Corps Act except with the consent of the then obligee institution,"; and

(2) by amending section 205(b)(3) to read as follows:

"(3) not to exceed 50 per centum of any such loan (plus interest) shall be canceled for service as a full-time teacher in a public elementary or secondary school in a State, or as a full-time teacher in a public elementary or secondary school in a foreign country or area as a Peace Corps volunteer, at the rate of 10 per centum of the amount of such loan plus interest thereon, which was unpaid on the first day of such service, for each complete academic year of such service: *Provided*, That this paragraph (3) shall not apply with respect to service as a volunteer in the case of a loan outstanding on the effective date of the Peace Corps Act except with the consent of the then obligee institution;".

AMENDMENT TO CIVIL SERVICE RETIREMENT ACT

SEC. 20. Subsection (j) of section 3 of the Civil Service Retirement Act, as amended (5 U.S.C. 2253), is amended to read as follows:

"(j) Notwithstanding any other provision of this section or section 5(f) of the Peace Corps Act, any military service (other than military service covered by military leave with pay from a civilian position) performed by an individual after December 1956 and any period of service by an individual as a volunteer under the Peace Corps Act, shall be excluded in determining the aggregate period of service upon which an annuity payable under this chapter to such individual or to his widow or child is to be based, if such individual or widow or child is entitled (or would upon proper application be entitled) at the time of such determination, to monthly old-age or survivors benefits under section 202 of the Social Security Act, as amended (42 U.S.C. 402), based on such individual's wages and self-employment income. If in the case of the individual or widow such military service or service under the Peace Corps Act is not excluded under the preceding sentence, but upon attaining retirement age (as defined in section 216(a) of the Social Security Act, as amended), he or she becomes entitled (or would upon proper application be entitled) to such benefits, the Commission shall redetermine the aggregate period of service upon which such annuity is based, effective as of the first day of the month in which he or she attains such age, so as to exclude such service. The Secretary of Health, Education, and Welfare shall, upon the request of the Commission, inform the Commission whether or not any such individual or widow or child is entitled at any specified time to such benefits."

SEC. 21. All persons employed or assigned to duties under this Act shall be investigated to insure that the employment or assignment is consistent with the national interest in accordance with standards and procedures established by the President. If an investigation made pursuant to this section develops any data reflecting that the person who is the subject of the investigation is of questionable loyalty or is a questionable security risk, the investigating agency shall refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation. The results of that full field investigation shall be furnished to the initial investigating agency, and to the agency by which the subject person is employed, for information and appropriate action. Volunteers shall be deemed employees of the United States Government for the purpose of this section.

DEFINITIONS

SEC. 22. (a) The term "abroad" means any area outside the United States.

(b) The term "United States" means the several States and territories and the District of Columbia.

(c) The term "function" includes any duty, obligation, right, power, authority, responsibility, privilege, discretion, activity, and program.

(d) The term "health care" includes all appropriate examinations, preventive, curative and restorative health and medical care, and supplementary services when necessary.

(e) For the purposes of this or any other Act, the period of any individual's service as a volunteer under this Act shall include—

(i) except for the purposes of section 5(f) of this Act, any period of training under section 8(a) prior to enrollment as a volunteer under this Act; and

(ii) the period between enrollment as a volunteer and the termination of service as such volunteer by the President or by death or resignation.

(f) The term "United States Government agency" includes any department, board, wholly or partly owned corporation, or instrumentality, commission, or establishment of the United States Government.

CONSTRUCTION

SEC. 23. If any provision of this Act or the application of any provision to any circumstances or persons shall be held invalid, the validity of the remainder of this Act and the applicability of such provision to other circumstances or persons shall not be affected thereby.

EFFECTIVE DATE

SEC. 24. This Act shall take effect on the date of its enactment.

PRIVILEGE OF THE FLOOR

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that Mary Ann Sames, a member of the staff of the Senate Committee on Foreign Relations, be permitted on the Senate floor during the discussion of S. 2000, the Peace Corps bill.

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

Mr. FULBRIGHT. Mr. President, the bill now before the Senate is a fresh approach in the relations of this Nation to the peoples of the underdeveloped areas of the world. It will give skilled American young men and women an opportunity to transfer their skills to people of newly independent nations.

As I envisage the Peace Corps, it is basically an effort to fit an existing supply to an existing need.

Yearly thousands of students are graduated with skills in engineering, agriculture, the law, medicine, mechanics of various kinds, and the manual arts. Many of these young people have a high motivation for service. Many of them are willing to suffer hardship and seek practical experience. This is the supply.

The need is found in Latin America, Asia, and Africa, where there are shortages of the very skills our young people have acquired and where conditions demand the resilience and hardiness of youth and the devotion of young men and women raised and educated in a free society.

I hope the blending of supply and need not only will help countries to which the members of the Peace Corps will be sent, but also will help the people of this Nation understand some of the realities with which our generation and succeeding generations must live.

Members of this body know that I have long advocated private and public efforts to encourage the exchange of persons. The Peace Corps offers opportunity to get to know the people of another nation as they live. And it will offer opportunity for the peoples of other nations to know young Americans.

Although the bill before the Senate does not limit enrollment in the Peace Corps to youth—indeed, older volunteers are needed—the bill and its philosophy are directed toward putting the shoulder of youth to the wheel of our relations with other nations.

Somehow it has always struck me as strange that governments give youth the dirtiest, most dangerous, and the hardest job of all—the waging of war. But governments never trust youth with the waging of peace. That has been reserved for the older heads—and I am not so sure we have done too well. Perhaps the time has come to take a modest step toward utilizing the vigor of our youth. Certainly the activities of young men and women in some of the countries we have been aiding suggest that they see the need of becoming masters of their own destiny. I think we should welcome the desire of our own young men and women to move into the realm of public service.

I should be delighted to see more of our youth training themselves for future service in the Government, instead of training themselves to be tax lawyers, hotel managers, television repairmen, advertising specialists, or designers of exotic packages for the sale of weight reducers.

Service in the Peace Corps should provide a pool of talent upon which the Nation can call in the long struggle to maintain individual freedom from its many threats.

Lest any of my colleagues believe that I have succumbed to an impractical starry-eyed idealism, let it be noted that I am not without misgivings about the program.

There will be mistakes, some of which will arise out of the nature of the operation. For example, it is clear that Peace Corps volunteers will receive their emoluments of office—small as they will be—from Government sources. Yet at the same time volunteers will not be subject to the discipline and control that characterizes the activities abroad of Foreign Service officers.

This is a distinction Americans will appreciate. But I am not sure that foreign governments and foreign press representatives will divorce the activities and expressions of Peace Corps representatives from the activities of official Americans abroad. There is a vast difference between Ambassadors and ranking Foreign Service officers who disagree publicly with the position of their Government, and Peace Corps volunteers who express personal views at variance with the position of their Government. Ambassadors by such indiscretions know they ask to be reprimanded or to be fired; but Peace Corps volunteers might merely be giving free rein to the right of American citizens to disagree with their Government. We must rely on the judgment of the volunteers themselves to impose their own self-restraints.

While I am hopeful the mistakes that will surely accompany a new program of this type will be small, we can anticipate—even with the best of administration—that they will occur.

It had been my hope that the program might have started on a bit more modest scale than has been the case, thus enabling the administrators of the Peace Corps to learn as the program grows. It seemed to me that the patterns of the point 4 program and the exchange program—both of which started modestly, were found successful, and then grew with experience—might have been usefully applied to the Peace Corps.

A majority of the Committee on Foreign Relations felt otherwise, however, believing that a $40 million budget for the first year was not unusually large. I hope the committee is right.

In any event, Mr. President, the committee has recommended that we establish the Peace Corps; and I hope a year from now, and 2 years from now, we will find that we have developed a new and influential instrument to help this Nation assist other nations to move toward strengthening their independence, toward economic growth, and toward development of their own instrumentalities of representative government.

Mr. President, I add that the men who have been employed in the development of the program—particularly the present director, Mr. Shriver, and his principal assistants—have shown a high degree of enthusiasm and I think ability in starting the program under the Executive order of the President. I have great hopes it will be a success.

The criticisms or suggestions I have made in the past were in no way intended to reflect upon the individuals who have thus been engaged, but only as counsel of an elder statesman, I may say, who has been through long years of trying to make the exchange program successful. The counsel is that the program should be started on a modest scale. I have every confidence that the concept of the program is a good one. I think it is well worth trying. The reservations I had did not go, and do not go, to that aspect at all. I only hope the administration—which will be difficult, I know—will be set up and can be carried through with a minimum of mistakes.

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

Mr. FULBRIGHT. I yield.

Mr. LAUSCHE. I observed in the Senator's statement the language:

> It had been my hope that the program might have started on a bit more modest scale than has been the case, thus enabling the administrators of the Peace Corps to learn as the program grows.

I take it from the statement that the Senator from Arkansas, though he subscribes to the general objective and expresses the view that the purpose is good, nevertheless feels and did feel that the program ought to begin on a more modest scale?

Mr. FULBRIGHT. As the Senator knows, in the committee I voted to that effect, but I do not profess to be infallible at all. The committee outvoted me on that. The committee brought the bill to the Senate in its present form. I expect to support the bill.

This was my judgment as to the sounder way to proceed, because I should like to look back on the program in 2 or 3 or 4 years to see a successful program. I know there are considerable dangers in any new program dealing with young people under the conditions which exist in the underdeveloped areas of the world, where they are likely to go, and that these dangers are very likely to cause great difficulties of administration and of adjustment for these people. This was merely my own private opinion, as the Senator knows. The Senator knows how I voted on this subject in the committee.

Mr. LAUSCHE. Mr. President, I commend the Senator from Arkansas for his complete objectivity and sincerity in the presentation of his views on this subject.

At this belated time I wish to express my commendation to the Senator from Arkansas for the devotion with which he presented the foreign aid bill. Of all the chairmen of the various committees of the Senate, he is the only one who does not occupy a position in which he can gain political favor through espousal of the causes that are most often presented to the committee. The Senator, who comes from the State of Arkansas, when he espouses the mutual aid program, can gain no political favor, but can only lose it. Yet he has diligently, sincerely, and honestly presented his cause. I regret that I did not have the opportunity to make that statement to him at the end of last week's debate, although there were items upon which he and I did not agree.

Mr. FULBRIGHT. Madam President, I wish to express my appreciation to the Senator from Ohio for his statement. I know that the Senator from Ohio has very diligently attended the meetings of the committee and has made a great contribution to it. I deeply appreciate what he has said.

Mr. LAUSCHE. Madam President, will the Senator yield further?

Mr. FULBRIGHT. I yield.

Mr. LAUSCHE. I wish at this time to place before the Senate material which I believe corroborates the views expressed by the Senator from Arkansas that the program ought to be begun on a more modest scale. I direct the attention of Senators to page 104 of the testimony, in which I propounded to Mr. Shriver certain questions. I shall read the colloquy so that the information will appear in the RECORD tomorrow:

> Senator LAUSCHE. Now, to summarize. You are asking for a budget of $40 million,
> Mr. SHRIVER. Yes, sir.

Senator LAUSCHE. And how many workers do you contemplate having in the field by the end of fiscal year 1962?

Mr. SHRIVER. 2,700.

Senator LAUSCHE. And this is contemplated to be a sort of a pilot study the first year, and thereafter you will determine whether it should be expanded or whether it should be reduced.

Mr. SHRIVER. Not exactly, Senator. We have been working on a pilot experimental basis for 3½, almost 4 months. During that time we have tried to get answers to the basic problems—whether there is an adequate supply of manpower, the demand. That was the experimental phase. The President, when he established us on an experimental basis, said at the same time that he wanted to get congressional approval for this operation on a permanent basis, provided that during the experimental stage the justifications seem to be forthcoming. We think the justification has been forthcoming, and we are here now asking for the establishment of the Peace Corps on a permanent basis, not as an experiment.

I point out to Senators that it is claimed by Mr. Shriver that the experiment has been made, and he contends that the experiment has demonstrated the feasibility of the program, because it has been shown that there are available volunteers, and that foreign countries will use them. I submit that to have a proper pilot study and a proper experiment contemplates seeing what the product will be in the field. No such experiment has been made. No one is able to tell what the ultimate product will be. I therefore say that the program ought to be undertaken on a more modest scale. I agree with the chairman in the views which he has expressed. I am grateful to him for yielding.

Mr. McGEE. Madam President, will the Senator yield?

Mr. FULBRIGHT. I am ready to yield the floor.

Mr. McGEE. I should like to express myself on a point which the Senator from Arkansas has made, if he is willing to yield.

Mr. FULBRIGHT. I completed my statement, but I will yield to the Senator if he wishes me to do so.

Mr. HUMPHREY. Madam President, I should like to proceed with my presentation of the bill.

Mr. McGEE. The point I would like to make with regard to the remarks of the Senator from Arkansas, which bears on the question the Senator from Ohio has discussed with him, relates to the size of the Peace Corps at this stage. It seems to me that there are two factors that perhaps would make it reasonable for us to take a chance. We all understand and appreciate, I think, the reservations that the distinguished Senator from Arkansas has as to the size of the Peace Corps in view of the success of the program which he initiated in the exchange of students and scholars. But I think times have changed in two ways. In other words, the situation is much later now than it was then.

First, around the world a great many more countries are impatient and are now rising with new expectations toward which this kind of program is specifically addressed. Because of the number of those new nations—nearly a half hundred since the days when the original Fulbright program was inaugurated in the exchange field, and 20 or so of them in the past year—there is an element of urgency of a much broader sort than prevailed before.

The second factor of urgency, it seems to me, pertains to the state of mind among the people at which the bill strikes most directly here at home, that is the youth of the country. After 15 years of a series of crises, and in some cases frustrations in regard to dealing with those crises, I think there is an almost fever pitch of desire to feel that the youth have an opportunity to do something. This desire has not always been as intense as it is at the moment. For this reason I would encourage the endeavors that are sought in order to meet this psychological condition of our country now. At best it is a chance. But I think it is a chance that we must be prepared to take. In my judgment, these conditions certainly recommend the basis on which the initial program is being launched. I have satisfied myself, as I am sure most Senators have, that every effort is being made to undertake the program in a sound manner, in an atmosphere of austerity and in a spirit of dedication. I believe that these are the elements which give us the best chance to achieve success in this program.

THE TRANSYLVANIA SYMPHONY ORCHESTRA FROM BREVARD, N.C., AT THE WHITE HOUSE

Mr. ERVIN. Mr. President, yesterday a group of young musicians from North Carolina inaugurated at the White House a series of musical programs, concerts for young people by young people, planned by our Nation's First Lady, Mrs. Kennedy. These young people are members of the 85-piece Transylvania Symphony Orchestra from Brevard, N.C. They range from 12 to 18 years of age and come from all sections of our State. They are studying music for 6 weeks this summer at Brevard Music Center, Brevard, N.C.

I am delighted that the Transylvania Symphony Orchestra was selected to inaugurate the White House series of programs and I feel certain that it provided enjoyment and inspiration for the some 325 handicapped children from the Washington area who were the special guests at yesterday's concert.

An article appearing in the Washington Post of this date, entitled "J.F.K. Follows an Open-Door Policy on Music," describes the program in some detail. I ask unanimous consent that this article be printed at this point in the RECORD.

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

WHITE HOUSE CONCERT—J.F.K. FOLLOWS AN OPEN-DOOR POLICY ON MUSIC

(By Marie Smith)

President Kennedy couldn't stay away from his desk for the 75-minute young people's concert played on the White House lawn yesterday by the 85-piece Transylvania Symphony Orchestra from Brevard, N.C. But he left the doors to his office open so he could hear the music.

At 4 p.m. the President left the White House to welcome the young musicians, students from the ages of 12 to 18 who spend 6 weeks at the Brevard Music Center summer camp, and to greet the 325 crippled, cardiac, and blind children from the District area who were special guests at the concert.

It was the first in the series of "Concerts for Young People by Young People" to be sponsored by First Lady Jacqueline Kennedy at the White House. She was not present yesterday, however, to enjoy the music or watch the faces of the delighted audience.

She is vacationing at the Kennedy summer home in Hyannis Port, Mass., and in his welcoming remarks, the President said he was representing her.

As he approached the open bandstand, erected facing the south entrance to the Executive Mansion, the band struck up the "Star Spangled Banner" and followed it with "Hail to the Chief."

"I think they played "Hail to the Chief" better than the Marine Corps Band, and we are grateful to them," President Kennedy remarked after mounting the bandstand and shaking hands with Conductor James Christian Pfohl.

After paying tribute to the conductor and his white-clad youthful students, President Kennedy said, "As an American I have the greatest possible pride in the work that is being done in dozens of schools stretching across the United States—schools where devoted teachers are studying with interested young men and women and opening up the whole wide horizon of serious music."

He added "* * * I think that sometimes in this country we are not aware as we should be of the extraordinary work that is being done in this field."

Displaying his knowledge of music, the New England-born President remarked that "probably the best chamber music in the world is played in Vermont, by young Americans—and here in this school where they have produced extraordinary musicians and teachers, and their work is being duplicated all across the United States.

"This is a great national cultural asset, and therefore it is a great source of satisfaction to me, representing as I do today my wife, to welcome all of you here today at the White House."

As he left the bandstand to return to his office, the slender, suntanned Chief Executive paused along the way to shake hands with the members of the audience in wheelchairs forming the first row under the field tent set up for the guests.

He expressed surprise to learn that pretty, blonde Patricia Holbrook, 16, of Mount Rainier, had attended the Joseph P. Kennedy School for the Handicapped in Boston. "The nuns there do a wonderful work," the President commented. Patricia now attends the C. Melvin Sharpe Health School in the District.

Each of the children invited to the concert wore a nametag marked with a red, white, and blue ribbon. They enjoyed lemonade and cookies served before and during the concert by teenage sons and daughters of members of the White House staff.

Many of the music-loving members of the President's staff gathered around the tent listening and watching the rapt attention given by the young, seated audience. And it turned out to be more of a family affair than expected. Henry Hall Wilson, a student at the music camp 25 years ago and now on the President's staff as liaison representative with the House of Representatives, turned guest conductor for a Sousa march, the "Stars and Stripes Forever."

In introducing Wilson, who was instrumental in getting the Transylvania Orchestra for the first concert, Pfohl recalled that as a teenager Wilson played oboe in the orchestra.

After the "Rienzi" Overture by Wagner, the orchestra played three dances, each from a different country. Conductor Pfohl explained to the appreciative audience that "music is a universal language understood around the world," and introduced a gavotte, from the "Classical Symphony," Opus 25, by the Russian composer Prokofiev.

There followed a hoedown, from "Rodeo" by the American composer Copeland, and a Slavonic dance, No. 8, Opus 46, by the Bohemian composer Dvorak.

Biggest hit of the concert was mezzo soprano Beverly Wolff, a 30-year-old mother from Atlanta, Ga., who sang a Brahms lullaby and the traditional spiritual "Let Us Break Bread Together." The applause was so great she came back for another selection, "Climb Every Mountain," and was called back for a second bow after that.

The White House butlers who manned the lemonade stand were so charmed by her singing some of them sought her afterward and asked for her autograph.

The children, many of whose crutches lay in the grass during the concert, giggled with delight as the orchestra played an American Rhapsody, Opus 47, by the Hungarian refugee composer, Dohnanyi, which was based on American folk tunes.

Two English dances by Sir Malcolm Arnold were the last on the scheduled 45-minute program but the audience called for more and Conductor Pfohl delighted the children with a Children's March by Edmund Frankel Goldman composed of favorite nursery rhymes and songs such as "Merrily We Roll Along," "Farmer in the Dell," "Three Blind Mice," and "Pop Goes the Weasel."

The orchestra also played "The Do Re Me" song from "Sound of Music," stretching the program to 75 minutes long.

One tot, asked at the end of the concert, what she like best answered frankly "the dog." She was talking about Caroline Kennedy's dog, Pushinka, the fluffy white mutt sent by Soviet Premier Nikita Khrushchev. At first Pushinka was in a little pen near the concert area, but a White House gardener led her on a leash to the lemonade stand where he fed her cookies.

At the end of the concert, White House aids gave gay colored balloons which decorated the tent to the crippled, cardiac, and blind children. The children were selected from a list supplied by the District of Columbia Board of Education.

North Carolina Gov. Terry Sanford told the District boys and girls how happy he was that an orchestra from his State was selected to play the first concert in Mrs. Kennedy's series.

Before the concert, the student musicians, who came up from North Carolina by train, were given a special tour of the White House and were served a luncheon of spaghetti and meatballs, ice cream and cake on the White House lawn.

DEATH OF DR. FRANK N. D. BUCHMAN, INITIATOR OF THE MORAL RE-ARMAMENT MOVEMENT

Mr. ERVIN. Mr. President, there has been much comment in the press of late concerning the recent death of Dr. Frank N. D. Buchman, the initiator of the Moral Re-Armament movement. This noted American has been eulogized by a number of persons, including heads of state from Asia, Africa, and Europe. A fitting tribute was paid to Dr. Buchman and his work by Columnist George E. Sokolsky in the August 16, 1961, edition of the Washington Post. I ask unanimous consent that this article be printed at this point in the RECORD.

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

FRANK BUCHMAN

(By George E. Sokolsky)

The death of Frank Buchman removed from the World a prophetic figure who adopted the idea that men change their personalities by free will. A clergyman, Frank Buchman recognized that young people were not accepting orthodox forms of religion, even if they belonged to formal religious groups. He sought a method of solving personal problems by voluntarily changing one's personality, by personally accepting God's guidance in response to silence and prayer.

His movement started very small and I can recall when some of his followers came to my house in Sandisfield, sat on the grass under ancient maples to talk of life and personality. Frank, as he chose to be called, was then holding his house parties in Stockbridge, a suitable village for such a purpose, for it was in Stockbridge and the neighboring villages that the thought and art of America found its strongest expression during the 19th century.

More than 20 years ago I was impressed by the sincerity and profundity of Buchman's followers. What they represented in the current history of ancient religious movements was the enthusiasm of the Essenes, of whom John the Baptist was one, who believed that one could change from wickedness to virtue by baptism, by washing away the sins. So Buchman answered man's willfulness by willing change. Not only was vice replaced by virtue, but futility by usefulness.

The young men and women who served in Moral Re-Armament do not sit about and pray or sing hymns. They go out into the world to battle against social and political wrongs. Whereas the Salvation Army has battled against personal viciousness, such as drunkenness and poverty, Moral Re-Armament moved toward the barricades where it fought communism as the evil of our day.

Buchman possessed no quality of bigotry. For him, there were many roads to God and each man had to choose his own. His movement had no priests or leaders; members united into groups of usefulness and spread themselves over the earth whenever they were most needed. They financed themselves as best they could and no great treasury was developed but those who wanted to help did and those who wanted to give, gave. And the teams went forth to preach the doctrine of peace and human brotherhood.

I knew Frank Buchman well and admired him for his utter selflessness. What he had to give to humanity were his beliefs in the essential goodness and usefulness of man, and those who joined him were not abject followers but comrades in arms fighting for the better life.

Buchman was 83 when he died in a West German village. His movement assembled each year in Switzerland to discuss problems and then went to Mackinac in Michigan for other sessions. The great and the small came and many found in these assemblages the opportunity to open their hearts and expose their souls.

Is Moral Re-Armament anarchic? The surprising characteristic of this movement is its orderliness. No one has ever been elected to be a president or a vice president, but somehow when a job had needed to be done, men and women fell into place and the team functioned with extraordinary efficiency. Will it continue in this spirit and manner now that Frank Buchman is gone?

PEACE CORPS

The Senate resumed the consideration of the bill (S. 2000) to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower.

Mr. HUMPHREY. Mr. President, I am very pleased and honored to be able to speak on behalf of, and present in part for the Committee on Foreign Relations, the bill, S. 2000, as reported by the committee, to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower. The purpose of the Peace Corps bill, as set forth in section 2, is to promote world peace and friendship through a Peace Corps and to promote a better understanding of other peoples on the part of the American people and a better understanding of the American people on the part of the peoples served.

To carry out these purposes in fiscal year 1962, the Senate committee recommends that $40 million be authorized for the first year of the Peace Corps.

Under section 4(a) the President would be authorized to appoint, with the advice and consent of the Senate, a Peace Corps Director who could be paid not more than $20,000 a year and a Peace Corps Deputy Director who could be paid not more than $19,500 per year.

Under section 4(b) the President would have the authority to exercise the functions conferred upon him by the act through such agency or office of the United States as he shall direct.

This is the customary language in a proposal such as this, vesting responsibility and authority for the program in the office of the President and permitting the President to delegate the exercise of certain functions to whatever agency or office he may select.

Section 4(c) and 4(d) of the bill provide for supervision of Peace Corps programs in that the Secretary of State shall be responsible for the continuous supervision and general direction of Peace Corps programs.

In other words, this program is to be a part of the total foreign policy of the United States, and is to work in harmony with the policy objectives of the Government of the United States as expressed by the Secretary of State.

The functions conferred upon the President by the bill would be delegated to the Secretary of State and by him redelegated to the Director of the Peace Corps. In this manner the supervision and coordination is clearly established and maintained.

The Peace Corps would be an agency within the Department of State, and the Director of the Peace Corps would report to the Secretary.

Section 5 of the bill would authorize the President to enroll qualified citizens for service abroad in the Peace Corps. Except as provided in the bill, volunteers would not be officers or employees of the U.S. Government.

The volunteers would be provided with the allowances and the transportation, housing, and supplies necessary for their maintenance and health, and would be entitled to receive termination payment

of not to exceed $75 for each month of satisfactory service as determined by the President.

To provide disability coverage, volunteers would be deemed to be employees of the United States for purposes of the Federal Employees Compensation Act.

I might note here that while volunteers are not classified as employees of the United States under all laws relating to Federal employees, there are specific instances in which a volunteer will be classified as an employee in order to have him receive the benefit of a particular law, which the committee and the administration felt desirable. In this instance, in order to provide disability coverage, volunteers would be deemed to be employees for the purposes of the Federal Employees Compensation Act.

Entitlement to disability compensation payment commences on the day after the date of a volunteer's services terminate. While enrolled in the Peace Corps the President would be authorized to furnish appropriate health care to the volunteers.

Section 6 of the bill would authorize the President to enroll citizens in the Peace Corps for supervisory or other special duties or responsibilities. Such persons would be called volunteer leaders. The number of volunteer leaders could not at any one time be greater than 1 to every 25 volunteers. Volunteer leaders will discharge counseling and supervisory functions. They will not be in each Peace Corps project. But an effort will be made to enroll them wherever the nature of a project is such that the good purpose would be served by having one or more volunteer leaders in it.

Volunteer leaders are expected to be older and more experienced persons. They would be entitled to receive termination payments at a rate not to exceed $100 for each month of satisfactory service. Under exceptional circumstances, provision could be made for them to be accompanied by their wives and minor children.

Section 7 of the bill authorizes the President to employ persons necessary to carry out the act. Of these 30 could be compensated at rates higher than those provided for grade 15 of the general schedule established by the Classification Act. The committee report states, on page 8—

To be successful, the Peace Corps must be staffed, from top to bottom, with first-rate personnel. The committee, therefore, strongly recommends to the Senate that it authorize the full number of high-level positions the Peace Corps requests.

The President will also be authorized under section 7 to employ persons under Foreign Service Act authorities to perform functions abroad.

Section 7(e) of the bill would authorize the President to appoint an employee or volunteer as a Peace Corps representative abroad to have direction of the other employees of the Peace Corps abroad and to oversee the Peace Corps' activities in the particular country.

I note this particular section, because in the discussion by the distinguished chairman of the Committee on Foreign Relations [Mr. FULBRIGHT] he indicated that the Peace Corps volunteers would not be subject to discipline abroad except their own self-discipline. This is not the fact under the bill. We have, in fact, provided in the bill that there will be Peace Corps representatives in each country where the Peace Corps is at work. These will be, as I said under section 7(e), older and more experienced personnel, who will have as their function the counseling and guidance and supervision and, if need be, the disciplining of volunteers in the Peace Corps.

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

Mr. HUMPHREY. I yield.

Mr. GORE. I understood the distinguished chairman of the Committee on Foreign Relations to say that they would not be subject to the kind of discipline that Foreign Service personnel abroad are subject to.

Mr. HUMPHREY. I may have misunderstood the reference. However, I wanted to make it clear that there is supervision, that there is guidance, that there is disciplinary personnel and powers.

Mr. GORE. I did not understand the Senator from Arkansas to express the view that they would be entirely free agents, but rather that they would not be subject to Government policy decisions and directions to the extent that the professional Foreign Service personnel are.

Mr. HUMPHREY. At least they would not be subject to the requirements of what we call Foreign Service personnel under the Foreign Service Act. I thank the Senator for exploring this point with me. I wanted to make it quite clear, as the Senator knows from the hearings and the markup of the bill, that it is imperative to have Peace Corps representatives in each country for the purpose of guidance and supervision.

Mr. GORE. As I understand, in any country where the Peace Corps volunteers are engaged, there will be country-stationed supervisory personnel.

Mr. HUMPHREY. That is correct.

Under section 8 of the bill the President would be authorized to make provision for appropriate training for each applicant for enrollment as a volunteer.

That is underway right now in certain areas of the United States in some of our universities, under the pilot program which the President authorized under existing legislation under mutual security authority.

Under section 12 of the bill the President could appoint 25 persons to a National Advisory Council which would advise and consult with the President with regard to the Peace Corps. Members of the board would receive no compensation for their services, but would be entitled to a per diem allowance and travel expenses for not to exceed 20 days in any fiscal year.

Section 17 of the bill would provide that wherever possible expenditures incurred in carrying out the act are to be paid for in local currency available to the United States.

Mr. JORDAN. Mr. President, will the Senator from Minnesota repeat what he said about local currency?

Mr. HUMPHREY. I said that section 17 of the bill would provide that, wherever possible, expenditures incurred in carrying out the act or functions under the act ought to be paid for in local currency available to the United States.

Mr. JORDAN. Public Law 480 money?

Mr. HUMPHREY. Soft currency, counterpart money, Public Law 480 funds. Of course, they would have to be appropriated under the act.

Mr. JORDAN. Did the Senator say $40 million would be involved?

Mr. HUMPHREY. Yes. This is a very modest program. I realize, considering the fantastic amounts of expenditures we have been concerned with recently for defense and foreign aid, it is easy to make the mistake of believing that the amount involved for the Peace Corps is $40 billion, when it is actually $40 million.

Section 21 of the bill provides for an investigation of persons employed or assigned to duties to insure that such actions are consistent with the national interest.

This includes a full field investigation by the Federal Bureau of Investigation. All possible controls on personnel have been provided for.

The remaining sections of the bill contain operating, administrative, and personnel authorities similar, if not identical, to certain of the authorities available to the foreign aid agency or to other oversea operations of the United States. They include authority to make contracts, to pay claims arising abroad, to procure commodities or services from other Government agencies, and so forth.

As I have indicated, the bill would authorize $40 million for this entire program. With these funds approximately 2,700 Americans will be abroad or in training by June 30, 1962. Considering that to date more than 12,000 Americans have volunteered for service and many thousands more undoubtedly will volunteer before next June, once the bill has become law, this is a very modest program.

Mr. President, permit me to read the conclusions and recommendations of the Foreign Relations Committee on page 18 of the bill:

The committee believes the bill it has reported is a good bill, and that it merits the approval of the Senate.

The committee strongly recommends the full $40 million authorization. It is of the opinion that the request is justified and that the Peace Corps should be permitted enough flexibility to try the methods of approach it envisages. Only in that way can it be known whether the program offers opportunity to assist in the development of nations seeking assistance.

The success of the Peace Corps will depend largely on the type of employees it has and the type of volunteers who will be sent abroad. On the basis of the experience thus far, the committee thinks those American are entitled, working together in a common cause, to a real chance to prove that the Peace Corps, from the standpoint of the United States, is a sound and wise investment—in money and in people—and that it will justify the faith of those countries which are asking for volunteers.

The Peace Corps is a new venture for the American people. It will open new opportunities for them to assist others and to broaden their own experiences. The committee has been impressed with the response

this program has had from individual Americans, young and old, who are eager and willing to perform dedicated service in an effort to promote world peace and friendship.

The committee believes the Peace Corps has promise and that it has potential, and, therefore, urges the Senate to give S. 2000 full support.

As one of the sponsors of this proposed legislation, I urge the Senate to lend its full support to this effort in the cause of peace. Today, we are spending, and with reason, billions for defense and preparedness. This makes it all the more important that we spend $40 million in the pursuit of peace.

Mr. President, I have waited a long time for the opportunity to speak again in behalf of this important bill. But, Mr. President, in a sense no one can really speak for the bill in its entirety. The Peace Corps speaks for itself. It already has spoken to the heart of a young Nation in which 45 percent of the people are under 25 years of age.

The Peace Corps has spoken to thousands of Americans, who have written to say—and now I quote from a letter which has been received:

I want to serve my country. Tell me what to do.

It has spoken to thousands of Americans— young and old—who want their skills and their idealism harnessed in some constructive way.

A college student from California wrote to the Director of the Peace Corps:

I will go wherever I can help. I'll do whatever I can.

A student in Philadelphia sent this message:

I don't care about a salary. This is something I want to do for my country.

I feel it is my duty as an American citizen—

Another person wrote—

to enlist, if possible, in the Peace Corps. I am a college graduate in forestry, age 28, and have traveled and lived in Europe, Asia Minor, Canada, Mexico, and the Bahama Islands. I have also served 2 years in Europe in the Army, 15 months as an instructor. I am married, but my wife is willing to withstand the hardships of travel. We both feel the cause is worth our relatively small inconvenience.

Mr. President, these testimonials from young Americans demonstrate, I believe, the real spirit of our country. I only wish this spirit of America were recognized generally throughout the world; I only wish this message were the one the people of the world received, and that it was the basis of their understanding about America. The messages I am reading are the voice of America, the voice of American young people who are willing to give their services in the Peace Corps.

From Beaumont, Tex., has come a letter—and, Mr. President, by the way, let me say that the files in the Peace Corps office are filled with this thrilling, moving correspondence. In the course of the preparation of these remarks, I had an opportunity to see some of the letters; and I selected certain excerpts because they are representative of the mail which has been received.

As I started to say a moment ago, from Beaumont, Tex., has come the following letter:

I am an American citizen, 55 years old, in good physical condition, and free to travel. I feel that I am qualified to help in the following ways: water-well drilling and completion, surveying, and map-making, instruction in the use of transit and sewer and road planning. I believe that through the Peace Corps, I can help restore some of the prestige and respect which we seem to have lost in some parts of the world.

Mr. President, let us not think that the Peace Corps is only for young people. But it is for people who are young at heart and who have the real spirit of youth.

And from Mississippi:

Please send the information necessary for my wife's and my applications for the Peace Corps. We want to work as a team, preferably in Latin America.

Here is a quotation from one letter the Peace Corps received from Boulder, Colo.:

I have a master's degree in geology. I am 28, unmarried, and served 2 years in the Army. I have an excellent scholastic record and experience with a major oil company. I would like to be of service in making geologic maps and developing ground water and oil resources.

These are men who are on the job, who are undoubtedly being paid thousands of dollars a year, who are willing to give all that up and get a maximum payment, on termination, of $75.

From California, this letter:

I am a graduate in mechanical engineering and speak Spanish fluently. While traveling extensively in Mexico, I have seen at firsthand how badly needed are dedicated American citizens who can fulfill the aims of an organization such as the Peace Corps. I should be grateful for the chance to devote myself to these aims.

These letters are typical, Mr. President, of the enthusiasm, the devotion, the willingness to work hard under difficult circumstances of the American people who want to participate in the Peace Corps.

It is gratifying and encouraging, at a time when Khrushchev has claimed that America is "going soft," at a time when the stamina and fortitude and determination of the American people have been questioned by critics both at home and abroad, to learn that Americans still have what it takes to undertake an experiment in the difficult.

The Peace Corps is a strong test of the fiber of American life—and for that reason it is difficult for me to believe that there could be opposition in the Congress to the Peace Corps.

The response from abroad has been gratifying, too, Mr. President. The Director of the Peace Corps, Mr. R. Sargent Shriver, has estimated that the Peace Corps has received requests for approximately 10,000 volunteers, about 10 times as many positions as they can fill this year.

Projects have already been announced for Tanganyika, the Philippines, Malaya, Colombia, Chile, the West Indies Federation, Pakistan, India, Nigeria, and Ghana.

I should like to read briefly from a letter that our Ambassador in India, John Kenneth Galbraith, wrote to Mr. Shriver:

The reaction in India has been exceedingly favorable as a welcome affirmation of American idealism. It is particularly important in rubbing out the impression that we are excessively prone to military solutions.

In the last 3 weeks I have been traveling extensively here, and the Peace Corps has been one of the most prominent questions in all of my press conferences, usually with the query as to whether any volunteers are contemplated for that particular area of India.

I have spoken, Mr. President, about the response at home and abroad to the Peace Corps. I should now like to discuss briefly what some of the Peace Corps volunteers will do.

Let me use as an example the training program which began on August 21 for East Pakistan in Putney, Vt. The project calls for 30 specialized men and women in the fields of irrigation, farm production, town planning, medicine, sanitation, engineering, carpentry, bricklaying, youth work, university teaching, library administration, and communication. Another training program will begin shortly at Colorado State University for West Pakistan.

The East Pakistan program will be administered, both in training and in the field, by the Experiment in International Living, a nonprofit, educational-travel institution devoted to fostering mutual respect and understanding among the peoples of the world, with special emphasis on the home and family. The Experiment in International Living has had 29 years of experience in 33 countries, and, I, for one, am happy that the Peace Corps will channel a significant portion of its volunteers, of its services, through our universities and private voluntary organizations, like the Experiment. Unlike the Soviet Union, Mr. President, the United States is not just government. America speaks with many voices, and I think that my colleagues in the Senate will join me in congratulating the Peace Corps in contributing to the already valuable work done by our private voluntary agencies and universities overseas.

The volunteers will receive in Putney intensive training in area and language study, including teaching on the customs, religion, politics, and economics of Pakistan; instruction in American Government and international relations; work in health protective measures; physical conditioning; and training in cross-cultural communication of their particular skills.

Following the 8-week course, those selected to go to Pakistan will first live for 3 weeks with Pakistani families. Then, they will receive additional instruction in the Bengali language at the Pakistan Academy for Village Development in Commilla.

The volunteers will begin work in December in five different communities.

Another recently announced project involves India: An initial group of 25 volunteers will go to the Punjab region to work primarily in the field of agriculture. They will assist in agricultural ex-

tension, demonstrating techniques of cultivation, irrigation, the use of fertilizers, and modern implements and equipment. Ohio State University will conduct the training program for these volunteers.

More than half of the requests coming from abroad are in the field of teaching. The volunteers going to Nigeria, Ghana, and the Philippines will be instructors in the secondary or primary schools in those countries.

I predict that the teaching requests will continue to increase, because the problem of illiteracy is a problem this Nation must come to grips with if it is to do a job in foreign assistance. I think America can gain a page in history if we aid the illiterate, if we aid those who have a yearning and a thirst for knowledge. What a fine thing it is for this country to have people volunteering for the Peace Corps to become teachers. The teachers' program will do more to build a sound foreign policy and good relations between ourselves and our neighbors in other parts of the world than any other program. If we did nothing else in the Peace Corps except teach, it would be worth while, because in those areas, violence and frustration are the order of the day, and in those areas of illiteracy there is a contest taking place between the Communists and those who believe in the free way of life. The Peace Corps will put soldiers of learning, so to speak, at work, fighting the problems of ignorance and illiteracy.

Those who have had the opportunity to visit some of the training camps, including some of my colleagues in Congress, have been most favorably impressed.

I was sorry I did not have the opportunity to go to Putney, Vt., to see the training program there, but I understand some of our congressional colleagues did go. They have seen volunteers who were competent, mature, personable, and in fine physical condition.

In short, we are sending persons who have been thoroughly screened and intensively trained. When they have finished their training, have had full investigations, and have gone through the number of tests required—and it is a vast program—we shall have available for the Peace Corps the finest of our young men and women.

When they return, they will enrich the fabric of the American society. The Peace Corps volunteers will form a fine reservoir of persons with knowledge of the newly emerging areas and of esoteric languages from which our Foreign Service, AID program, USIA, and other departments of Government can draw. Further, having had oversea experience, former volunteers will make even more valuable contributions in the fields of teaching, medicine and health, engineering, labor, business, and agriculture.

I think it needs to be emphasized how important this program is in preparing America for the role of world leadership we now hold in the world, and which has come upon us so quickly. This is almost a graduate course in international understanding for the American people. Not only will we be helping those people, but the young men and women who go to other lands and return here will be better able to interpret to our people in the United States what is going on in far-off places.

This leads me to my next point, Mr. President, a point that has been relatively neglected in discussions of the Peace Corps. Up until now, most of the talk has been about what the Peace Corps can do for the newly developing countries. I wish to emphasize for a moment what the Peace Corps can do for the United States.

For even if the Peace Corps did no positive good abroad—and I am more optimistic than that, I think it will do great good—it would be worthwhile from the standpoint of what it would do for America.

Let me make it quite clear that the Peace Corps is a two-way street. Not only will we help in the development of the emerging countries, but also we will learn more about vast new areas that we are frankly too ignorant about. Mr. President, in America we do not know enough about Nigeria. We do not know enough about Tanganyika. We do not know enough about India.

We do not know enough about our neighbors to the south, in Latin America. We do not know enough about a country like Chile. We have an abysmal ignorance about a host of countries that are as important to America now as the corner drugstore is important to the housewife, or a neighbor living on the block.

We need Americans of all walks of life to become more personally involved and better informed about the world around us.

Possibly then we shall not have people seeking easy answers to difficult problems. Possibly then we shall have a more mature American mind, which will realize the nature of the contest in which we find ourselves today. Possibly we shall have a body of people in this country who recognize how difficult is our struggle and how long it may take for us to find ways and means of assuring success. I am confident that the Peace Corps will make a significant contribution to this goal of mature understanding on the part of America in the world in which we are so much a part.

Peace Corps volunteers will live in modest circumstances. Many will live in the more remote areas where, in some instances, Americans have never been before or been seen before. They will speak with the people in their own language. They will participate in the local community. They will work hard and demonstrate that there is dignity and honor in labor.

What a great opportunity to get a true picture of America where it needs to be understood.

They will not go overseas to be propagandists, but, in the best sense of the word, they will be living propaganda.

At this point, I shall read an excerpt that a Pakistani wrote to a friend on the Peace Corps staff. These are eloquent words, Mr. President:

> The success of your Peace Corps will depend not primarily on the link between the U.S. Government and my Government, but between your people and our people, a link created by a surer understanding of the beliefs, languages, temperament, and, as a whole, the individual national aims. One cannot understand or know his neighbor unless he visits him in his home, shares his views, understands his wants or desires, and allows a friendship to grow through mutual respect and regard, irrespective of caste, color, or creed.

In closing, Mr. President, I repeat two questions that were posed to Mr. Shriver when he was recently in Asia. One came from a lady named Ashadevi, a remarkable woman and former associate of the late Mahatma Gandhi, who traveled 3 days and nights on a train to come to New Delhi to talk to Mr. Shriver. She said:

> Yours was the first revolution. Do you think young Americans possess the spiritual values they must have to bring the spirit of that revolution to our country? There is a great valuelessness spreading around the world and in India, too. Your Peace Corps volunteers must bring more than science and technology. They must touch the idealism of America and bring that to us too. Can they do it?

The second question came from Mr. U Nu, the present Prime Minister of Burma, one of the great leaders of Asia. He asked Mr. Shriver:

> Do you really think that a Peace Corps volunteer can match the steely dedication of an indoctrinated Chinese Communist?

Mr. President, I think that the answer to both of these questions is, undoubtedly and completely "Yes."

We do have idealism. Indeed, we can match the steely dedication of an indoctrinated Chinese Communist. Our young people are bubbling over with idealism. The problem is offering them an opportunity to put that idealism to work.

The Peace Corps volunteers will actively and creatively demonstrate the dedication, idealism, and skills of Americans. I think that they will become one of America's most valuable items of export.

I ask that we in the Congress give them the chance to answer these two questions in the affirmative by authorizing, through our action in the Senate and through action in the other body, the U.S. Peace Corps.

Mr. President, the latest Gallup poll relating to the Peace Corps shows a remarkable interest on the part of the American people. It shows that 71 percent of the people support the Peace Corps. It shows that 66 percent of them would like to have their sons and daughters participate in it.

This, to me, is a very significant statistical fact. I recall that a few years ago, when a similar poll was taken about politics, the poll showed that 80 percent of the mothers and fathers did not desire to have their sons and daughters go into politics in America. Now 66 percent of them would like to see their sons and daughters go into the Peace Corps.

If the 80 percent had encouraged their sons and daughters to take a little more interest in politics, the Peace Corps would have been a living reality long ago. One of the real problems in America is the failure of the adult citizenry to have

an appropriate interest in matters of public policy.

I am hopeful that the Senate will proceed forthwith to pass the proposed legislation.

The Peace Corps is under the able direction of Mr. Shriver, who is a remarkable man and who has brought to him some of the most remarkable and talented people in management and administration I have ever met. I believe this is the general opinion held by Members of Congress who have met with Peace Corps representatives in the Washington office.

I asked the research personnel in Mr. Shriver's office to prepare for Members of the Senate and for the entire Congress an analysis relating to the Peace Corps on all subjects of interest.

What is the need for it? Why is the Peace Corps to be a separate agency under the general supervision and coordination of the State Department? How did the original pilot program get under way? Why was there the establishment of the Peace Corps by Executive order?

I asked for an outline as to how the Peace Corps would be coordinated with the AID program.

The material which has been presented is to the point. It shows how the Peace Corps operation in each country will be coordinated by the country administrator of the AID program.

I asked that the Peace Corps give a complete breakdown of all facets of administration. I asked why there was a request for some supergrades for personnel, above grade 15. I asked for additional information on staffing of the proposed agency. I asked what was to be done by Peace Corps representatives abroad. I asked about the relationships between the Peace Corps and private voluntary agencies. I asked about the relationships between the Peace Corps and the international agencies.

I am sure our colleagues will be interested in the cost per Peace Corps volunteer.

What kind of medical care and other care will be provided for volunteers? What oath will the Peace Corps members take? What can be said of the loyalty of Peace Corps volunteers?

It will be of interest to my colleagues to note that each volunteer will be given the most extensive and exhaustive screening and testing.

There will be such a type of investigation and timing that we shall have full consideration as to the most economical way to achieve the desired end. In consultation with the FBI and the Civil Service Commission, the Peace Corps has adopted procedures which will enable the Peace Corps to determine the fitness of each applicant for service overseas. In addition to the FBI investigation, the Peace Corps will carefully screen candidates at every step along the way to be sure they are suitable and desirable for the job selected. Evaluations will be received from at least six references, including medical and psychiatric interviewers, faculty members concerned with their training, and from a panel which will have each candidate's complete dossier before he is finally selected.

The Peace Corps will be at the top of the list in the Government of the United States in its recruitment, training, and selection program—far better than any other office or agency in the Federal structure, State or local government.

I also asked the Peace Corps to give us material showing what they mean by their national advisory council, its functions, and a full and complete description of the selection process and the training program. I ask unanimous consent that the document to which I have referred in describing these many parts of the Peace Corps proposal be printed at this point in my remarks.

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

PEACE CORPS

THE NEED FOR THE PEACE CORPS

The Peace Corps is nothing less than a bold new dimension in American mutual assistance programs. Other programs provide military aid, high-level technical assistance, or capital to other nations. The Peace Corps makes available a pool of trained manpower to help other countries meet urgent needs.

Providing manpower to countries which are traditionally faced with a surplus of labor and a shortage of capital sounds at first blush like the proverbial carrying of coals to Newcastle. But the key word in the description of the Peace Corps activities is trained manpower. Only an appallingly small proportion of the population of most underdeveloped countries has any training at all in the jobs which they are performing. The people farm, or build their homes, or care for their health in the same manner in which their ancestors have done these same jobs for centuries. There is a desperate shortage of people with enough training to teach in the schools or to build roads or to construct sanitary facilities.

The United States and other countries, through bilateral technical assistance programs or through the United Nations, have for many years been providing highly skilled experts to advise the less developed nations on matters affecting their development. There is no doubt that these experts are performing a much-needed task and are making a significant contribution to the standards of living in the countries in which they serve. But only a small number of people in these countries can hope to reach the level of expertise which technical assistance advisers and consultants are sent to provide.

The missing link in the underdeveloped two-thirds of the world is middle manpower—workers trained at a level somewhere between that of the highly skilled experts and the totally untrained majority. Without this middle level, there can be no one to carry out the advice of the experts and no realistic level of aspiration for the rest of the population. It is this need which the Peace Corps will supply. Peace Corps volunteers will serve as teachers, electricians, home economists, government clerks, nurses and nurses' aides, farmers, water and sanitation technicians, medical technicians, construction workers, and so on. Rather than to advise and counsel the local people on how to accomplish these jobs, they will help do the work and in the process will teach the local people to do it themselves. There can be no question of the fact that the Peace Corps is needed abroad.

But what is more, America needs the Peace Corps. Today, isolationism has become an impossibility. We cannot deny our obligations to remain aware of the needs and the desires of the emergent nations and to let the people of those nations know that we are aware, but we cannot communicate with them across a great gulf. The more American citizens who have had first-hand experience abroad, working at the people-to-people level and learning the aims and aspirations of the people by living and working with them for a relatively long time, the better able will America be to understand and address herself to their needs. It is American citizens with just such experience that the Peace Corps will produce. When they return from their service abroad, they will be able to serve their country further by acting on their experience, and they will multiply the benefits to this country by acquainting still other Americans with the fruits of that experience. They will be assurance that this country does not act in a vacuum.

There is still another reason why America needs the Peace Corps. There is no better way to counteract anti-American propaganda than by providing contact between Americans and citizens of other countries. Such propaganda is inevitably most effective among people who have never had an opportunity to get to know, or even to meet, Americans. The bright, young, dedicated Americans who will constitute the Peace Corps are the finest fruits of our way of life and the best ambassadors this country can produce. Simply by living and working abroad, unostentatiously but not in abject poverty, they can do more to serve the image of this country abroad than all the counter-propaganda that money can buy.

Thus, the need for the Peace Corps is not restricted to one country or to a group of countries. It is not restricted to arguments of economic development or of personal diplomacy. The need is an almost universal one, in terms of countries concerned and in terms of the ends which the new agency will serve. America can hardly afford not to have the Peace Corps.

THE PEACE CORPS AS A SEPARATE AGENCY

In view of all of the convincing talk we have heard lately about the unification of the foreign aid program, there has been some question of the administration's decision to keep the Peace Corps a separate agency. The reasons for this decision are quite simple: The Peace Corps is different. The Peace Corps is new. Its success depends to a large extent on its separateness.

The fundamental differences between the job being done by the Peace Corps and that which has been done by ICA or which will be done by the new AID are quite clear. For one thing, the Peace Corps is a voluntary program. People who enter the Peace Corps will all know that neither their wages nor their living standards will be as high as what they could expect either in the United States or in other overseas Government programs.

For another thing, Peace Corps volunteers will provide international communication on a person-to-person level, whereas other foreign assistance programs operate on a high level, offering advice and guidance to the governments of the countries where they serve. Peace Corps volunteers will not be qualified to give, and they will not give, expert advice. Instead, they will undertake operational tasks side by side with, and often subordinate to, the people of the host countries.

Still another fundamental difference exists in the fact that the Peace Corps will provide a product that is not offered from other sources—middle manpower. Unskilled manpower is usually plentiful in the less developed countries, and expert advisers and capital funds are available through the AID program. But a gap exists in the middle level of manpower and it will exist for at least another generation—a critical shortage of people with college or professional training, people with teaching, craft, farming, organizational and leadership skills—and it is this gap that the Peace Corps, unlike ICA or DLF or AID, is designed to help fill.

Because the Peace Corps is so unquestionably different, there is simply no organizational reason why it should be part of the new foreign aid agency. The mere fact that it operates abroad is almost all that it has in common with ICA or with its successor organization.

However, because the Peace Corps is new, there are real reasons why it should not be a part of the larger agency. It is undertaking tasks which have not previously been performed by the Government. The large-scale recruitment of civilians for service abroad on a voluntary basis is new. The rigorous training in skills, languages, area studies, and physical conditioning of people drawn from all walks of life is new. The working closely with large numbers of universities and private agencies is new. In short, there is no blueprint or precedent within the foreign-aid program—or elsewhere in the Government—to guide the Peace Corps in the tasks before it. For this reason, it was felt that a new and separate organization should be set up to tackle these tasks and to learn how best to do them. The Peace Corps cannot afford to be absorbed by a much larger organization with established programs and practices.

In addition, it is vitally important that the Peace Corps, particularly in its initial stages, be able to move quickly to consider and respond to requests for volunteers from abroad. The Peace Corps program is small as compared with the foreign-aid program, involving only $40 million as opposed to the AID request for $2.59 billion. As a component of the foreign-aid agency, the ultimate administration of the Peace Corps would be in the hands of officials who would very probably assign only secondary priority to the relatively small Peace Corps projects. The delay which this would entail in getting the new agency well underway would cost much of the enthusiasm which has been generated both at home and abroad and thus would seriously threaten the success of the Peace Corps.

The Peace Corps must be a separate agency to tap the overwhelming response which greeted its announcement. In terms of the supply of volunteers, the Peace Corps relies upon people who are motivated by a sense of service and anxious to do something for their country—not upon career employees. Government service is nothing new, and yet Government service has never generated the kind of active enthusiasm on the part of the American people that the Peace Corps has. It is vital that the Peace Corps establish and maintain a unique identity, displaying the newness and distinctive appeal—the volunteer spirit—which has so successfully attracted the right kind of people.

In terms of the demand for volunteers by foreign governments, too, the uniqueness of the Peace Corps is largely responsible for its striking success to date. Many countries which are traditionally cool to American assistance programs have responded with remarkable enthusiasm to the Peace Corps, because they believe that volunteers will be workers come to do a job, not executors of official American policy or propaganda agents. To make the Peace Corps a small part of the established program would destroy that belief, and with it much of the promise of the new agency.

Finally, as a separate agency, with a separate budget and separate legislation, the Peace Corps will report directly to Congress and will be able to work directly with the legislative branch in a way which will help it to reflect the will of Congress more directly.

The establishment of the Peace Corps as a separate agency should not for a moment suggest that it is not closely related to and coordinated with the foreign aid program. For the Peace Corps to fail in this respect would be at least as dangerous to its success as for it to be swallowed up in that program. But as long as its duties with regard to coordination are fulfilled—as they have been so far and as they will continue to be as long as the Peace Corps is responsible to the Secretary of State—there can be little doubt that the effectiveness, if not the very existence, of the Peace Corps depends upon its maintaining a separate identity.

THE ESTABLISHMENT OF THE PEACE CORPS BY EXECUTIVE ORDER

The announcement of the Peace Corps by Senator Kennedy during his campaign for the Presidency led to an almost unprecedented response on the part of the American people. More mail poured into his campaign headquarters and the White House on the proposed Peace Corps than on any other single subject. It was abundantly clear that many thousands of citizens wanted to serve their country, and for the first time they were presented with a suitable avenue for their services.

Similarly, the response from abroad was almost startlingly enthusiastic. Representatives of foreign countries supported the concept before the Peace Corps was officially established; they even, in some cases, requested Peace Corps participation before they were certain that the Peace Corps would be established.

America could not afford to leave this response untapped—to delay until the people who had offered their services upon graduation had found other employment or until the countries which had asked for assistance found it elsewhere. The Congress had already indicated its interest by authorizing a study of the point 4 Youth Corps. President Kennedy took what was in effect the only course when he decided to use his authority to establish the Peace Corps by Executive order. The development of the Peace Corps has more than justified his decision.

In addition, the decision proved to have been useful to the Congress. Today, we are discussing not a hypothetical organization, but a real and going concern. We are not asked to authorize a theory, but to decide whether the facts justify the continued existence of the Peace Corps. The Peace Corps Director, Sargent Shriver, has done a really remarkable job of getting the agency underway and assembling those facts for our consideration.

This situation we are in today is certainly preferable to one in which we were debating the merits of an untried concept.

No matter what we decide here with regard to the Peace Corps which President Kennedy established by Executive order, there can be little doubt that it was to our benefit and to the benefit of the country that he did so.

COORDINATION OF THE PEACE CORPS WITH AID

There is certainly no lack of communication and coordination between the Peace Corps and ICA, the State Department, and other agencies with related interest. As each Peace Corps project is being developed, it is coordinated with the appropriate country and regional desks at the State Department, ICA, and USIA. Whenever it is indicated, the project is also coordinated with the Bureau of Educational and Cultural Affairs and with the Bureau of International Organization Affairs in the State Department as well. In addition to all of this, each project is coordinated in the field—with the AID mission, the diplomatic mission, and the appropriate attaché such as the agricultural or the cultural attaché, in the embassy. Thus, for example, a teaching project in the Philippines would be coordinated with all sorts of people outside of the Peace Corps—three Philippine desk officers, three Far East regional directors, the Bureau of Educational Affairs, the cultural attaché and the Ambassador at our Embassy in the Philippines, and our foreign aid team there.

But all this is only the beginning. Once a project has been developed and approved by the Director of the Peace Corps, it must receive formal clearance from the Under Secretary of State for Economic Affairs, the Regional Assistant Secretary concerned, and the Director of ICA. In addition, carbon copies of the clearance memorandum go to the Assistant Secretary of State for Educational and Cultural Affairs and the Director of USIA.

Finally, clearance to negotiate with the host country and the allocation of funds must be provided by the Deputy Coordinator for Foreign Assistance on behalf of the Under Secretary of State for Economic Affairs.

Once the project is underway, the Peace Corps representative in the country, like the head of the AID mission, is subject to the coordination of the Ambassador.

In view of all this, it is hard to see how anyone could think that each and every phase of the Peace Corps activities is not more than adequately coordinated with all of our other foreign operations.

PEACE CORPS REQUEST FOR $40 MILLION

The response to the Peace Corps, both in this country and abroad, has been enthusiastically positive and deeply encouraging.

More than 12,000 American men and women have applied to serve in the Peace Corps, and applications are still arriving at a rate of more than 300 a week. The proposed Peace Corps program for fiscal year 1962 will permit only 2,700 of those who desire to serve to do so. That is, three out of every four applicants must be disappointed this year, and this ratio can only increase as applications continue to come in. The program has been developed this conservatively in the knowledge that the Peace Corps is a new concept in the foreign field; it is not going too far or too fast. If the authorized expenses of that agency are cut any further, it follows inevitably that many more Americans who have responded to the President's call to serve their country through the Peace Corps will be denied the opportunity which they seek. Every $9,000 that is cut from the Peace Corps appropriation means that one less American can participate.

In addition to the response in this country, the need and desire for Peace Corps volunteers abroad have been clearly expressed. The grassroots reaction, as reflected in the press, has been extremely favorable. Heads of state, such as Balewa, Ayub, Garcia, Nehru, Lleras, and Nkrumah, among others, have warmly endorsed the Peace Corps, its purpose and its potential in assisting to meet the problems of development. For the Peace Corps to be unable to respond to the high expectations which surround it would seriously weaken American prestige abroad.

The program for the first year of the Peace Corps operation has already been deliberately scaled down, in anticipation of the will of Congress with regard to such a new concept, to the minimum which seems reasonable in terms of the demand for and the supply of volunteers. To cut the proposed fiscal year 1962 program of the Peace Corps still further would call into question the promise of the new concept, would seriously reduce the momentum gained both at home and abroad, and would represent a serious failure on the part of the Government to meet its responsibility to those who have turned to it from abroad and to the thousands of American citizens who have responded so enthusiastically to its call.

THE ADMINISTRATION OF THE PEACE CORPS

The Peace Corps has estimated that 2,700 volunteers will be in training or in service by the end of this fiscal year, and that 369 staff members will be required for administration and program support. In dollar terms, they have estimated that almost $8.8 million of a $40 million budget will be spent on administration and program support expenses. Although these administrative figures may sound high, a closer look will correct that impression.

The estimate of 369 staff members supporting 2,700 volunteers gives a ratio of 1 staff member for every 7 oversea personnel. The comparable ratio for both ICA and USIA is one staff member for every three oversea personnel. These figures are fairly typical for oversea operations. The fact of the matter is that the Peace Corps estimates are extremely low. They may even have to be revised upward.

In addition to the fact that administrative backstopping in the Peace Corps is relatively slight, as these ratios indicate, the number of staff members will not continue in direct ratio to the number of volunteers. Arrangements for the selection, training, assignment, and supervision of 2,700 volunteers can expand to take care of several times that number without a corresponding increase in administrative personnel. Furthermore, any additional staff required to take care of an enlarged volunteer corps will be largely in the lower echelons of the Peace Corps staff.

Comparison with private organizations engaging in oversea operations cannot be made in the strict sense because they do not provide staff support on the same basis as does the Peace Corps. For example, the American field service and the international 4-H Club have relatively small paid headquarters staffs, but these are supplemented by very large volunteer staffs. Another difference is that some agencies, such as the Experiment in International Living and the American Field Service, send people overseas only for the summer months. CARE has a large headquarters staff in relation to oversea personnel, but they are responsible for distributing food and farm implements rather than supplying human resources, and so their oversea personnel are relatively few in number. International Voluntary Services' ratio of staff to oversea personnel is similar to that of the Peace Corps, but with only 50 people overseas; that agency is too small to be really comparable.

Comparison with the foreign aid program, too, is not simple. Although the Peace Corps has more than twice as many oversea personnel for every staff member as does ICA, its estimated administrative and program support expenses are 21.9 percent of its total appropriation request while those of ICA were approximately 6.1 percent of its budget in fiscal year 1960. This difference, although striking at first glance, is explained by the fact that the majority of the funds expended by ICA are for nonproject assistance—that is, the export of agricultural and industrial commodities, cash grants, and the like. The administration of this type of activity requires substantially fewer personnel and support costs in relation to the total dollar program volume than does the administration of project assistance.

While no cost standards are available, it is probable that the great majority of ICA's administrative expenses and program support costs are necessitated by project assistance. Thus, it is very likely that ICA's related administrative costs are approximately the same proportion of its project assistance as are the Peace Corps', if allowance is made for the additional expenses normally incurred in the initiation of any program. That is, when a program is initiated the administration and support costs are the first expenditures incurred, and consequently, the ratio of these costs to total program dollar value is normally unfavorable during the first 2 or 3 years.

These comparisons indicate that the staffing needs of the Peace Corps, in order to support adequately the volunteers serving oversea, are far from certain. The Peace Corps has asked for freedom from a financial limitation on its administrative expenses on the grounds that the agency is in the process of evolution. At this time it would be premature and all but impossible to specify precisely the resources which may be required for administrative expenses. Without operational experience by a full staff, the application of a limitation, no matter how reasonable it might appear at the time it was imposed, could spell the difference between a Peace Corps operating in a very low gear, with only preliminary work undertaken, or a Peace Corps well launched, in a careful, businesslike manner.

THE PEACE CORPS REQUEST FOR 30 SUPERGRADES

The Peace Corps program is new. There is no blueprint or precedent within the Government for what the Peace Corps will do. In the first place, it is based on a whole new set of nongovernmental relationships; the Government's working with and through private agencies and universities on such a large scale is unique. Secondly, the mass recruitment of civilians for service abroad on a volunteer basis has no counterpart. As a result, selection factors involve considerations—in terms of physical, emotional, and intellectual capacity—not previously faced. And in addition, the Peace Corps' relationships with other countries, from the planning stage through project completion, is complex, delicate, and unusual.

As Peace Corps Director Sargent Shriver pointed out in his statement before the House Post Office and Civil Service Committee, one of the most important factors in the success of any Government agency, as in private business, is good management. It is clear that high-quality people are needed from the beginning in order to launch such a new and different program successfully. In its key positions, the Peace Corps must have people who possess not only experience and leadership qualities, but an unusual degree of imagination, flexibility and entrepreneurial spirit. In many cases, such as the selection of volunteers and their training, entirely new processes, without precedent in or out of the Government, must be developed. The senior staff members of the Peace Corps must have the flexibility to deal on their own ground with members of the academic community, with international civil servants, with representatives of foreign governments, and with the volunteers themselves. It is essential for these purposes to attract the best available talent.

The Peace Corps cannot afford to fail in any of the difficult and novel tasks which are set for it, for failure in any one of them will harm not only the agency itself, but the standing of this country abroad. To insure success in each of these tasks there can be no substitute for high caliber in the people performing them. Every job for which a supergrade is requested—and a detailed list of these jobs has been provided by the Peace Corps—is a key job which has a direct bearing upon the success or failure of the Peace Corps and therefore upon American prestige abroad.

It should also be pointed out that in any new organization, the top positions must be filled in the early stages. Then, as the organization grows, it grows mostly at subordinate levels. Regardless of the size of the Peace Corps, it will obviously require only one Regional Director for each region, only one Director of Recruitment or of Training, and only one General Counsel. A Corps of volunteers substantially larger than is contemplated for this year can be provided without any increase in the number of supergrades above the level requested in the bill.

The Peace Corps must have topflight people to plan its program. Mediocre planning begets mediocre programs, which is something neither the Peace Corps nor the United States can afford.

PEACE CORPS STAFFING

One of the most vital factors in the success of the Peace Corps in its early stages is flexibility. The need for flexibility arises from the fact that the Peace Corps is a new concept in Government and cannot proceed according to any blueprint.

Although estimates of Peace Corps staffing needs are available, these are little more than estimates. The Peace Corps must feel free to hire an extra person to do a needed job, and it must feel free to determine that it can more efficiently use the services of another agency if they are available. Establishing a maximum number of employees would, in effect, remove both of these freedoms. Because the first volunteers have not yet gone out into the field, it is impossible to tell yet with any precision just how much administrative and supervisory backstopping will be necessary to assure that these volunteers reflect credit upon themselves and upon their country. It would be nothing less than a tragic waste for the U.S. Government to have gone to the trouble and expense of developing programs, selecting and training volunteers, and sending them abroad, only to have the program fail because the Peace Corps supervisory and administrative staff was too large or too small to handle the program adequately.

In addition, it is all but impossible for the Peace Corps at this stage to determine how many employees it will need in the field to supervise and provide for the needs of the volunteers. The size of the Peace Corps staff in any country depends upon the number of volunteers serving there and upon the extent of their concentration or dispersion throughout the country. In addition, it depends upon the administrative facilities available to it from other agencies such as the embassy, the AID mission, and the Public Health Service. In a country where a great many volunteers are spread out in small groups across many miles, more supervisory staff will obviously be needed than in a country where a relatively small number of volunteers are all serving in one school or village. Similarly, the more administrative services which can be provided from other sources, the smaller the admnistrative staff needed by the Peace Corps.

Because the size, composition, and location of all of its programs are not yet determined, the oversea staffing needs of the Peace Corps cannot be determined. To fix a ceiling on the staff is to impose a rigidity which is not, at this early point, in the best interests of the Peace Corps or of the American men and women serving in it.

PEACE CORPS REPRESENTATIVES

Although the Peace Corps plans to send a representative to each country in which it has a program, none of these representatives will in any sense be chiefs of large Peace Corps missions. In order to allay any fears which might have arisen in this regard, the executive branch submitted new language for the Peace Corps bill, which would change the mutual security term "mission chief" to "country representative." It is generally felt that this language reflects more accurately the simple and small-scale representation which the Peace Corps desires.

The Peace Corps country representative will be the official representative of the Peace Corps in the host country. He will oversee and be responsible for the well-being and conduct of the American citizens serving as Peace Corps volunteers in the country to which he is assigned. Under the direction of the American Ambassador, the Peace Corps representative will be responsible for relations between the host country and the Peace Corps, for the development and implementation of new Peace Corps projects in that country or area, and for all other matters arising as a result of Peace Corps activities in the country in which he is serving. In addition, the Peace Corps representative will furnish any information desired about the Peace Corps to the host country, and he will furnish information

about Peace Corps operations in that country and an evaluation of those operations to Peace Corps headquarters.

Because the duties and responsibilities of the Peace Corps country representative are similar to those of a mission chief, he might even be called a mission chief without a mission. It is the stated policy of the Peace Corps to use the services and facilities of existing U.S. missions and staffs abroad wherever this is feasible and not to establish its own missions. In almost all cases, administrative support will be obtained primarily from the Embassy or the foreign aid team.

It is apparent from the nature and scope and delicacy of the tasks which must be performed by the Peace Corps representatives that these are responsible jobs—important both to American prestige abroad and to the well-being of the volunteers themselves—which must be done by responsible people. It is most important that the Peace Corps be authorized to send its own representatives abroad to devote their full time to these tasks. In addition, many of our Ambassadors overseas have pointed out that it is crucial to the success of the Peace Corps that it create and maintain an identity for itself which is separate from that of American political, economic, and military activities abroad. The Secretary of State himself has said that if the Peace Corps appears as an arm of American foreign policy, it cannot make its maximum contribution to our national interest.

THE PEACE CORPS AND PRIVATE VOLUNTARY AGENCIES

The Peace Corps is a new idea in people-to-people assistance across international boundaries only in that it is the first time the Government has participated on such a scale in this type of service. Individual Americans, on their own or under the auspices of nongovernmental organizations, have been working closely with the people of less developed countries for over a century. Since World War II, the number of private agencies undertaking programs of educational and technical assistance overseas has grown to more than 50.

In that time, these agencies have acquired a great deal of experience in the field of foreign assistance and many of them have earned a considerable measure of good will in the countries in which they have served. The Peace Corps hopes to benefit from that experience and good will, and to avoid making at public expense any mistakes from which the private agencies have learned. Private voluntary agencies represent a reservoir which the Peace Corps would be most unwise to bypass, and it does not intend to if this can be avoided.

No one should be misled into thinking that the Peace Corps plans to be indiscriminate in its choice of private agencies with which it will cooperate. Not all of them are suitable partners for the U.S. Government in an undertaking of this sort. All agencies which indicate an interest in cooperation are closely evaluated by the Peace Corps office set up expressly for this purpose in terms of their goals and objectives, their methods of operation, the applicability of their experience to Peace Corps activities, and their records of success. Those agencies which are satisfactory on all of these counts will be of immeasurable benefit to the Government in its first venture in this type of assistance to the developing nations.

THE PEACE CORPS AND INTERNATIONAL AGENCIES

Among the most valuable efforts in the field of technical assistance to the less developed nations are those which are being undertaken through international organizations such as the United Nations. The specialized agencies of the U.N., like U.S. Government agencies which provide top-level assistance, have indicated their interest in broadening and deepening the impact of their programs through the participation at the people-to-people level of Peace Corps volunteers. In view of the excellence of these programs and the eminent suitability of many of them for Peace Corps participation, the failure of the Peace Corps to supply volunteers to such activities could cast serious doubts upon the motives of the new agency.

A second benefit to be derived from Peace Corps cooperation with international agencies lies in the fact that it would provide expanded opportunities for Americans to serve abroad, and to do so in countries in which they might not otherwise be welcome. There are, unfortunately, countries in which any activity which lies purely within the auspices of the U.S. Government is the object of grave suspicion and in which the effectiveness of any Peace Corps activity would thus be sharply reduced. Peace Corps participation within a clearly international framework, on the other hand, would not be subject to undermining by Communist propaganda and might, indeed, gain access for American men and women in countries where they would otherwise be unable to serve. It is essential that the Peace Corps include administration of projects through international agencies among its methods of operation in order to demonstrate to skeptical people throughout the world that American assistance is just what it purports to be—no more, no less.

Finally, with the establishment of the Peace Corps—a striking innovation in the field of Government assistance—the United States established a type of leadership which it should make every effort to maintain. By taking the lead in various international agencies and encouraging other advanced nations to contribute to this type of assistance, the United States, through the Peace Corps, can do a tremendous service both to itself and to the two-thirds of the world which is in dire need.

Planning for this aspect of Peace Corps operations is still in a preliminary stage. At first, only a limited number of volunteers will be assigned to projects administered by international agencies, and these will serve in countries in which the Peace Corps has bilateral programs so as to minimize training and logistic support costs. Peace Corps funds will be used only to defray the direct costs of the volunteers; the United Nations and related organizations will bear all administrative and similar costs. No Peace Corps funds will be made available to the United Nations for administrative or other general purposes.

By participating in the development activities of international agencies, the Peace Corps can further the hope expressed by President Kennedy in his special message to Congress on the Peace Corps that "other nations will mobilize the spirit and energies and skill of their people in some form of Peace Corps—making our own effort only one step in a major international effort to increase the welfare of all men and improve understanding among nations."

ACCOUNTING FOR PEACE CORPS FUNDS ALLOTTED TO PRIVATE INSTITUTIONS

A large portion of the Peace Corps activities involve nongovernmental organization. The Peace Corps executes contracts with private voluntary agencies for the administration of projects and with colleges and universities for the administration of projects or simply for the training of volunteers. The Peace Corps maintains a more than adequate degree of control over the money allocated to nongovernmental institutions at every stage—from the negotiation of the project through its implementation and at its conclusion. Looking at a typical contract throughout its history should serve as ample illustration of this point.

Each contract with a private agency or university clearly defines the project as to the number of volunteers to be funded, the geographical location of the project, the types of volunteer skills required, the length and composition of the training program, the logistic and medical support required, and the administrative responsibility of the university or voluntary agency, and any other relevant information.

An estimated cost for implementing the project or training program is negotiated in detail between the Peace Corps and the organization involved. The question of what are allowable and nonallowable items of cost is clearly answered in a document called "Peace Corps Cost Principles for Cost Reimbursement Contracts With Educational and Other Nonprofit Institutions."

In addition, the Peace Corps reserves to itself the right of approval, including cost approval, of any subcontract arrangements made by the university or voluntary agency. It also approves all vouchers before payment is made.

No action which would increase the original negotiated budget estimates can be taken by the university or voluntary agency without prior Peace Corps approval.

Finally, there is no fee or profit factor in contract agreements with non-Government organizations. All contracts are subject to Government audit during performance and at the conclusion of performance.

There can be little question that the Peace Corps conducts its affairs with nongovernmental organizations on a business-like basis, and that the interest of the American taxpayer is well protected.

COST PER PEACE CORPS VOLUNTEER

The Peace Corps has estimated that the average annual cost per volunteer will be approximately $9,000. That this can only be an estimate is clear when one realizes that not a single volunteer in this new program has yet gone overseas, although the first group will leave for Ghana at the end of this month.

Of the estimated total, indirect overhead costs, including both administrative and program support costs in Washington and in the field, average about $2,900 per volunteer. The annual direct cost of training each volunteer, transporting him and maintaining him in the field is estimated to be $6,280.

The direct cost per volunteer is the minimum amount consistent with giving him the thorough training he needs to do the job to which he is assigned, enabling him to maintain his health and effectiveness while on the job, and providing him with a small allowance to assist him in his transition back to life in this country after 2 years of service abroad. This readjustment allowance, as it is called, is $75 a month. It is the only money the volunteer ever receives which is not required for his current living expenses, and he does not receive it while he is on the job, but only after he returns to this country.

These figures were arrived at on the basis of the best possible estimates as to the needs of the dedicated men and women who will be serving abroad. They were not based upon the cost of other people in oversea programs—whether as missionaries, voluntary agency workers, or members of other U.S. Government programs. In many cases, the cost per participant in these other programs is calculated differently from the cost per Peace Corps volunteer, or it is broken down differently, or it does not include some of the costs included in the Peace Corps estimate. As a result, anything more than the roughest comparisons carry with them a specious and totally false accuracy.

It is possible, however, to summarize these rough comparisons. The cost of a Peace Corps volunteer is less than half that of a participant in other U.S. Government programs abroad. It is more nearly the same as that of a participant in a private agency

or missionary program, but these show such wide disparities among themselves that any single comparison is impossible. In looking at these figures, it is important to remember that in most cases the costs are really not comparable, because many of the private agencies and missionary groups operate on an entirely different basis from the Peace Corps. Some organizations engage in oversea activities for only part of each year; some have almost all of their administrative services offered on a voluntary basis; some operate only in a very limited number of countries or on a very small scale.

To place too much emphasis on comparisons is to forget that basic differences exist among types of oversea operations and to rob them all of their uniqueness by forcing them into the same mold. What is important about the Peace Corps estimated cost is that it is the minimum needed to maintain adequate standards of health and effectiveness for the young American being sent abroad, and for the Peace Corps to meet its responsibilities to the Congress and to the American people.

MEDICAL CARE FOR PEACE CORPS VOLUNTEERS

Peace Corps volunteers will often be serving in areas in which the hazards to their health are considerable. A thorough and comprehensive medical program has been established to insure that these hazards are avoided as completely as possible, and to insure that they are dealt with rapidly and effectively if they have not been avoided.

Probably the most important part of this program is the medical orientation which is provided in the training course of every volunteer. For if the individual is not made aware of the health hazards which he faces and how to avoid them, all the doctors in the world cannot keep him from getting ill. During the U.S. training period, the volunteer is acquainted with the general health problems of the region—such as medical care in the tropics. He is given instruction—and in some cases experience in the emergency ward of a nearby hospital—in emergency first-aid care. He is taught the basic preventive measures which he must take—such as the boiling of water, the wearing of proper footwear, the adequate cooking of certain foods, and the use of mosquito netting. And he is given all of the immunization available for the area in which he will serve.

Equipped with this basic general knowledge, the volunteer receives more specific health instruction during the in-country training period. He is acquainted with the specific dangers in the area in which he will serve and how to meet them. He is provided with a medical kit, containing all that he will need in his area, and taught how to use all of its contents. And he is informed as to the medical facilities in the vicinity and throughout the country, how to get in touch with them and how to reach them. Throughout the training period, he is taught all the danger signs and what to do if one of them should appear.

Even though the volunteer himself is thus very well equipped to meet almost any medical hazard, he is not left on his own. Long before he is sent abroad, a medical survey is made of the country by Public Health Service or State Department doctors. Where this survey determines that a State Department medical staff is not available or is not large enough to provide for the number of volunteers who will be arriving, arrangements are made for enlarging it or for detailing medical officers from the Public Health Service. The Peace Corps is making every effort to avoid duplication of the State Department's medical support arrangements; instead, it is trying to work within them as closely as possible.

The medical officers in the field will supply mainly medical supervision. They will visit each of the volunteers periodically to provide physical examinations and immunizations, to replenish the volunteer's medical kit, and to provide simple medical care where this is required. More comprehensive medical care will be provided primarily by facilities in the host country, whether government or private. It is in these host-country hospitals and medical stations that the health officers will work when they are not traveling in the field, so that their services will be generally available when they are not needed by the volunteers.

Finally, for every Peace Corps project, an evacuation site is established in the event of cases for which host-country facilities are not adequate. This evacuation site is the nearest large, well-equipped and well-staffed hospital, whether it is a U.S. military hospital in a neighboring country, or medical facilities in Europe or the United States.

It is clear that the Peace Corps is taking every possible precaution to safeguard the health of the people who will serve abroad. It is equally clear that if the volunteers themselves follow the steps outlined for them, any health problems which they might face can be avoided or dealt with before they become severe.

THE LOYALTY OF PEACE CORPS VOLUNTEERS

Although Peace Corps volunteers will not have access to classified materials and will not participate in policymaking, it is generally recognized that they will be serving, particularly during the early stages of the program, in conspicuous positions. If any volunteer were to prove unworthy of his job, he could do great mischief to the Peace Corps and a disservice to this country. It is vitally important that candidates be carefully screened to insure that no volunteer is sent abroad who seeks to serve any subversive ideology or to promote the interests of any foreign power as against those of the United States.

Accordingly, in consultation with both the FBI and the Civil Service Commission, the Peace Corps has adopted procedures enabling the Peace Corps to determine the fitness of each applicant for service overseas. These procedures now include a full field investigation by the FBI, conducted during the U.S. training period.

The type of investigation and the timing of it are the result of full consideration as to the most economical way to achieve the desired end. At this critical stage in the Peace Corps existence, any less thorough investigation might prove inadequate. Similarly, although there is a certain financial risk involved in training a candidate who might prove unsuitable as a result of the field investigation, the expense is negligible compared to the cost of conducting a full investigation of all applicants whether or not they were to be selected for training.

In addition to the FBI investigation, the Peace Corps itself is carefully screening candidates at every step along the way to assure that they are suitable in every respect for the job for which they may be selected. Evaluations are received from at least six references, from medical and psychiatric interviewers, from the faculty members concerned with their training, and from a panel which reviews each candidate's complete dossier before he is finally selected.

In short, the Peace Corps is doing both an adequate and an economical job in avoiding any of the numerous embarrassments which could arise as a result of the insufficient screening of volunteers. In view of the wisdom of the decisions made so far and the need for flexibility in evolving the best possible screening process, it is generally believed that the interests of this country can best be served by retaining the element of judgment which the Peace Corps has exercised so well, rather than by making any such process statutory.

PEACE CORPS OATH OF OFFICE

Every Peace Corps volunteer, no matter where he serves, will be looked upon as a private ambassador of the United States. Any of his views or activities may be viewed as belonging to the country which he represents.

As a result, every Peace Corps volunteer will be required to take the same oath of office required of all persons elected or appointed to public office in the United States, other than the President, but including both Senators and Congressmen. This oath is found in section 16, title 5 of the United States Code, and it reads as follows:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose or evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

Any well-selected Peace Corps volunteer, like any other public servant, who is aware of the meaning of these words and who utters them sincerely, can be trusted to be a credit to his country.

HOST COUNTRY NEED AND DESIRE FOR PEACE CORPS PARTICIPATION

One of the most fundamental aspects of Peace Corps policy, and one that is most frequently heard, is that the Peace Corps will not serve in any country where it is not both needed and wanted. It is obvious that, valuable as Peace Corps service might otherwise be in any country, its benefits both to the host country and to the United States would be negated if Peace Corps volunteers had been forced upon an unwilling host.

Indications as to countries and types of work in which volunteers might usefully serve can come to the Peace Corps from one or more of a number of sources: The American Embassy or AID mission in the proposed host country may suggest a project, or such a suggestion may come from a private source, such as a university or private agency. Project proposals may also result from personal contacts between representatives of potential host governments and Peace Corps officials who visit an area to explain the aims and activities of the new agency. Or requests for Peace Corps volunteers may come, without previous contact, from the country itself, either through the American country team or directly to the Peace Corps.

Once these proposals have been judged by the Peace Corps staff as to the feasibility of Peace Corps participation, they can be readily evaluated as to the genuine need of the country concerned by ICA and its AID mission in the country and by the State Department and the appropriate American Embassy. All Peace Corps projects must be approved by these agencies before they can be undertaken.

If the preliminary evaluation of a suggested project is favorable, the Peace Corps seeks a clear indication of interest and desire on the part of the proposed host country. Only after such indications have been obtained is a detailed exploration undertaken. And finally, the approval of every project is based upon a formal exchange of notes with the host country government, in which that government expresses, at the highest official levels, its willingness and desire to have Peace Corps volunteers serving there.

As you can see, then, the Peace Corps claim that it goes only where it is wanted and needed is much more than a hollow boast. Although the initiative need not come from the host country government in every case, the wholehearted approval of that government is always obtained long before

any project is undertaken. The Peace Corps clearly recognizes that such a precaution is more than a mere formality; it is essential to the effectiveness of the Peace Corps and to the position of the United States abroad.

CONTRIBUTIONS TO THE PEACE CORPS BY HOST COUNTRIES AND PARTICIPATING ORGANIZATIONS

Although the Peace Corps does not require any contributions to a project by the host country or by participating organizations, it has stated that it welcomes contributions from either source. The fact that both of these groups are making many contributions to the projects with which they are concerned is just one more indication of the eagerness of both American agencies and foreign governments to work more closely with the Peace Corps.

For example, the Government of Nigeria is providing, without cost to the Peace Corps, that portion of volunteeer housing needs which is already in existence and available. It is also providing facilities and staff for much of the in-country training period. The Government of the Philippines is providing in-country training, too, and has offered transportation on government-controlled facilities at reduced rates.

In the case of the Peace Corps project in Ghana, the host country is providing housing for the volunteers and a subsistence allawance of about $150 a month. The Government of Ghana is also providing local official transportation and a local orientation program upon the arrival of the volunteers and during their vacation periods.

Similarly, the Government of Tanganyika is contributing to the roadbuilding project in that country by providing local travel, most of the volunteers' housing, and almost all medical care once they are in the field.

The non-Government organizations with which the Peace Corps is cooperating have a similar record of voluntary contribution to the implementation of projects which they are administering. Thus, for example, Heifer Project, Inc., is contributing registered pigs and 50,000 baby chicks to the project on the island of St. Lucia, in the West Indies Federation. The total cost of these animals amounts to approximately 17 percent of the total cost of the program. Approximately 13 percent of the cost of the Colombia program is being borne by CARE in the form of equipment and vehicles, and the Government of Colombia is providing trained counterpart workers and a portion of local travel costs.

These examples can be multiplied, because they exist in almost every Peace Corps project developed so far. A mere itemization of contributions, however, loses sight of the basic and meaningful point—that neither foreign governments nor American organizations see the Peace Corps simply as another Government program from which they will take what they can get. On the contrary, it has proved itself to be a very rare creation—an American Government agency to which both foreign governments and American organizations make voluntary contributions.

THE PEACE CORPS NATIONAL ADVISORY COUNCIL

Because the Peace Corps involves a whole range of new activities never before undertaken on such a large scale by the Government, the experience and advice of a great many types of people is essential to its success. To gather together in occasional meetings the men and women most qualified on the basis of their experience to give the best advice, President Kennedy established a National Advisory Council for the Peace Corps. The 35 people selected so far represent a wide range of experience, all of which is closely relevant to the Peace Corps activities. The President did not establish an arbitrary number of members for this Advisory Council; rather, he left it up to the Peace Corps to invite those American citizens who were able to make a real contribution.

The members of the National Advisory Council provide the Peace Corps with an essential degree of contact with the members of the American people with whom the Peace Corps works closely. They represent colleges and universities, industry and business, city and State government, trade unions, radio and the press, and voluntary agencies. Many of them have had Government experience, under both Democratic and Republican administrations, and all of them are leaders in their respective fields.

Although the Peace Corps National Advisory Council meets only rarely, its members are in frequent touch with the Peace Corps staff, and the Council itself benefits the Peace Corps out of all proportion to the number of hours it spends on official business. It has made, in fact, a vitally important contribution to the success of the Peace Corps through its activities so far.

THE PEACE CORPS SELECTION PROCESS

The Peace Corps selection process is a long and detailed one, designed to insure that the best possible people are selected for the important job that every volunteer will perform abroad. The process begins when the potential applicant first looks at the volunteer questionnaire and continues through the training process. Even after candidates have been selected and assigned overseas, checks are made to be sure that the selection process made no mistakes.

Modern test scoring and electronic tabulating and computing equipment are used to make the selection operation as efficient as possible. They do not, however, have a controlling influence on the selection of volunteers. Every effort is made to keep the selection process personal as well as objective.

To be selected for Peace Corps service a candidate must meet several minimum requirements. He must be intelligent enough to meet the job demands of a particular project and to cope with the many challenges of Peace Corps work. He must know enough of the social and political institutions of the United States to profit from Peace Corps training and to be prepared to answer intelligently any questions he is asked while serving abroad. He must be in good health and have sufficient physical stamina to withstand the stresses of Peace Corps service. He must be emotionally stable, and he must have the personal qualities required for establishing effective relationships with his fellow workers overseas.

In addition, every candidate must be competent in the task for which he is being considered, and he must show an aptitude for languages when he is under consideration for a project in an area which requires the knowledge of a foreign language.

There are also many "plus factors" taken into consideration in the selection process. For example, a successful experience of living abroad or knowledge of the area in which he will serve will count in the candidates' favor. So will experience in the type of work which he will be performing overseas. Another "plus factor" is successful experience in group activities, particularly those involving relationships with people of diverse backgrounds.

It is interesting to look at the Peace Corps selection process step by step. When the candidate first looks at the application form, he may decide that he is not interested or qualified on the basis of the information requested. In that case, he will already have selected himself out. Otherwise, he completes and submits the form and supplies the names of 5 to 10 personal references who will provide a candid evaluation of him in terms of the qualities desired by the Peace Corps.

He then takes the Peace Corps entrance test. This test is a long one, designed to test the applicant in most of the requirements for Peace Corps service. It was developed by the Peace Corps in association with the educational testing service, which is the organization responsible for the college entrance board examination, the graduate record examination, the Foreign Service officer examination, and the examination for the military academies.

If he is selected for training on the basis of all this information, the candidate takes a physical examination. When he reports for training, he receives a psychiatric interview and many other assessments of his personal qualifications for Peace Corps service. Ratings by the faculty and other members of the project staff are provided throughout the training process. In order to assure that only the most highly qualified candidates are selected for service, more candidates are put into training than will finally be required for the project. An unsuitable candidate can be dropped at any stage along the way.

Finally, the volunteer is evaluated during the oversea training period and on the job to be sure that he will be a credit to the Peace Corps and to his country.

Although it is conceivable that a "bad apple" could slip through any one of the preliminary stages of selection, it is difficult to believe, on the basis of this rigorous selection process, that the Peace Corps will be in any significant danger of sending an unsuitable or unqualified volunteer overseas to represent the United States.

THE PEACE CORPS TRAINING PROGRAM

Peace Corps training programs are designed not only to familiarize candidates with the things they must know in order to serve effectively in the jobs to which they are assigned, but also to provide a final opportunity to determine the suitability of every candidate to represent his country abroad as a member of the Peace Corps.

Every training program is composed of a number of components. For one thing, all volunteer candidates are given instructions in American studies, including U.S. history, institutions, and foreign policy. They are also encouraged through discussions to think through their own feelings on current affairs in order to answer the questions on controversial issues with which they will almost inevitably be faced.

All candidates also study the host country and its regional setting. They are taught its history and cultural patterns, and are well informed as to the issues which are important in the area.

A third aspect of the training program is physical conditioning. All candidates in training must develop at least the degree of stamina and physical skill which is required in their job situations. They take long hikes and other exercise, which indicates to them—in case they were not fully aware of it before—just how rigorous Peace Corps service will be.

Then, too, the training program includes health instruction. Candidates are instructed in the health hazards in the area in which they will be serving and how to avoid them. They are familiarized with preventive techniques, such as the boiling of water, the use of mosquito netting, the wearing of proper footgear, and the proper preparation of local foods. They are also given instruction in emergency first aid, and in some cases they are given experience in the emergency ward of a hospital near the training site.

Most important, every candidate is given a refresher course in the skill he will be using, and he will be taught how to apply it in the job situation. In other words, for example, it is not enough that he knows how to use surveying equipment; he must know how to use it under the geographical and

climatic conditions of Tanganyika. He must also know how to teach his skill to his counterpart workers in the host country, and this knowledge, too, will be acquired during the Peace Corps training period.

Finally, all candidates receive an intensive course in the language of the host country. Although they will not need to be fluent in it before they arrive abroad, they will at least know how to exchange pleasant greetings and to obtain their basic needs in the foreign language. With this background, it is hoped that working in close contact with people of the host country will rapidly increase their facility in the language.

Candidates who enter Peace Corps training must have a very busy schedule in order to learn all this in the relatively short time provided. They spend over 60 hours a week, with only Sundays off, in a concentrated course of reading, athletics, practice in their skills, lectures, and studies. A portion of the training program is provided in the host country, so that they can practice the language, use their skills in the actual job situation, and complete the area studies program before actually undertaking their assignments.

This is clearly not a course which the fainthearted will complete. The American people can rest assured that any candidate who finishes the training program, who receives favorable reports from all the people who have observed him in this situation of stress, and who is finally selected for assignment abroad as a Peace Corps volunteer, is a person who is well able, well suited, and well-equipped to do his job and to be a credit to his country.

Mr. HUMPHREY. Finally, I urge that the Congress exercise its own mature judgment and understanding when it considers the proposed legislation by recognizing that it is a new venture, and that, as a new venture, it needs more flexibility. There are stern guidelines in the proposed legislation, but it needs at least the assignment of sufficient "go-ahead" amounts of money so that we can get the program underway. If we should reduce the amounts we would merely cut back the number of volunteers. If we limit the program, we will be hurting only ourselves and our foreign policy. The program would provide some of the very best foreign aid that could possibly be provided. A careful examination of the administrative establishment that is responsible for the program will reveal that it is competent, dedicated, able, experienced, and on the job all the time checking and rechecking to make sure that things go well.

The Senator from West Virginia [Mr. RANDOLPH] had asked me earlier that he might comment on the program. I should like to yield to him at this time.

Mr. RANDOLPH. Mr. President, I am grateful for the very significant speech which has been delivered by the Senator from Minnesota. It is with genuine hope for this experiment in practical idealism that I speak in support of S. 2000, to establish a Peace Corps.

It is relevant to quote from the work of William James, who, in 1910, in his essay on "The Moral Equivalent of War," first initiated the idea of a peace army of American youth which would call forth the martial virtues and the nascent idealism of our young people. Writing at a time when militarism still had its outspoken advocates in this country and throughout the so-called civilized world, James sought to incorporate the strength of this appeal to the sterner virtues in his own idea of a peace army. James wrote:

> I do not believe that peace * * * will be permanent on this globe, unless the states pacifically organized preserve some of the old elements of army discipline. A permanently successful peace economy cannot be a simple pleasure economy. * * * We must make new energies and hardihoods continue the manliness to which the military mind so faithfully clings. Martial virtues must be the enduring cement; intrepidity, contempt of softness, surrender of private interest, obedience to command, must still remain the rock upon which states are built—unless, indeed, we wish for dangerous reactions against commonwealths fit only for contempt, and liable to invite attack whenever a center of crystallization for military-minded enterprise gets formed anywhere in their neighborhood.

Professor James showed prophetic insight, though writing at a time when most Americans held to an unquestioning confidence in the ultimate supremacy of our system of economy and 7 years before the Bolshevik revolution in Russia. Today, Mr. President, we are witness to the need for the "new energies and hardihoods to continue the manliness" of which James wrote.

The pending measure offers a significant opportunity to release such new energies, and it would unquestionably offer new hardihoods to the members of the Peace Corps. And equally important, it would present the opportunity to restore throughout many of the underdeveloped sections of the world, the vision of America as a nation committed to the improvement of life and the enhancement of opportunities for all peoples.

The response to the President's call for Peace Corps volunteers has been heartening, according to administration officials identified with the proposed project. And the interest shown by the prospective host countries has been more than lively. I therefore concur most emphatically with the recommendation of the Senate Foreign Relations Committee that the employees and volunteers of the Peace Corps "are entitled, working together in a common cause, to a real chance to prove that the Peace Corps, from the standpoint of the United States, is a sound and wise investment—in money and in people—and that it will justify the faith of those countries which are asking for volunteers."

Though the pending measure represents a new departure in this field for our Federal Government itself, the idea is not a completely untested one. For, as I have previously remarked before this body, there are already a number of voluntary organizations functioning in the field of international service—among them the British organization of Voluntary Service Overseas; the International Voluntary Services, Inc.; Operation Crossroads Africa, Inc.; and the National 4-H Club Foundation of America, which for many years has been sending American farm youths to live with farm families in other countries. According to UNESCO, there are more than 300,000 young volunteers from 41 countries now participating in some form of work camp activity.

Thus, Mr. President, there is ample precedent for construing the pending measure as a realistic and feasible program of extending American assistance to the less developed countries and, in the process, of achieving cross-cultural communication with other peoples at a fundamental and important level.

However, Mr. President, we would be less than realistic were we not to anticipate some mistakes in administration and perhaps some instances of misplaced enthusiasm. The pending proposal would launch a new governmental approach to the problems of peaceful and democratic development of other countries. And in this regard, I believe the Congress and the American people must allow the proposed agency sufficient latitude and flexibility in operation to follow new and perhaps unconventional avenues of thought.

It is not, therefore, irrelevant to comment at this point on an incident regarding one of the volunteers of the Peace Corps and its relation to the larger question of screening standards in the Peace Corps and to the basic American values of fairplay and freedom of speech.

In this respect, I would first observe, Mr. President, that the Senate Foreign Relations Committee has expressed no dissatisfaction with the screening or selection procedures thus far applied by officials of the Peace Corps. My own personal conversations with Director R. Sargent Shriver have confirmed my impression that volunteers have been and will continue to be subjected to close and careful scrutiny regarding their qualifications in every respect. Nothing to date has occurred to abuse my confidence in Mr. Shriver in this respect.

Nor do I except from this general observation the case recently reported in the national press—and most currently, in the Washington Post of August 22—of one Charles Kamen, who was ejected from a luncheon gathering of the Miami Rotary Club for uttering comments and acting in a manner discourteous to the members of that organization. It appears that the most serious charge that can be leveled against the young man is that he abused the privileges of a guest at a private gathering and that he acted in a discourteous, imprudent, and indecorous manner. Such a charge is hardly sufficient to justify the apparent clamor for his summary dismissal from the Peace Corps and the consequent damage this would have upon the integrity of that organization and the morale of its personnel.

Let it not be inferred that I condone the actions which have been attributed to Charles Kamen in this instance. I do not. For I do not believe that such disrespectful behavior is ever to be excused or condoned. But I would observe that men who are many years his senior, and without the youthful enthusiasm which might explain but not justify such behavior, have also on occasion acted and spoken imprudently. And even members of legislative bodies are not invariably and always immune to the

tendency. Nor even are all Rotarians so immunized, and I speak as one who holds the service principles of that organization and its members in high esteem. In fact I am an honorary member of the Rotary Club in my home city.

Mr. President, I am not overly concerned about the personal fortunes of Charles Kamen in the Peace Corps or elsewhere. However, considering some of the sources which are reported as seeking his dismissal, I think it at least an open question whether his views on desegregation and atomic testing are not as much at issue as his behavior at the Rotary luncheon. And all of these issues are equally irrelevant to the problem of determining his fitness as a volunteer under the pending measure.

I do, however, have a very deep regard for the right of the Peace Corps, under proper congressional supervision, to impose responsible standards for the selection of its personnel, and that these standards will not be distorted by irrelevant attacks upon intellectual and political nonconformity.

Mr. President, this program is not designed to appeal to those who seek only the safe, the secure, and the conventional abode in life. Nor should we seek to impose such standards. In exercising restraint in this respect, we might well heed the statement of the late Judge Learned Hand, quoted in a recent editorial in the Washington Post, that—

> Our dangers * * * are not from the outrageous but from the conforming; not from those who rarely and under the lurid glare of obloquy upset our moral complaisance, or shock us with unaccustomed conduct, but from those, the mass of us, who take their virtues and their tastes, like their shirts and their furniture, from the limited patterns which the market offers.

Mr. President, I do not choose to overemphasize the importance of a single case; I stress the present incident only because it is symptomatic of certain conditions which are peculiar to the Peace Corps and which we must acknowledge in our current deliberations and in future appraisals of the performance and personnel of the proposed agency.

As noted in the report of the Foreign Relations Committee, there are currently more than 420 volunteers undergoing training for assignment to 7 countries under programs involving road construction, community development activities and teaching. Only one individual among these hundreds has drawn unfavorable notice, and he has indicated sincere regret for his actions.

This may be the only incident of this exact nature to occur in the Peace Corps. But it is not unreasonable to assume that other problems of a related nature may arise in the future. The Peace Corps would be an imaginative and experimental approach on the part of our Government. Due to the hardships it would impose upon volunteers and the physical and intellectual demands it would place upon them, it will quite naturally appeal to young men and women who, in many respects, do not share conventional or average standards and expectancies about life. It has already been demonstrated, I believe, that the Peace Corps appeals to many young people of high intellectual and moral capacities. It will be, in large measure, the responsibility of Congress to help maintain this appeal without dampening the enthusiasm of our young people by demands to cover this agency with a blanket of mediocrity and conformity.

For this reason, my support of S. 2000 will be attended by the hope that this body will now and in the future help maintain the integrity of this agency in its effort to establish and uphold relevant and responsible standards of performance among its personnel.

Mr. PELL. Mr. President, it is with very real pleasure indeed that I support S. 2000, a bill creating the Peace Corps, of which, I am proud to be a cosponsor.

To me this concept is particularly important for several reasons. First, while we in America know that we are a peace-loving, peace-seeking nation, this concept is not shared by many of the nations beyond our borders. We must once again seize the initiative in this direction and be thought of as the leading exponent of peace in the world today.

As I look overhead, I see the American eagle bearing in one of its talons the arrows of war, and in its other, the olive branch of peace. They are of an equal size. Yet, while we ask for $40 billion for defense and for war, we ask for only $40 million, one-thousandth of that amount, for the cause of peace through the Peace Corps.

One of the most effective ways we can do this is to send abroad young people dedicated to this concept.

Second, as former vice president of the International Rescue Committee which originally sponsored Medico, I have a certain amount of first-hand knowledge of the actual effect of person-to-person contacts. I can recall that in Laos we sent in Dr. Dooley, and for a total cost of $50,000 a year, maintained a village hospital unit, and we are all aware of the wonderful work he did there.

I have also seen in the course of my own Foreign Service work behind the Iron Curtain, the importance of having actual live young Americans walking around and being in contact with the local population. Their presence alone pricks the bubble of many of the myths that are being circulated about us.

In the world today there is a great deal of talking and all too little doing on the part of individuals. We, a nation in the forefront of the world when it comes to commercial and industrial initiative, lag behind when it comes to political action. I note with regret that all too few young people today are willing to take a chance. Many are fortunate enough to have a high school or college education, but too often their major objective appears to be security in a large corporation or Government job, rather than starting out on their own in a small independent business or with a small private public service agency.

I believe that the concept of the Peace Corps will be of help to our youngsters by rekindling and recreating the desire for action and willingness for adventure on the part of young Americans. I have already noticed their spirit of dedication, in which they sacrifice their own plans and pleasures to fulfill their Peace Corps responsibilities.

Anyone connected with the Peace Corps will undoubtedly gain a great deal of personal satisfaction from their work. In addition to the satisfaction of helping people to help themselves these individuals will return home with invaluable experience in the developing areas. Our Peace Corps volunteers will gain a rare insight into the minds and hearts of the people with whom they work.

To be really effective in our relationships with other countries it is precisely this insight, this ability to strike a rapport which will make ex-Peace Corps volunteers exceptionally well qualified candidates for our Foreign Service, USIA, AID and private firms which do business in the developing areas.

Finally, when these Americans return home, they will add to the general knowledge of our country as to the problems, aspirations, and needs of the newly-emergent nations of the world; and then, too, they will have the satisfaction of knowing that they have done their part to make the world more solid for democracy and for our ways of living. Why? Because I have noticed through the years that communism—and here I am not talking about the leaders, but the viewpoint of a number of followers—only succeeds in areas where bellies and minds are empty. As they become full, they become more immune to extremist ideologies, and in these years atheistic communism is obviously the extremist ideology that is the greatest threat to the peace of mankind.

For all these reasons, Mr. President, I urge the prompt passage of S. 2000, which can do so much to demonstrate to the world our genuine concern with peace and a better life with dignity for those in the underdeveloped areas.

SECRETARY OF THE INTERIOR UDALL IS ALERT TO THE SOVIET OIL THREAT DESPITE ACCUSATIONS

Mr. RANDOLPH. Mr. President, in its issue of August 21, 1961, Newsweek magazine published an article by its commentator, Raymond Moley, in which Secretary of the Interior Stewart L. Udall is charged with an almost unbelievable indifference toward the Soviet Union's tremendous drive to subvert a large part of its rapidly growing oil production.

I have real respect for Newsweek magazine, and although I have not always agreed with the positions of Ray Moley, I have maintained a high regard for him as an individual. I am compelled by the facts as I have been able to ascertain them in this instance, however, to say with candor that Mr. Moley's "Perspective" article in the August 21 issue of Newsweek, headed: "Our Not Too Alert Front," is not the responsible type of journalistic presentation we should expect on a subject so vital. In my judgment it is an article entirely out of keeping with its source—and with the times.

Mr. Moley has accused Secretary Udall of authorizing the publication of a report—the so-called Frendzel Report—on Soviet oil which was prepared and published by the Bureau of Mines. If Mr. Moley had checked as carefully as he should have done before writing in denunciation of Secretary Udall, I feel sure he would not have accused this Cabinet officer of having plunged "himself into foreign policy with a report that is nothing more or less than a posture of indifference, not to say appeasement."

Mr. President, my inquiry into and study of this matter brings me to the conclusion that Mr. Moley was in error in his "facts."

The report which Mr. Moley makes the basis of his attack on Secretary Udall is Information Circular 8023, entitled, "The Soviet 7-Year Plan for Oil," and is listed as one of a series of technical reports issued by the Bureau of Mines.

Far from being an expression, as Mr. Moley contends, of "high international policy," it apparently was considered to be entirely routine in nature by the prior administration during the tenure of which it was prepared. The best information available to me indicates that this pamphlet was considered so routine that it was never presented personally to either former Secretary of the Interior Seaton or the incumbent, Secretary Udall.

But I cite an even more significant fact, and it is this: The document was given final clearance by the Bureau of Mines for publication on January 12, 1961—8 days before Mr. Udall began his tenure as Secretary of the Interior. And, I am informed, prior to receiving this Bureau of Mines approval, the manuscript was cleared by the Department of State under the prior administration. The fact is that it was returned January 9, 1961, by the State Department to the Interior Department, without suggestions for revision of the portion of the report which Mr. Moley now finds so significant.

I repeat and emphasize, Mr. President, that I have every reason to believe neither Secretary Udall, during whose tenure the document was printed and released, nor Secretary Seaton, who was the responsible head of the Department of the Interior on the day when the manuscript of the report received final approval, was aware of its existence. I have the assurance of Secretary Udall that he knew nothing of the report until after it had been published and given wide circulation.

It was my privilege to introduce Secretary Udall at a recent meeting of the eastern division of the American Petroleum Institute, held at White Sulphur Springs, W. Va. I assure my colleagues that on that July 27, 1961, occasion, Secretary Udall made abundantly clear his attitude and that of the Department of the Interior concerning the emergence of the Soviet Union as a major oil exporter. He sounded a cogent and forthright warning to nations contemplating purchase of what he described as being "the bargain counter" offerings of oil by the Soviets, having pointed out that "Russian oil is cheap oil only when it is in the interests of the Soviet Government to have it so." And he added with emphasis that "each nation involved must search its national conscience and attempt to achieve a balance between immediate advantages and long-term risks" when dealing with Soviet oil interests.

Mr. President, I deplore the unwarranted comment by Mr. Moley against Secretary of the Interior Udall in his Newsweek "Perspective" column of August 21, 1961. I request unanimous consent that it be printed at this point in the RECORD, so that the nature of his ill-advised attack on Secretary Udall may be observed.

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

[From Newsweek magazine, Aug. 21, 1961]

PERSPECTIVE: OUR NOT TOO ALERT FRONT

(By Raymond Moley)

The President's July call for readiness and sacrifice in meeting the Soviet threat seems to have little application to Interior Secretary Udall's attitudes toward two of our most vital industries. The one is the plan to create a Government monopoly in the production and distribution of electric power. The other is an almost unbelievable indifference toward the Soviet Union's tremendous drive to subvert large areas of the world by dumping a large part of its rapidly growing oil production.

This oil offensive is one of the most dramatic weapons forged by the Soviet in the cold war. The Kremlin has been stepping up its production of oil by drilling to greater depths in the rich Baku region and by bringing into production a recently opened oil field in the Volga-Baku region. Two years ago a Soviet Seven Year Plan for Oil called for doubling production by 1965 and for doubling exports of oil by 1970. New pipelines will stretch out to the Eastern European satellites, to the Baltic, Black, and Caspian Seas, and to the east along the borders of Siberia, as far as Mongolia and China. To carry oil on the seven seas, Soviet tankers are on the ways in satellite and free world yards.

But there will continue to be drastic denials of oil for Soviet home consumption and for the satellites. Also, the prices charged the satellites for oil are far above those which are levied for countries in which the Soviet hopes to create economic dependence and subsequent upheaval. This is shown by a barter deal with Italy in which needed pipeline material and machinery are paid for by crude oil at $1 a barrel, while the average price to satellites is $3.02. The free world market price is $2.25.

THE FRENDZEL REPORT

The Soviet oil offensive is underway in southeast Asia, South America, Africa—wherever there is unrest—marketing petroleum, helping in the construction of refineries, and even prospecting for more oil in certain backward countries.

The nature and potentialities of this threat have been well known for a considerable time to the American and British oil companies, to the Middle Eastern countries, and to various congressional committees. An informative study was prepared for the Senate Subcommittee on Internal Security by the Library of Congress. But an employee of the Interior Department, Donald J. Frendzel, prepared an information circular on the subject which reaches some astonishing conclusions. This report was finished in 1960 but was not released by Secretary Seaton. After Udall came into office, however, it was published for wide distribution.

In June, Senator DIRKSEN wrote to Secretary Udall protesting the publication of the Frendzel report. In the reply, which was signed by Acting Secretary Carr, the report was defended. It has since been given additional distribution. On July 28, Senator DIRKSEN made this correspondence public and called attention to the injury that the conclusions of the report might cause among our allies and elsewhere.

UDALL'S FOREIGN POLICY

In the Frendzel report, after a comprehensive delineation of the facts, there are added the conclusions which are called "positive aspects" of the Soviet offensive that "the availability of Soviet oil will allow some consumers to become less dependent upon Middle Eastern oil," that this availability will increase "competition," and that the "realization of a rich oil base at home may cause the Soviets to exert less pressure in their desire to eventually control the oil wealth of the Middle East." On the Italian barter agreement there is the conclusion that "this type of economic interdependence will tend toward political stability."

This is an expression of high, international policy which affects not only our attitude toward the Soviet drive for economic supremacy but which affects all our allies. It is issued under the name and imprimatur of the U.S. Secretary of the Interior.

The fact that the Frendzel conclusions are simply not true is incidental. The real issue is that Udall has plunged himself into foreign policy with a report which is nothing more or less than a posture of indifference, not to say appeasement.

Mr. RANDOLPH. Mr. President, I also ask unanimous consent that pertinent excerpts from the remarks by Secretary of the Interior Udall on the occasion of the July 27, 1961, meeting of the Eastern Division of the American Petroleum Institute, at White Sulphur Springs, W. Va., be printed at this point in the RECORD. They indicate clearly that Secretary Udall positively does not possess or manifest "an almost unbelievable indifference toward the Soviet Union's tremendous drive to subvert a large part of its rapidly growing oil production," as alleged by Mr. Moley in the Newsweek magazine article. I request that Senators read carefully Secretary Udall's clear and timely remarks.

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

EXCERPTS FROM REMARKS BY SECRETARY OF THE INTERIOR STEWART L. UDALL AT MEETING OF EASTERN DIVISION, AMERICAN PETROLEUM INSTITUTE, WHITE SULPHUR SPRINGS, W. VA., JULY 27, 1961

The Department of the Interior might well be called the Department of the future because our primary concern is with long-term problems or resource management, that will affect the lives and welfare not only of this, but succeeding generations.

By and large, our responsibilities are tied to the broad sweep of conservation problems and the sound use of natural resoures. One aspect of the work of the Department, however, confronts us with policy decisions that relate to the cold war, deeply involving the Department in political, economic, and strategic problems of major importance to the United States and the free world. I refer, of course, to the Department's mission as a principal petroleum agency of the Federal Government. We tend sometimes to consider raw materials as no more than grist for the mills of our industrial society. From the broader perspective—and I have acquired that broader perspective the last few

months—we find that in man's long history commodity-related problems have frequently arisen to dominate mankind's development for long periods of time. And certainly energy—the energy society is able to muster to drive its machines and to provide it with the necessary power that is needed—is a vital factor. Those societies which have been able to do the best job energy-wise are the strong entities in the world today. The invasions and migrations of the ancients in their search for tin and copper; the recurrent struggles in emerging Europe for iron ore, coal, and other resources have been examples of history and its workings. Many of the more fascinating phases of the history of the Americas can be written also in terms of the search and struggle for mineral wealth.

Great blocks of the tradition of our Western States and of Alaska stem from the events following upon Sutter's discovery of gold in 1849.

The eras when tobacco and then cotton dominated the economic and political scene in the United States bear out the contention that from time to time there emerge commodity problems that influence and sometimes control the course of entire civilizations. And so it has been in recent times with the petroleum industry.

Beginning just a few years after the turn of the century, the industrial nations of the world began to appreciate the significance of obtaining an assured supply of petroleum to meet their industrial requirements and to provide the fuel for their military efforts. Then, too, the second decade of this century provided an immense impetus for the movement. Much of the energy of this and other governments became predicated, in large measure, upon discovery and wise use of petroleum resources. The history of petroleum for the first half of the present century was largely that of the struggle for control over sources of petroleum supply—a contest that quickly reached into the marketplaces of the whole world.

Participation in the international oil game, which had been limited to a handful of firms operating in only a few countries, was vastly expanded. The drive for augmented supplies of petroleum and the demonstrated folly of placing too much reliance upon any single source attracted and encouraged investment by those willing to take the high risks entailed. And those bold entrepreneurs soon ventured into exploration on all of the continents of the world and in most of the countries.

Beginning somewhere around midcentury, a major change in emphasis of petroleum-related activities could be discerned. The unceasing search for new reserves continued and must continue, but greater attention to outlets and greater preoccupation with building and holding the machinery needed to move vast supplies of oil became a major preoccupation of the petroleum industry. It had come to be recognized that, on a worldwide basis, exploration was outstripping the growth of consumption and industry was forced to devote a larger portion of its efforts to finding stable markets for its oil and to a development to enlarged uses of petroleum. In this respect, I say parenthetically that the petrochemical industry which this country has pioneered stands as a monument to the foresightedness and venturesome spirit of the domestic petroleum industry.

A statistical note is appropriate at this point: At the close of World War II, world consumption and world ability to produce were evenly balanced at approximately 7 million barrels per day. By 1960 world consumption has risen to 19 million barrels per day while the ability to produce had skyrocketed to 24 million barrels per day.

In short, the 1950–60 decade witnessed the conversion of world oil, taking the total picture from a long period of balance broken only intermittently by short-term oversupply or actual shortages, to a state of comfortable surplus with all indications pointing to a surplus period—a surplus condition in the period ahead. Indeed this is one of the major problems which confronts your industry. The time has not yet come when we can measure all of the implications of this fundamental change. One of the most important, certainly, has been the transition from emphasis on sources of supply to emphasis on marketing and distribution.

The transition of the past 10 years from a seller's to a buyer's market brings with it a number of basic political and strategic considerations. It may well be that the strategic importance of a number of geographical areas, considerations respecting which have shaped many aspects of foreign policy in the past, will be reduced as changes foreshadowed now on the horizon become reality.

We have seen many countries in recent years bend extraordinary efforts to develop local petroleum supplies in an effort to conserve foreign exchange. Some of these efforts have been successful. A notable example is that of France, especially in the Sahara. Some European nations have been engaged in massive drives to develop petroleum resources more accessible and perhaps more reliable than were their traditional sources of oil. Some of these recent efforts, again, have met with success.

But as a nation we must be alert to the full implications of all of these shifting patterns of supply as they effect the total world picture.

I am not for a moment suggesting the development in many countries of indigenous supplies. Discovery of supplies in their own areas will reduce the importance of petroleum as a commodity or as a factor controlling the movement of much of human affairs. I am, however, suggesting that policies and attitudes respecting petroleum have to be constantly reshaped and appraised so that we recognize the significance of these shifts.

It was, therefore, a critical moment in petroleum history, and a time when the long-term balance between supply and demand was in a process of conversion to a longer period of easy supply, that the U.S.S.R. began a relatively short time ago to make itself felt in world petroleum markets. From a relatively modest beginning in the early fifties, Soviet exports to countries outside the Soviet bloc have assumed major proportions in the past 2 years. These exports currently exceed one-half million barrels per day. There are some limiting factors affecting Soviet expansion. Policies of some potential importing countries are being designed to minimize oil imports from the Soviet. A shortage of transportation facilities has been a limiting factor on the growth of oil consumption in the U.S.S.R. It is significant that a major share of the increases in energy consumption in the Soviet Union is going to oil, thus reducing availability for export.

The weight of opinion, however, is that the Soviet export effort will be expanded. New oilfields are being developed; new transportation facilities are also being developed. A pipeline network that can significantly expand exports, we are informed, is now under construction by the Soviets.

The nucleus of an expanded tanker fleet is being assembled. All of these factors take into account, I would unhesitatingly predict, a doubling of Soviet exports over the next 4 to 5 years if conditions remain normal.

From this standpoint of sheer volume the quantities of oil now being exported are not of major significance. Because of the ability of the U.S.S.R. to exercise a degree of price flexibility, however, and because of its ability to concentrate exports into selected markets, the present levels of exports are already having an effect disproportionate to U.S.S.R. quantity.

In this connection I think it well to bear in mind that Russian oil held an important position in Europe prior to World War II. And there is every indication that the Soviets are intent on a program designed to regain this share, and more, of the European market.

It is apparent from the experience of the past 3 or 4 years that their flexibility, in terms of price, makes it most difficult to resist bargain counter offers of the Soviets. Further, there is a fundamental difference between Soviet marketing tactics and tactical alternatives available to private companies and to some other governments. It seems reasonable, however, to assume that the governments involved will not lose sight of the underlying reality of Soviet economics and will view long-term commitments with a healthy skepticism.

Soviet oil has its greatest competitive advantage in the situation where a particular country has a surplus capacity for production of capital goods or of a raw material basic to its export economy. These two factors raise some fundamental questions. In the first place it seems plain that means should be found to increase the stability of prices and markets for those raw materials which are vital to the economies of underdeveloped nations. Broader use could be made of commodity arrangements to accomplish this purpose, and certainly the industrial nations of the free world should develop a more complete and sympathetic understanding of the position and problems of raw materials exporting nations.

A second major temptation, the gains stemming from exchanging a surplus of fabricated goods for U.S.S.R. oil, poses a somewhat less complex problem. The desire of industrialized nations to exchange their surpluses for this oil on advantageous terms is readily understandable. It seems to me, however, that the next stage in these arrangements, namely, the construction of capital facilities to service the Russian trade, carries with it a reliance on a market which will be uncertain at best. Obviously, Russian oil is cheap oil only when it is in the interests of the Soviet Government to have it so.

The terms of trade can shift rapidly and arbitrarily and before any nation predicates even a portion of its industrial growth on a continuation of this trade, it should consider most carefully the implications of the resulting dependence.

The ability of the Soviet Government rapidly to amend its terms of trade brings to focus another questionable element involved in reliance by some countries on the Soviet Union as a basic source of petroleum.

We are informed that the processing of Soviet oil requires some capital changes and many processing facilities because of contaminants present in the oil. Major capital expenditures, either in processing or burning equipment, based on the current availability in price relationships, could prove to be extremely wasteful of vital resources.

Finally, importers and potential importers of such oil must consider the implications of dependence on this source in the event of military emergencies of any kind. It is in this area where the stakes are high and the risks are great that Soviet oil raises the most compelling questions. It is here that each nation involved must search its national conscience and attempt to achieve a balance between immediate advantages and long-term risks.

Soviet oil, while an important and pressing issue, is only one of many problems that arise almost daily in my Department's dealings with petroleum.

The complexity of the issues involved, it seems to me, requires even closer cooperation than now exists between the domestic industry and the Federal Government.

As you are aware, some of the principal channels of communication between industry and Government, particularly in the field of mobilization planning, have become clogged in recent years. It is the joint responsibility of the Government and of the industry to reestablish the necessary contact to permit the Department to carry out its assigned responsibilities for mobilization planning. This becomes all the more significant in light of the President's message to the Nation Tuesday night—a very sobering message, I am sure we all agree.

Discussions are now taking place within the executive branch to develop procedures which will permit a more complete utilization of the immense knowledge of the personnel of your industry in this critical field. The Department and the domestic petroleum industry have a long history of close and fruitful cooperation in the development of solutions to national interest resource-related problems.

I call upon you to help build upon that history in the future that we face.

A NEW WESTERN FRESH FRUIT BEVERAGE

During the delivery of Mr. HUMPHREY's speech:

Mr. MORSE. Mr. President, will the distinguished Senator from Minnesota yield? I make my request with the understanding that my interruption will appear elsewhere in the RECORD. It will be very brief. It deals with light refreshments, and I feel certain that the interlude will be appreciated by the majority whip.

Mr. President, I ask unanimous consent that the Senator from Minnesota may yield, without losing his right to the floor, so that I may make a very important announcement in behalf of a new industry in my State, and then return to the conference on the foreign-aid bill.

Mr. HUMPHREY. Mr. President, the distinguished Senator from Oregon is so persuasive that the senatorial charm he now exercises has overwhelmed me. I am also somewhat inquisitive as to what the new industry is.

Mr. JORDAN. And, perhaps, whose State it was taken from.

Mr. HUMPHREY. The Senator from North Carolina adds a comment which I will let him make to the Senator from Oregon privately.

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

Mr. MORSE. Mr. President, several days ago it was my pleasure to confer in my office with two Oregon businessmen, Mr. Woody S. Johnston and Mr. Joe Gebhardt, of Ashland, Oreg., concerning a very important development which offers a great deal of promise to fruitgrowers of Oregon, Washington, and California. These gentlemen supplied my office staff and me with delicious samples of a new and most palatable fresh fruit and ice cream drink, made of pure, unadulterated fruits grown in Oregon, Washington, and California. I enjoyed immensely several varieties of this new beverage, including those containing the juices of fresh pears, peaches, oranges, and grapes. The important and very desirable aspect of this new beverage is that it contains absolutely no artificial flavoring or coloring. This adds to its true fruit flavor and makes it particularly appealing to all who enjoy the flavor of fresh fruit and ice cream or sherbet.

The new product is a fruit-dairy beverage in which the fruit is intimately combined with ice cream mix by a high-speed blending device, before canning. The result is a homogeneous, palatable, and refreshing drink which requires no artificial flavoring or coloring.

The American public is becoming increasingly aware of the fact—and, I should add, increasingly alarmed over the fact—that so many foods and beverages today contain artificial components, flavorings and preservatives. Fortunately, most of these artificial ingredients are not harmful to human beings but in too many cases, we discover to our dismay, that some of the food we eat and some of the beverages we drink, contain harmful artificial coloring or preservatives, or contaminated ingredients. The fruit and ice cream mix that I am discussing today is not only prepared under the most rigid sanitary conditions, but it is absolutely free from elements that might be harmful to human beings.

The two Oregon businessmen, Woody Johnston and Joe Gebhardt, have produced a beverage which is not only filled with good fruits produced by our Western States, but has such an appealing taste that it is hard to believe that it is really good for you.

Not only the consuming public, but the fruitgrowers of our Western States, should be greatly interested in this new product. If a sizable demand for this product develops—and I feel that it will—our fruitgrowers should find that their problems of excess production are well on the way to solution. In addition, the substantial percentage of dairy ingredients incorporated in the beverage should prove to be a boon to our dairymen.

The idea of making a drink that tastes as good as this fresh fruit beverage which contains healthful dairy and fruit products, appears to be sufficiently novel to warrant the U.S. Patent Office giving serious consideration to the granting of a patent on this product.

Mr. YARBOROUGH. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. YARBOROUGH. The question has been raised whether some of this beverage might be within the precincts.

Mr. MORSE. The Senator from Texas is just a little ahead of me.

Mr. HUMPHREY. Well, hurry up.

Mr. MORSE. For those mothers who have trouble in getting their children to drink sufficient quantities of milk and fruit juices and who are dismayed over their eagerness to drink less nutritious beverages containing principally sugar, coloring, and carbonated water, this truly nutritious and appetizing western beverage will be most appealing.

Mr. President, if I may have the attention of the Senator from Texas [Mr. YARBOROUGH], within the next few days I shall arrange to have complimentary servings at the tables in the Senate dining rooms, so that Senators and their guests may enjoy this very appetizing, healthful drink. After Senators have tasted this delicious fresh fruit beverage, I feel certain they will join with me in giving their enthusiastic praise to this new product.

I may say to the distinguished Senator from Florida [Mr. HOLLAND], who comes from a great fruitgrowing State, that although I have mentioned Washington, Oregon, and California as States where this fruit can be produced, it can also be produced, as the Senator well knows, in Florida and in Texas. I have no doubt that the announcement I am making today is a historic one, from the standpoint of improving the fruit-drink service to the people of the country.

I shall look forward to having all Senators as my guests some time next week in the Senate dining room, as we carry out the suggestion of the Senator from Texas [Mr. YARBOROUGH]. After all, tasting will be testing in this instance; and I am ready to make the test.

Mr. McGEE. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. McGEE. I think it was appropriate that the Senator from Florida [Mr. HOLLAND] should come into the Chamber at this moment, because we know of his interest in the same kind of enterprise. It is an extremely commendable enterprise. We shall look forward to the samples which the Senator from Oregon will have served in the Senate dining room.

I hasten to add, however, that, most thoughtfully, the Senator from Florida, when he has persuaded us with the real sweetness and meat of Florida grapefruit, occasionally sends us enough grapefruit so that our families may enjoy it themselves. I suppose that is the real test, because their tongues are more expertly attuned to this sort of judgment than are those of the Members of this body. I am wondering whether Oregon can equal the example of Florida.

Mr. MORSE. Oregon will not be outdone by Florida. Christmas is coming. At Christmastime, I shall try to work my way into the hearts of the families of the Senate by seeing to it that the fruitgrowers of Oregon provide every Senator with a generous sample of Oregon fruit along with the wonderful samples which the two Senators from Florida always make available to Senators at Christmastime.

Mr. HOLLAND. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I am delighted to yield.

Mr. HOLLAND. I came into the Chamber while the Senator from Oregon was speaking, so I am wondering what delicious, tempting elixir he is referring to.

Mr. MORSE. I am referring to a new fruit drink which combines the juices of fruits—oranges, pears, apples, grapes—with dairy products, including ice cream. It is a boon not only to the fruit industry but to the dairy industry, as well.

Mr. HUMPHREY. I was wondering if the Senator from Oregon would get around to Minnesota.

Mr. HOLLAND. The Senator from Oregon has us all fairly drooling. We

look forward to the day when we may enjoy the experience which he has so temptingly presented to us.

I thank him for his reference to Florida. I hope some of Florida's fruits will be in the beverage to which he has referred. But whether they are or not, I shall be pleased to share with him what I know will be an enjoyable experience. I assure the Senator from Oregon that he is still on the Christmas list.

Mr. MORSE. Mr. President, I enjoy my colleagues in the Senate and I always enjoy having them as guests. I am looking forward to a luncheon next week.

I thank the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, before the Senator from Oregon leaves, although I do not want him to think for a moment that I lack any confidence in his word—because his word is his bond—yet, just in case in his busy life he should forget about Christmas, why does not he send mine now? [Laughter.]

Mr. MORSE. Mr. President, the Senator from Minnesota is a good farmer, and he knows that we cannot send the fruit until it is harvested. But we will get it to him.

Mr. HUMPHREY. I thank the Senator from Oregon.

CHANGE OF RULE XXII

Mr. JAVITS. Mr. President, I wish to state very briefly for the RECORD my objection to and opposition to the rule change which I understand was ordered reported today by the Committee on Rules and Administration with respect to rule XXII, the rule relating to debate in the Senate.

As I understand, the committee has sent to us without recommendation a proposal that 60 percent of Senators present and voting may impose cloture.

In my view, that is not a meaningful change. In the case of 23 votes on cloture which have occurred ever since we have had an opportunity to impose cloture, that is, during the past almost 40 years, it would have made a difference in only one vote, notwithstanding the fact that in a number of other cases majorities of the Senate, after very extended debate, sufficient for everyone's exploration and understanding of the subject, have sought to impose cloture, but have been unsuccessful in obtaining the necessary number of votes.

I feel very deeply that the plan of the Senator from Illinois [Mr. DOUGLAS] for 51 out of 100 votes is the only plan that gives us any assurance or confidence in attempts by the House and the Senate to reach decisions, in the critical times in which we live, in terms of civil rights legislation, that promise any solution or any reasonable opportunity for getting anything done.

Even if there were a rule providing that 51 out of 100 Senators might impose cloture, or a constitutional majority, we still would have succeeded in imposing cloture in only one-half of the cases in the 23 times in which votes were taken on the question. Such a plan certainly would not be proceeding improvidently.

Under the Douglas plan, when one considers all the time provided for debate, before and after imposition of cloture, there would, at the very least, be 30 days of debate, and probably 6 weeks.

When we come to debate this question, I hope, either by myself, or, more hopefully, joined by a bipartisan coalition on civil rights which alone has been able to do anything in this field, to make an attempt to bring about a meaningful change of rule XXII.

I wished to state these views today, because this is the day when the occurrence to which I have referred has taken place. Other Members of the Senate have addressed themselves to the question. I wished to make my views clear, as I was a member of the two-man committee, with the Senator from Georgia [Mr. TALMADGE] which held extended hearings, when I was a member of the committee, 2 years ago. Those hearings still remain the basis for whatever decision we may take on this critical matter, which I feel to be of first importance to our country.

QUESTIONS IN CONNECTION WITH FOREIGN AID

Mr. MILLER. Mr. President, considerable publicity has been given recently to the Alliance for Progress conference in Uruguay. Unfortunately, the declaration of goals for the peoples of Latin America did not include free elections or the development of private enterprise, although the other goals outlined are praiseworthy. However, the American people should be advised that Secretary of the Treasury Dillon assured the delegates that the United States would be putting up the major portion of the $20 billion which the program envisages for the next 10 years—although he was not authorized by Congress to make such a commitment. No one questions the desirability of assisting the economic development of Latin American countries; but what I question, Mr. President, is the failure of this administration to designate priorities in our foreign-aid programs. Such failure naturally prompts the question of whether this new program is to be superimposed on the existing foreign-aid program, or whether the existing program is to be cut back, to make way for the Alliance for Progress program. With the $4 billion deficit for the fiscal year just ended on June 30, and an expected deficit for the current fiscal year running from $7 to $10 billion, it would seem prudent to form an Alliance for Progress of the American taxpayer and to begin at once to make some hard decisions on priorities. In the Wall Street Journal of August 21, the lead editorial points out some serious questions which are going to have to be answered with respect to the Alliance for Progress; and I ask unanimous consent that the editorial be printed at this point in the RECORD, in connection with my remarks.

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

[From the Wall Street Journal, Aug. 21, 1961]

BILLIONS FOR PROMISES

The administration has pronounced the beginning of its multibillion-dollar Latin American aid program a success. But it should be clear the Alliance for Progress Conference in Uruguay made a beginning only, and may well have produced the last easy success.

The task of the delegates was to describe what they hope to achieve in the next decade. Outlined in the declaration to the peoples of America are goals on which everyone can agree: "A substantial and steady increase in average income as quickly as possible." "Decent homes for the American peoples." "An equitable system of property." "Primary education (for) all Latin Americans." "Fair wages and satisfactory working conditions"—in a word, a better life for a whole region embracing upwards of 200 million people in all stages of development, ruled well, badly, and indifferently.

The delegates also were bound to state their choice of means to this desired end. For its part, the United States firmly promises "a major part of the $20 billion * * * which Latin America will require in the next 10 years." For their part, the Latin American countries "agree to devote a rapidly increasing share of their resources to economic and social development, and to make the reforms necessary to assure that all share fully in the fruits of the alliance." They plan to do so by adopting "comprehensive and well-conceived national programs."

Among the aims of these programs are tax reform, abandonment of outmoded systems of land tenure, and adoption of fiscal and monetary policies which, "while avoiding the intoxication of inflation or the mire of depression, will protect the purchasing power of the many, guarantee where possible price stability, and form an adequate basis for economic development."

But the ease of stating goals that have proved so elusive would not intoxicate anyone. All that has happened so far, really, is that the United States has exchanged a pledge of billions of dollars for the commitment of Latin Americans to spend our money and as much of their own as they can scrape up. If there is to be any success for the alliance, it all depends on the future will and wisdom of the partners.

And on that score, some skepticism is in order. For example, a parallel is often drawn between aiding Latin America and the postwar Marshall plan in Western Europe. True, the alliance is loosely modeled after the latter plan, but there are huge differences—Latin America's widespread illiteracy, its historic economic and political instability, its lack of experience with industrialization and the disciplines of modern society.

Moreover, much remains undefined. For Castro and others in Latin America, "land reform" means landgrabbing. And who shall decide the "equity" of property, and on what basis?

Then, too, those "comprehensive and well-conceived" development plans of Latin American countries are yet to be drawn up. They could easily turn out to be misconceived and unrealistic. The United States could also find itself encouraging stagnant, "planned" Socialist economies, incapable of growth.

Clearly, the background against which the alliance begins is unpromising, to say the least. Almost all the reforms to which the Latin Americans now agree have been within their grasp for years, and have been left undone. Modern tax and land reform laws are already on the books of some countries, but go unenforced. Can a declaration in favor of progress—a decision to move against the weight of accumulated neglect and indifference—really make progress a fact?

The security of the United States, more than good neighborliness, justifies our interest in the possibility of building a free, prosperous Latin America. But billions alone, in whatever amount, won't buy it. Nor will promises by the recipients. And right now

that's all the Alliance for Progress is—U.S. billions for uncertain promises.

Mr. MILLER. Mr. President, one of the questions that is going to have to be answered before the American taxpayer is tapped for more money to support the Alliance for Progress program is whether the country concerned is genuinely interested in developing along lines that will insure the freedom of its people. The attitude of its leaders toward Soviet Russia and toward Castro, for example, should be a fairly fair indication of how deep this interest really runs. In this connection, I ask unanimous consent to have printed in the RECORD an Associated Press article, appearing in the May 11 issue of the Christian Science Monitor, revealing that the Foreign Minister of Brazil thinks there is no evidence of Soviet meddling in Cuba.

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

[From the Christian Science Monitor, May 11, 1961]

BRAZIL REFUSES TO OPPOSE CASTRO

RIO DE JANEIRO.—The Brazilian Government, pressed by the United States to take a stand against the Fidel Castro regime, says it will oppose any meddling by foreign nations in Cuba.

Foreign Minister Afonso Arinos, Wednesday, said Brazil is against "any kind of foreign interference, directly or indirectly, [taken] in order to impose on Cuba any form of government."

This was the answer of President Quadros to a U.S. appeal for joint action against the Castro government by nations of the Western Hemisphere.

And it was obviously a rejection of the U.S. contention that Senor Castro has installed a Soviet-type government in Cuba.

Senor Arinos told newsmen earlier this week that Brazil would revise its friendly relations with Cuba if Senor Castro swung the Caribbean island into the Communist orbit. But at the same time he said his Government has found no evidence that Senor Castro had turned Communist.

OUR MILITARY EFFORTS AND "BUSINESS AS USUAL"

Mr. MILLER. Mr. President, I have been repeating a warning that we cannot expect to make any impression on Premier Khrushchev if our military efforts are merely accompanied by business as usual on other fronts. In yesterday's Wall Street Journal appeared a story reporting that the United States has abruptly canceled plans to enter into a commercial air agreement with Russia. The reason given was "in view of the international situation." I ask unanimous consent that this article be printed in the RECORD.

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

[From the Wall Street Journal, Aug. 22, 1961]

U.S. DECLINES TO SIGN NEW YORK-MOSCOW AIR PACT, CITES "INTERNATIONAL SITUATION"

WASHINGTON.—The United States abruptly canceled plans to sign a commercial air agreement with Russia "in view of the international situation."

The decision not to go through with the pact comes after a month of negotiations between the two countries had worked out most of the details. As recently as last week, a source close to the negotiations said the agreement was "all wrapped up" and ready for the signing ceremony.

Under the proposed pact, Pan American World Airways beginning in May would have flown the New York-to-Moscow route for the United States and Aeroflot, Russia's state-owned passenger airline, would have flown the same route for the U.S.S.R. Each line would have been given the right to fly two flights weekly.

But the State Department last night announced that "in view of the international situation, for which the U.S. Government is not responsible [the United States] has decided that this is not an appropriate time to sign the civil air transport agreement which has been negotiated with the Soviet Union."

Instead, United States and Russian representatives merely initialed the proposed agreement, the State Department said, "to record the conclusions reached between the two delegations."

U.S. officials said the initialing procedure means that if the international situation improves, the two Governments may, if they wish, actually sign the document and the flights can get underway.

Pan American had no official comment on the State Department announcement.

Washington officials said the Soviet Union had been notified at the end of last week that the United States had decided not to sign the pact. Asked if the U.S. decision was in retaliation for the closing of the East Berlin border by the Russians, one official said, "Our decision was taken in the light of the overall international situation."

Negotiations on a United States-U.S.S.R. commercial air agreement have been an on-and-off affair for the past year, depending on the cold war situation. Last summer negotiating sessions were set and then called off by the United States after the Russians shot down a U.S. RB-47 reconnaissance plane in the Arctic. President Eisenhower, in calling off the talks, said the United States would not negotiate until Russia released the RB-47 flyers it had captured. The flyers were released shortly after President Kennedy took office and this administration soon thereafter agreed to make a new try on an air pact. Negotiations began anew in Washington on July 18.

Early this month the State Department said the new negotiations had resulted in agreement on a "basic" pact, and the announcement of a signing had been expected. But then the Russians closed off the East Berlin border, and the United States replied by sending additional troops to strengthen the Western garrison in Berlin.

Mr. MILLER. Mr. President, this action is entirely consistent with a recognition that we may be forced to fight over Berlin as a result of Russian activity. However, only the day before, also in the Wall Street Journal, appeared an article pointing out that goods United States licensed for Red bloc export rose 800 percent since President Kennedy made his speech on Berlin, in which he, in effect, asked to have this country put in a state of semimobilization. I ask unanimous consent that this article be printed in the RECORD.

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

GOODS U.S. LICENSED FOR RED BLOC EXPORT ROSE 800 PERCENT SINCE KENNEDY SPEECH ON BERLIN

WASHINGTON.—The dollar volume of American goods licensed for shipment to Communist countries increased by more than 800 percent in the 3 weeks after President Kennedy's address to the Nation on Berlin from the three preceding weeks.

This has been a cause of concern and embarrassment to high administration officials aware of the statistics, which have received scant public attention.

Steps have been taken to reverse the upward trend, although no formal change in export control regulations has been made.

An Associated Press tabulation of daily export licensing reports, made available by the Commerce Department, showed that:

In the three weeks preceding Mr. Kennedy's July 25 television-radio address on the Berlin crisis the department authorized the shipment of $750,196 in American goods to the Soviet Union and its European satellites.

In the three succeeding weeks the licensing total soared to $6,278,566.

RAIL EQUIPMENT, RUBBER INCLUDED

Included in the later period were $2,500,000 of rail equipment for Bulgaria; $1,700,000 of synthetic rubber for Russia, Poland, Hungary and Czechoslovakia; $95,000 of coal tar products for Hungary and Czechoslovakia; $38,000 of carbon black for Czechoslovakia; $35,000 of industrial and specialty chemicals for Czechoslovakia, Hungary and East Germany; and $23,000 of pipe valves for Russia and Poland.

The Department ruled that none of these proposed shipments would endanger national security. Export regulations prohibit shipments to Iron Curtain countries of goods calculated to increase their warmaking potential.

The licensing officials apparently continued to take a business-as-usual attitude after Mr. Kennedy's talk, thus running counter to public opinion as assessed by their chief, Commerce Secretary Hodges. The Secretary told a news conference August 8:

"I think the whole tempo and temper of our people in the last 6 or 8 weeks has changed toward the question of any kind of trade with Russia."

Mr. Hodges said new restrictions on such trade were possible but suggested that newsmen treat the subject with care.

HARDER LOOK SOUGHT

"We must keep flexible the whole question of relationships," he said. The Commerce Secretary has met several times this month with Secretary of State Rusk to discuss trade with the Communist bloc. The two Cabinet members also met last week with a group of House Members who favor new trade curbs because of the Berlin crisis.

As a result of these meetings, licensing officials have been told to take a harder look at proposed exports to Iron Curtain countries. The effect can already be seen in the daily trend of licensing.

August 9, $1,600,000; August 10, $98,859; August 11, $73,185; August 14 (a weekend intervened), $53; August 15, $10; August 16, $5,317; and August 17, none.

Some Congress Members favor legislation to put a crimp in East-West trade. Mr. Rusk and Mr. Hodges believe the same objective can be achieved through administrative discretion, thus avoiding a statement of national policy that might make Berlin negotiations more difficult.

Since July 1, the Department has licensed shipments totaling $9,603,511. Included was $2,574,749 of Mexican-grown cotton, which required licensing because it passed through an American port en route to Eastern Europe.

The granting of a license does not mean that goods will be shipped. "Historically," Mr. Hodges says, "there is a heavy attrition between licensing and actual exports."

U.S. TROOPS' DEPENDENTS ABROAD

Mr. MILLER. Mr. President, our firmness over Berlin has been further

eroded by the unfortunate and inconsistent plan of the Defense Department not only to leave the dependents of our military personnel in West Berlin and West Germany, but also actually to ship more dependents over there, along with our anticipated troop buildup in that area. In this connection, I ask unanimous consent to have included in the RECORD at this point in my remarks an editorial entitled, "Bring Back GI's Families," appearing in the Chicago American for August 16.

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

BRING BACK GI'S FAMILIES

Senator JACK MILLER, Republican of Iowa, has pointed out a sensible step that the United States should take in Berlin: Bringing back dependents of servicemen stationed in Western Europe, and canceling plans to let dependents go along with additional troops to be sent there.

Such a move would strengthen the West's position in Berlin, and serve unmistakable notice on the Soviet Union that it's going to stay strong. As MILLER observed in a Senate speech, letting dependents accompany troops now would be regarded by Khrushchev as evidence that the United States doesn't really intend to get tough in Berlin, and is making no provision for an emergency situation. For Khrushchev, that would almost constitute an invitation to get tough himself.

The great danger in Berlin is Russian miscalculation. If the Russians are convinced that the West is bluffing on its determination to stay in Berlin, they may be inclined to call the bluff, with disastrous results. Merely as insurance against such a miscalculation, calling back the servicemen's dependents would be a wise move.

An even more concrete reason is that, if a military emergency really arose in Germany, American forces there would be severely hampered by the presence of their wives and children. Their first thought, naturally, would be to protect their families. Instead of a morale booster, the dependents would be a morale destroyer, and a serious drawback to quick military action.

Calling back the dependents would make it quite clear to both the Russians and the Germans, without bluster or saber rattling, that the United States is not going to be bluffed in Berlin.

Mr. MILLER. Also, Mr. President, in the Milwaukee Journal of August 15 there appeared an excellent article, by Mr. Harry S. Pease, pointing out the fact that there are 200,000 dependents of our 336,000 military men in Europe, and that this siutation would be a major burden on our outnumbered fighting force in event of a war. I ask unanimous consent that the article be printed in the RECORD.

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

THE MILITARY, MISSILES AND YOU, III—IT'S DIFFICULT TO IMAGINE COURSE OF NEW WAR—CONVENTIONAL FORCES IN EUROPE ARE READY BUT ALL STRATEGY IS GOVERNED BY ATOMIC WEAPONS; ATTACKS ON RUSSIA WOULD AFFECT OUTCOME OF NATO'S STRUGGLE

(By Harry S. Pease)

After 6 weeks of talking to our military leaders in Europe I doubt that anybody in or outside the Armed Forces can visualize very clearly the form a war there would take. Our generals have planned the disposition of their troops. Commanders of units as small as companies know what to do if an alert should be sounded. Most of their men and equipment could be on the battleline within a few hours.

But the awesome authority of nuclear weapons subjects all such preparations to doubt. A single atomic bomb or missile can tear a gaping hole in any defense or convert a powerful armored spearhead into a shambles.

Gen. Lauris Norstad, the American Air Force officer who serves as supreme allied commander in Europe, says the threshold at which nuclear weapons are introduced into battle should be a high one, that the first engagement should be joined with tanks, artillery and other conventional arms. He also says the decision to use atomic bombs or missiles should be made by some authority higher than the combat unit commander. Only the President is supposed to order nuclear arms into action, if he can be reached.

Carrying out such a policy may present difficulties.

MIGHT HIT COMMUNICATIONS

If the war does begin with atomic weapons, our communications might be so disrupted that an order to reply in kind could not get through. The field commander would have to use his own judgment.

A particularly difficult choice might face the commander of a Nike-Hercules antiaircraft missile battery.

Confronted by an incoming force of bombers too large to be handled by missiles with ordinary explosive in their warheads, he would be tempted to fire atomic ones. The bombers might carry nuclear bombs, and he could not be certain until too late.

We are sworn not to start the war. The enemy will make the first move, and in the satellite nations having common borders with free Europe there are 26 Russian divisions and 60 divisions of Poles, Czechs, East Germans, and other Communist allies. NATO has a total of 21, including 5 American.

RAPID ADVANCE EXPECTED

The Communists must be expected to advance rapidly in the opening hours of conventional warfare. The farther they advance, the more friendly civilians we will menace if we finally decide that nuclear force is called for.

Most of the commanders I talked to seemed to feel that the policy never will be tested. Their attitude was that if the Russians commit aggression at all they will go all the way, attacking North America when they move in Europe.

Much of the calm I encountered in Berlin was rooted in the same idea.

"If we are going to have world war III, the Allies in Berlin are not going to be the target," said Brig. Gen. Charles E. Johnson, then our commander in the former German capital.

NATO FORCES ARE THIN

NATO forces in Europe are spread thin. An early study made by the alliance indicated that 90 divisions would be required to hold the line at the Rhine River. Yet we are trying to make secure thousands of square miles east of the Rhine.

The generals say they could take the first shock of conventional attack. They are not worried about stalling a Communist advance, but rather about keeping it stalled.

Our tactical fighter bombers are staying ready; so are the armored cavalry, the artillery.

MISSILES ARE READY

Behind them stand the batteries of Honest John, Corporal, and Redstone missiles which can fire regular high explosive but which are intended to deliver atomic fire on enemy concentrations if the need arises.

Our tactical aircraft in Europe number about 500, to which can be added more than 100 Mace and Matador pilotless bombers.

The American Mediterranean Fleet, the 6th, constitutes another potent asset in any land combat which might develop. The enemy knows where our airfields are on shore. Missiles probably are ready to fly against them.

But the carrier, always on the move, must be found and attacked at the last minute. It can be sunk as carriers were in World War II, but that takes time. Its life expectancy probably is longer than that of a runway in West Germany.

RUSSIA WOULD BE HIT

If one accepts the idea that any war would be intercontinental, the blows our Strategic Air Command could deliver on the Russian homeland would vastly affect the front line fight.

Because this report deals with American defense, mention of our allies has been held to a minimum. They include stout forces and devoted ones. Some are well armed, some not so well. Our commanders credit them with ability to give a good account of themselves.

It should always be remembered that a combat against communism is not an American fight in which other nations would aid. Rather, it would be an effort of the NATO alliance to which we contribute something like 25 percent of the total.

TWO HUNDRED THOUSAND ARE DEPENDENTS

So far as the layman can judge, the American fighting man appears to be trained and alert. In only one phase of his preparation could I see cause for questioning.

Our 336,000 military men in Europe are accompanied by more than 200,000 dependents. Since the lowest five pay grades cannot take their families overseas at Government expense, it follows that a preponderance of officers and higher noncoms have their wives and children along.

It would seem inevitable that, if war came, so many dependents would be a major burden to our outnumbered fighting force.

Wives are briefed to put the children in the family car and start out for a seaport where they could catch ships for home, and are told that they can expect no help. Whether they would really be abandoned, and whether worry over them might affect their husbands' fighting, remain doubtful in my mind.

DOES ANYBODY WIN?

There could be only one greater tragedy than conquest of the free world by communism.

For at least two generations thoughtful men have been saying that nobody wins a war, that there are only greater and lesser losers. Nobody could see the things I have seen and heard the statements I have heard without being convinced that the platitude is truer in 1961 than ever before in the history of the world.

More than that, though, nobody could help being proud that his nation is willing to run the risk of suffering for its principles, and thankful that other nations are willing to join in the hazard.

Moral force may prove decisive. Peace with principle may continue. But to assure survival we must keep our powder dry—and acquire some more.

FOREIGN AID AND DOMESTIC PROGRAMS

Mr. MILLER. Mr. President, President Kennedy and this administration have done a great deal of talking about sacrifice; but when suggestions are made that we tighten our domestic belt, in order to provide for additional national-defense expenditures, we are answered

that we cannot afford to tighten our belt—that we must have both an expanded military program and an expanded domestic program. The result, of course, will be more deficits, inflation, and higher taxes; and this will lead to a weaker—not a stronger—America. In the Wall Street Journal of July 25, the lead editorial well pointed out the fallacy of trying to have our cake of more national defense and at the same time eat it, too, with more butter of Federal domestic spending. I ask unanimous consent that the editorial be printed in the RECORD.

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

COLD WAR ILLUSION

By accident or design, the administration's response to Berlin is building an impression of bristling military preparedness, what with talk of calling up Reserves, expanding the draft, and adding billions to the already beefed up defense budget.

All this emphasis on additional military spending may leave some people perplexed. Defense, after all, has claimed some $400 billion in the past decade. What, one may wonder, could possibly be overlooked with that sort of budgeting?

But if enormous new outlays are essential to national security, one would expect corresponding cutbacks in nonessential civilian spending. That order of priority seems plain. Instead, the administration is pushing as hard as ever the argument that practically every dollar the Government spends at home is also a response to the cold war challenge.

Take education, for example. In less perilous times, Government subsidy of schools and scholars would be called a handout, pure and simple, and an unnecessary one to boot. But ever since sputnik streaked across the political horizon, Uncle Sam's involvement in education has been urged as waging the cold war. One result is the National Defense Education Act which, among other things, hurls doctors of folklore and expert glassblowers into the front lines of the East-West conflict.

Cold-war rhetoric also puts the farmer up front. In calmer days, the fantastic glut of unsalable foodstuffs piled up at a cost of billions would be proof that Federal subsidy of agriculture had failed. Nowadays, surpluses are extolled as a great asset—ammunition for the food-for-peace giveaway.

It's hard to find any civilian spending that isn't dressed up with a touch of patriotic olive drab. Highways, surely, are useful to the military. All the more excuse then for pulling out the stops on a budget-breaking Interstate Highway System. Even cities and suburbs are said to play a role in the cold war. "Bright and orderly urban development," said Mr. Kennedy earlier this year, enhances the U.S. image abroad. Hence Congress could discover a patriotic as well as political motive for passing the administration's $5.6 billion housing program.

Thinking in terms of a U.S. "image," there's no limit to the pleasing ways we can "wage" the cold war. Indeed, every Government program, for anything at all, supposedly, polishes the image by showing the response of democratic government to people's "needs." And every Federal dollar swells the gross national product which, as everyone knows, is the way we show the Soviets we can "grow" faster than they do.

Certainly, the U.S. economy must grow vigorously to strengthen the Nation and provide a firm base for diplomatic and military policy over the long pull of the cold war. But that is precisely the point: Domestic welfare spending and political handouts, contrary to the claims of the spenders, actually weaken the economy and retard real growth.

With a $3.9 billion Federal deficit just behind us and at least $5 billion of red ink immediately ahead, the administration is blithely piling up nonmilitary commitments that must eventually be bled from the economy. Instead of easing the oppressive tax burden and forestalling another round of self-destructive inflation, the administration talks of higher taxes and lays the groundwork for inflation.

That is surely putting luxury before necessity. For if there must be more guns, it is hardly justified to spread so thickly the butter of Federal handouts. In fact, austerity might be more in keeping with our tougher military stance. And the first luxury to be sacrificed ought to be the illusion that the more Government spends, the stronger we become.

BUDGET DEFICITS

Mr. MILLER. Mr. President, lest there be any doubt about the seriousness of this deficit situation, I invite attention to the fact that errors in estimates on budget deficits for this administration have all been on the low side, thus far. Back in March, an official estimate of the deficit for the fiscal year ended June 30, 1961, was $2.2 billion. This finally came out at $3.9 billion. Back in May, President Kennedy estimated the deficit for the current fiscal year at $3.7 billion, or $4.4 billion, depending on whether certain postal rate increases are enacted. Earlier, he had forecast a deficit of only $2.8 billion. Now it appears that the current fiscal year's deficit will be from $7 billion to $10 billion. I ask unanimous consent that an article, from the July 21 issue of the Washington Post, entitled "$3.9 Billion Deficit Exceeds All Forecasts" and an article, from the May 20 issue of the Washington Post, entitled "J.F.K. Underestimates Deficit, Staats Says," be printed in the RECORD.

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

DEFICIT EXCEEDS ALL FORECASTS: $3.9 BILLION

(By Frank Cormier)

Professing surprise, the Kennedy administration yesterday announced that the budget deficit for the past 12 months exceeded all forecasts and totaled $3.9 billion.

Just 10 days before the 1961 fiscal year ended on June 30, Secretary of the Treasury Douglas Dillon said the deficit would be under $3 billion. An official estimate in March predicted a deficit of $2.2 billion.

In reporting the actual total, Dillon and Budget Director David E. Bell said the deficit was "higher than expected" and stemmed partly from an antirecession spending speed-up which was more rapid than was anticipated.

The actual figures for fiscal 1961 were: spending, $81.5 billion; revenues, $77.6 billion, and deficit, $3.9 billion.

Officials declined to speculate on what implications these figures hold for the current fiscal year.

Senator HARRY F. BYRD, Democrat, of Virginia, chairman of the Senate Finance Committee, predicted the current year's deficit will mount to $5 to $7 billion.

President Kennedy and Dillon estimated last May that the fiscal 1962 deficit would be $3.7 billion, or $4.4 billion if Congress does not increase postal rates.

With Kennedy due to send Congress new proposals soon for added military and civil defense outlays, the May estimate will be revised upward.

Dillon and Bell, in a joint statement, blamed last year's increased deficit on the business slump, which they said had effects "greater than anticipated."

The detailed figures they issued showed that income tax revenues had been overestimated by $1.2 billion while defense spending was underestimated by $651 million. Agricultural outlays outran expectations by $147 million.

When former President Dwight D. Eisenhower first sent Congress the fiscal 1961 budget in January 1960, he forecast a surplus of $4.2 billion. In January 1961, Eisenhower still foresaw a surplus, but only of $79 million.

BYRD, in a statement commenting on the $3.9 billion deficit announced today, said: "This was a deterioration of $8.1 billion in 18 months from the original budget estimate of a $4.2 billion surplus."

He added that it was "$1.7 billion greater than the (Kennedy) administration estimated 2 months before the end of the fiscal year."

J.F.K. UNDERESTIMATES DEFICIT, STAATS SAYS

Elmer B. Staats, Deputy Director of the Budget, said yesterday that President Kennedy's estimate of a $2.8 billion Federal 1961–62 deficit is "obviously too low."

He said that the Government's red ink operations in the next fiscal year probably would be twice this amount, or about $5.6 billion.

But, Staats emphasized that this was his own judgment and that much will depend on action taken by Congress on pending appropriation bills.

The budget official made his estimate at the closing session of the annual meeting of the National Industrial Conference Board.

Earlier, Frank A. Southard, Jr., U.S. Director of the International Monetary Fund, said the Nation's balance-of-payments position is expected to show "substantial improvement in the first quarter," but warned that the problem is far from solved.

He said that much of the strengthened position results from the fact that near-boom conditions in Europe and recession in this country have tended to maintain our exports and cut back imports.

Harold H. Helm, chairman of Chemical Bank New York Trust Co., was elected chairman of the NICB.

Other business highlights:

New York Stock Exchange and Federal Reserve Board figures showed loans to buy non-Governmental securities rose sharply last month to more than $5 billion, a billion above a year ago and the highest total in at least 30 years.

R. P. Laughna, vice president in charge of marketing, has resigned from Chrysler. It was the second vice president to resign from Chrysler in a week and both had been named in a stockholder suit charging mismanagement and conflicts of interest.

Senator William A. Blakley, Democrat, of Texas, said he and the Blakley-Braniff Foundation are selling their interest in Braniff International Airways to four Dallas businessmen for $13.2 million. Blakely, interim Senator running for a full term, said he could best represent Texans by divesting himself of both his Braniff stock and the responsibilities it entails.

Eastern Air Lines, Inc., directors voted to omit the usual quarterly 25-cent dividend on common stock.

The Norfolk & Western and the Chesapeake & Ohio Railroads have filed application with the ICC for joint purchase of Island Creek Fuel & Transportation Co., a bargeline hauling coal on the Ohio River.

The Chicago Tribune reported that a three-way merger of the Illinois Central, Missouri Pacific, and Union Pacific Railroads is under active consideration.

Sears, Roebuck & Co. is entering the travel field. It will offer travel information, accident insurance, bail bonds, and emergency vehicle repair service in more than 40 States through the Allstate Motor Club. It also plans to set up world tours at a special price through an arrangement with American Express Co.

FOREIGN-AID FALLACIES

Mr. MILLER. Mr. President, with respect to the pending foreign aid bill, much of the controversy has centered around the request of the President to permit Treasury borrowing rather than regular congressional appropriations for a 5-year development loan program. I have previously pointed out that the excuse given for Treasury borrowing—namely: to permit long-range program planning—is specious, because long-range program planning can well be carried out under a 5-year authorization coupled with annual congressional appropriations; also that long-range planning has already long been carried out under our present foreign aid programs.

In the August 28 issue of Newsweek, there is a timely article by Henry Hazlitt, entitled "Foreign-Aid Fallacies," which points out how the Treasury borrowing feature violates sound democratic and constitutional procedures and reflects a lack of confidence by Congress in its ability to properly evaluate requests for appropriations to continue foreign aid projects. This article also points out some serious problems which our present foreign aid program is causing, not to mention those that the President's proposal would aggravate. This is not to say that a foreign aid program is not needed or desirable, Mr. President; but it is well for our efforts in this area to be carried out in a manner which will diminish and not increase problems of an unbalanced Federal budget, more inflation and taxes, softening of our dollar, and the deficit in our balance of gold payments.

I ask unanimous consent that this article be printed in the RECORD, along with a recent editorial from the Washington Daily News entitled "Back Door in the Dark," and the lead editorial in the July 29 issue of the Saturday Evening Post, both of which advocate that Congress should keep control over foreign-aid spending

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

[From Newsweek, Aug. 28, 1961]

FOREIGN-AID FALLACIES

(By Henry Hazlitt)

The administration's foreign aid program disregards nearly every sound principle of constitutional balance, foreign policy, or economics.

Even if we were to grant that a foreign aid program of the present dimensions is economically necessary or desirable, the request of the President for authority to borrow $8.8 billion from the Treasury over the next 5 years to finance long-term development loans violates sound democratic and constitutional procedure. Congress is asked to give up, to that extent, its essential annual control of Federal expenditures. It is asked, in other words, to vote a lack of confidence in its future self. It is asked to prevent itself from reconsidering the program next year on its merits, and deciding the question in accordance with its judgment of the situation as it exists at that time.

It is also asked, in effect, to limit the freedom of action of the next Congress. If the voters were to return a conservative or a Republican House to power in November 1962, for example, and the new Members felt that part of their mandate was to cut down or halt foreign aid, they would be prevented from doing so by an unwarranted "moral commitment" made by the present Congress. This is a denial of democratic principle.

FIVE-YEAR PLANS

The President's request rests, in addition, on unsound economic assumptions. The Rusk-Dillon plea declared: "It will be necessary to free our development lending program from the difficulties of working under the uncertainties inherent in annual requests for funds." Why can't foreign governments operate under the same uncertainties as our own Government departments do? The administration's argument apparently assumes that the key to prosperity and economic growth is not free enterprise, but Government planning, as typified by the 5-year plans that India and other nations have aped from Russia.

President Kennedy and Secretary Dillon have promised huge sums to Latin American countries in our Alliance for Progress on condition that they institute "reforms." These reforms are not in the direction of encouraging free enterprise, removing vexatious controls, safeguarding private property, reducing onerous taxation and government extravagance, balancing their budgets, and halting inflation. The money has been offered, on the contrary, on the condition that the Latin American countries will undertake "national (i.e., governmental) planning," "land reform," and socialized housing—in brief, if they will move still further toward socialism and the welfare state. So-called "land reform" abroad has usually meant a grave infringement of private property rights. It has more often resulted in a reduction rather than an increase of agricultural output.

WHAT PRICE COFFEE?

Secretary Dillon has promised the Latin American countries "at least $20 billion" in return for such socialistic measures. In addition, he has promised help in pushing up the price of coffee and tin, for example, against American consumers. He has not only endorsed export quotas of these products from Latin American producers, but recommended policing imports into the United States. He ignores the collapse of all the old Brazilian coffee valorization plans and similar "stabilization" schemes, and the expensive fiasco of our own crop-support programs.

In brief, the administration does not trust or understand the function of free prices and free markets in adjusting production to consumption and supply to demand. The whole folly of Government price control and production control is to be launched on a new and international scale.

The result can only be to encourage and prolong all the unsound economic policies of South American governments, and to slow down rather than accelerate sound and continuous South American economic growth.

All this is apart from the economic harm that the foreign-aid program is now doing to the United States itself, in unbalancing our budget, threatening greater inflation and a still greater increase in the tax burden on productive enterprise, increasing the deficit in our balance of payments, and undermining the dollar just when it is most essential for our own stability and world stability to strengthen it.

[From the Washington (D.C.) Daily News]

BACK DOOR IN THE DARK

Department officials have made a special plea to Congress to give them a 5-year license to draw $8.8 billion through the "back door" of the Treasury for foreign aid lending.

Their main argument is that this will not, as opponents say, dodge an annual "review" of the spending by Congress. But the whole idea is to minimize, or escape, control by Congress—and if this isn't the purpose there isn't much excuse for the proposal.

Under the back-door system—already in use by some 20 agencies of the Government—Congress doesn't appropriate the money. It writes a blank check enabling the administration to draw on the Treasury at will. The only way the Treasury can get the money is to borrow it.

The net result is an increase in the Federal debt—with all the problems that produces—and no accounting in the Federal budget. What is spent by this method is outside the budget, and hence avoids an accurate picture of what the Government is doing.

The so-called annual review by Congress becomes almost meaningless. Certainly, any Congress can repeal whatever another Congress has done. But once a commitment has been made by the administration, any retreat is like trying to catch the hog after he has rooted under the fence.

In the Constitution of the United States is a plain mandate to Congress on how the taxpayers' money may be spent:

"No money shall be drawn from the Treasury but in consequence of appropriations made by law."

In recent years, Congress frequently has reneged on this constitutional rule. But if Congress cannot abide by the Constitution, as its oath requires, how can it expect others to abide by the laws it passes? No one can control his bank balance by giving blank checks to all his friends.

[From the Saturday Evening Post, July 29, 1961]

CONGRESS SHOULD KEEP CONTROL OVER FOREIGN-AID SPENDING

People can argue ad infinitum about the number of billions which the American taxpayer should be willing to contribute to the "economic development of less-developed countries and areas, with emphasis upon assisting the development of human resources." Doubtless there are humanitarian reasons for many of these activities, although their relation to American interest and security seems difficult to establish.

The Act for International Development (Senate bill 1983) sets no overall price tag on "foreign aid" beyond the $8,800 million in loans over 5 years, plus some $1,700 million in grants to be made available in fiscal year 1962. However, the bill gives the President such wide authority to tap other programs and resources, including military and strategic stockpiles, that the total could be far greater. An estimated total outlay of $10,529 million over the next 5 years, not including $1,885 million in military aid plus "such sums as may be necessary" to implement the act, is probably close to reality.

Whatever the total, it is an amount which caused Arthur Krock of the New York Times to report widespread fear that "without new and more painful price inflation the economy cannot furnish $7,300 million more for foreign aid and also finance the welfare measures urged by the President." Furthermore, it is curious that such a measure should be urged by the same administration that wants to impose new taxes on corporations that set up plants in other countries—genuine "foreign aid" as opposed to giveaways.

However, the central objection to this bill is the method designed to get the money without troubling Congress to appropriate it in the traditional way. This foreign-aid bill contemplates "back-door spending" on an unprecedented scale, a practice which Representative CLARENCE CANNON, Missouri Democrat, has described as "reprehensible." The annual appropriation system, which has taken care of vastly expanding Government activities, including two major wars, an expensive police action and billions in foreign aid, is not considered adequate to finance the social development of Africans, Asians, and Polynesians. So Congress is asked to authorize the President to make loans for projects in unspecified areas of up to $900 million in 1962 and $1,600 million for each of 4 years thereafter and to get the money for this purpose by borrowing from the Treasury—in other words putting the whole thing on the cuff and outside the regular appropriation process. The bill grabs $300 million a year from repayments to the Treasury, which would in normal circumstances go to reduce the national debt or even to relieve the taxpayer.

In attempting to defend back-door spending, the State Department points to other programs which have been financed by this inflationary method and adds that it is necessary in "helping the aid agency to administer a long-range develop program." This is not an impressive argument. The U.S. Congress constantly appropriates money for domestic long-term projects, and the military departments receive their money through the usual appropriation process. Why should the bureaucrats in charge of a speculative foreign-aid program be an exception to this prudent practice?

In addition to the loans, which are to be handed out through the back door, and the grants for which Congress is graciously permitted to appropriate the money, the administrators of this act have access to an undetermined amount by tapping other agencies and resources. About $6,100 million remains unexpended from previous assistance programs, including $2,400 million for military aid.

The bill is also questionable because of many grants of power to the President seemingly out of proportion to the objects of the bill. For example, the Administrator is required to make all facts and figures available to the General Accounting Office—unless deterred by a certification by the President that he has forbidden the furnishing thereof pursuant to such request and his reason therefor. Thus it would seem that there need be no accounting to Congress of the way vast sums are spent if the President is willing to state why the information should be withheld. However, similar clauses have appeared in earlier foreign aid bills.

It is hard to believe that any Congress worth its weight in Federal judgeships would surrender the power of the purse, carefully reserved to Congress in the Constitution. To do so for no more critical emergency than the doling out of funds to less-developed countries, however promising, could set a precedent for more bypassing of Congress for all kinds of projects.

WITHHOLDING OF TAXES ON INTEREST AND DIVIDENDS

Mr. MILLER. Mr. President, with respect to the proposal by President Kennedy to withhold taxes on interest and dividends, there are some practical problems of tax administration which were apparently not thought of at all. I ask unanimous consent that a letter to the editor appearing in the July 27 issue of the Des Moines Register, written by Mr. Omer A. Kearney, of Cedar Rapids, Iowa, be printed in the RECORD. This letter points out some problems which the President and his tax advisers should have thought about before advancing their proposal.

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

WITHHOLDING ON INTEREST, DIVIDENDS?

TO THE EDITOR:

I noticed the July 20 editorial in which you indicate that the withholding of tax on interest and dividends will not be too complicated. I wonder where I have gone astray in my grasp of the problem.

The news report is that the withholding covers not only dividends but all interest payments from banks and savings and loan associations. To begin with, the withholding on dividends alone will result in a tremendous number of new accounts in Washington. The number of stockholders in A.T. & T. alone is nearly 2 million and add to this General Motors and General Electric and there would be considerably more than 3 million.

And that is only the beginning. Does this look simple to you? As to savings accounts, I just stopped at my bank. They have 23,000 accounts on which they would have to report to Washington. That is just one bank. Add to this the other banks and savings associations and it could easily approach 80,000 accounts in just our city.

Can you figure the number of new employees it would take to handle the accounts pouring in from all over the country? It makes my head reel. I can imagine the extra labor costs would soon far outrun the possible tax collection.

Add to this the hundreds of small stockholders who have been living on their incomes and making honest returns, who, when they are required to, make refund claims and go to the extra trouble in connection with their annual reports and you have a national headache that does not look simple to me.

I am in favor of everyone paying his or her honest taxes on income from dividends and interest, but I do not think withholding is a reasonable solution.

OMER A. KEARNEY.

CEDAR RAPIDS, IOWA.

SOCIAL WELFARE

Mr. MILLER. Mr. President, in the August 20 issue of the Des Moines Register is an informative article by Mr. Fletcher Knebel of the Washington staff of the Register revealing the shocking abuses which have been occurring in our Nation's Capital in the area of social welfare. I ask unanimous consent that Mr. Knebel's article be printed in the RECORD.

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

IN OUR CAPITAL, ADC IS NEW WAY OF LIFE

(By Fletcher Knebel)

WASHINGTON, D.C.—National concern over rising relief costs has sparked an inquiry in the Nation's Capital, where welfare costs have tripled in a decade.

Senator ROBERT C. BYRD, Democrat, of West Virginia, 43-year-old chairman of the Senate Appropriations District of Columbia Subcommittee, ordered Gerald M. Shea, city welfare director, to take a second look at a request for $21.8 million in welfare funds for this fiscal year.

Calling the increase in aid to dependent children and general public assistance programs alarming, BYRD said the time for an agonizing scrutiny of welfare spending in Washington had arrived.

The Public Welfare Advisory Council of the District Commissioners promised an inquiry into the aid-to-dependent-children (ADC) program. Its chairman J. E. Bindeman, said "unquestionably there are some persons receiving aid who don't deserve it."

SUSPECT CHEATING

Congress and District of Columbia officials have become sensitive to the possibility of welfare cheating since the explosion over the Newburgh, N.Y., relief program and a Gallup poll showing an overwhelming number of Americans favor tighter relief rules.

Washington's welfare budget has vaulted from $7 million in 1952 to $21.8 million for this fiscal year, despite growing prosperity in the Capital.

Expenditures for direct relief have been rising year by year and stand at $7,685,000 this year.

Relief cases have grown from 8,230 in 1956 to 12,416 last year, with even more expected this year. Biggest jumps came in the aid-to-dependent-children program, which went from 2,081 to 5,031 cases in the 5 years, and in general public assistance, which climbed from 573 cases to 1,471.

The city has been changing from white to Negro. The population is now more than 50 percent Negro, and the public school population is two-thirds Negro.

GIVE EXAMPLES

The Capital's problem was sketched by the Register by three city social workers. Two declared that relief programs were loaded with ineligibles and the undeserving. All three expressed an opinion that the relief programs were failing to solve the problem.

"The pendulum has swung too far," said a caseworker with 24 years' experience "We're raising a second generation of ADC children on relief. It's too easy. People are human. They'll take advantage."

"Something must be done," said a young social worker with 3 years on the job. "We're now raising children on ADC whose mothers were also raised on relief. They know nothing else. We must weed out the hangers-on and close the loopholes."

LOOSE FAMILY TIES

Here are several cases in the Capital as offered by one worker from her caseload of 160 cases:

1. A woman, 29, has six children, all by different fathers, none of whom can be found. She loves babies, but loses interest in the children after several years. The family of seven was placed in a four-bedroom suite in a low-cost housing development with all modern conveniences.

The family received an ADC check of $189 every month, of which $64 was to go for rent. Instead the mother spent the money on toys, which the children promptly smashed. She was evicted recently for failing to pay rent for 3 months.

A 9-year-old son is illiterate, although his IQ shows fair intelligence. A teacher, trying to help him, said he should learn because some day he would have "to earn a living." The social worker reports he replied: "What's that?"

2. A mother and father with nine children draw a total of $410 a month in relief payments. He quits one job after another, contending all are beneath his talents.

A private charity wants to place the children in foster homes, but mother and father and the city welfare service think the family should remain together. The relief goes on.

3. A 45-year-old woman lives with three daughters, one son, and two grandchildren, all illegitimate. The family of seven receives $221 a month in ADC funds, including $64 rent in a low-cost housing unit. One

15-year-old daughter's illegitimate child is 3 years old. The 14-year-old daughter's illegitimate child is almost 2.

"The girls take their pregnancies as a matter of course," says the social worker. "The home is like Grand Central Station. Members vanish and stay away for 5 days at a time. All the girls should have been put in homes away from their mother, but there is no place to put them. It's a vicious circle."

SOME PROPOSALS

This social worker was more critical of relief methods than some of the orators who know nothing about it. She advanced two concrete suggestions.

First, she said, the practice of giving relief checks direct to the recipient should be ended. Instead the relief agency should pay the rent and pay for adequate food and clothing. Otherwise, she said, many reliefers waste the money.

Second, she recommended that the majority of ADC children be taken from mothers and placed in cottage-type rehabilitation homes where a trained "house mother" could look after 10 or 12 children and try to wean them from relief to a normal way of life.

Senator BYRD is weighing the possibility of a broadscale relief investigation which would center more on the individual cases and less on overall costs. The Nation's restless mood on relief programs has reached into the District of Columbia.

LAND REFORM

Mr. MILLER. Mr. President, in the August 11 issue of the Washington Evening Star is an article by Mary McGrory entitled "Freeman Finds Few Know His Problems." In this article, Miss McGrory points out that "land reform" is fervently discussed around the Department of Agriculture today. This apparently is due to some thinking of the Secretary which is beginning to prompt some concern over what this means. In this connection there is a timely editorial in the July–August issue of the Nation's Agriculture by Mr. Charles B. Shuman, president of the American Farm Bureau Federation, and I ask unanimous consent that this editorial be printed in the RECORD, along with the Evening Star article previously referred to.

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

[From the Evening Star, Aug. 11, 1961]

AFTER 6 MONTHS FREEMAN FINDS FEW KNOW HIS PROBLEMS

(By Mary McGrory)

Few people in Washington think they could handle the problems of Agriculture Secretary Orville L. Freeman better than he. As a matter of fact, they are not even sure what they are.

"I find that most people don't know what I'm talking about," says the black-haired young former Governor of Minnesota.

President Kennedy, a city man, is conspicuously not preoccupied with what is going on down on the farm these days. The White House staff is recruited largely from Harvard, a university whose reputation does not rest on its agronomy courses.

PUBLIC TAKES DIM VIEW

The public at large nurses an obscure grievance against the farmer, and it is exacerbated occasionally by pictures of Cadillacs in the corn. The image of the horny-handed son of the soil has been replaced by that of the "pampered tyrant," who spends more time in the counting-house letting the subsidies run through his fingers than on the back forty.

Secretary Freeman's predecessor, Ezra T. Benson, spent a good deal of time telling the farmer to stop whining.

"There is no question but that the well has been poisoned," says Mr. Freeman, who in 6 months in office has established himself as the farmer's friend and regards education as part of his job.

ASK UNDERSTANDING

"The farmer is a rugged individualist," he admits, and he speaks sharply, sometimes roughly. "He has been categorized as a complainer, but people forget that he has always sold in a buyers' market and brought in a sellers' market."

Mr. Freeman made a trip to New York last week to meet with the executives of the press and broadcasting companies to plead for more understanding of our country cousins.

He pointed out to them that the average farmer earns 81 cents an hour which is "shockingly below the national average," and that he should be paid for not growing certain commodities at Government request because, "if he can't use the land to produce he should be paid for it."

Among those who confronted him was John Fischer, the editor of Harper's magazine, who during the Benson regime wrote a famous diatribe entitled "The Country Slickers Take Us Again." Mr. Fischer when last seen was studying the supporting documents Mr. Freeman took with him.

Mr. Freeman showed his friendship even more compellingly through a farm bill which was signed by President Kennedy on Tuesday and which demonstrated the difference between the "laissez-faire" approach of Mr. Eisenhower and the tighter control-higher subsidy policy of the New Frontier. It raises the payment on wheat from $1.79 to $2 a bushel.

Already the good effects of such legislation are being felt on the land, according to Mr. Freeman, who once a week goes back to the land for farmers' or grange meetings.

"There's more good feeling in the rural communities and the main streets of America than for the past 10 years," says Mr. Freeman.

FOREIGN POLICY FACTOR

An equally significant change is that Mr. Freeman, unlike Mr. Benson, regards agriculture as an arm of foreign policy. He broods constantly over the ridiculous situation of the huge surpluses of food and fiber piling up in this country while millions in underdeveloped countries go hungry and unclothed. He speaks eloquently of "food for peace," of planning our crops with an eye to the needs of others.

"This is a moral imperative." he says. "Waste is the greatest sin. We must not dump something to get rid of it. No wonder countries getting these surpluses complain it disrupts their market. We must harness our capacity; we must produce what can be used."

"CRUSADERS" PREFERRED WORD

In meetings with selected groups of the Department's 90,000 employes, Mr. Freeman did not hestiate to use the word "crusaders" to describe their mission.

"Land reform," a subject Mr. Benson found distasteful, is fervently discussed around the Department now.

Perhaps the greatest interim change around the Department since Mr. Freeman took over is the introduction of informal Midwestern friendliness unknown in Mr. Benson's day.

The Secretary goes through the halls stopping people at random saying, "My name is Orville Freeman. What's yours?"

[From the Nation's Agriculture, July–August 1961]

LAND REFORM

(By Charles B. Shuman)

"We are selling land reform to other countries while drifting into trouble here in our own country"—quotation from Secretary of Agriculture Freeman. Is this a broad hint that "land reform" is to be the next campaign on the New Frontier? What is land reform?

In Finland, the Government bought all land above a maximum of 120 acres per farm and parceled it out in small tracts on easy credit terms.

In Russia, land reform meant confiscation of all privately owned farm land and the formation of government owned and operated communal units.

In Cuba, it means land seizure by Castro—the division of some units into very small tracts to be distributed as political rewards and the transfer of large acreages to state cooperatives.

In the United States, land reform proposals usually have taken the form of a graduated land tax with confiscatory levies on larger acreages. In any case it means government limitation of opportunity and peasantry for farmers.

Why would anyone advocate land reform for American agriculture? To check the so-called danger of corporation farming? What are the facts? Ninety seven percent of U.S. farms are family operated units. There has been no appreciable increase in corporation farming during the last half century. To increase farm ownership? In 1930 the proportion of farms operated by tenants was 42 percent, today the number is down to 20 percent. Share cropping is down from 776,000 in the thirties to 121,000 in 1959.

The number of farms selling products worth $5,000 or more annually has shown a substantial gain during the last five years—from 1,290,000 to 1,447,000. It is quite evident that here in the United States we already have the world's best example of land reform without government intervention or planning.

But, we want to do better. Capital requirements for mechanized farming are increasing at an alarming rate thus making it difficult for young people to establish a profitable farm business. What are the true reforms that would help increase farm ownership—improve opportunity?

First, and most important, check inflation. Increased costs of purchased supplies have been a major factor contributing to lower farm income, and this price inflation is due largely to the big deficit spending policies of the Federal Government. Inflation not only cuts farm family income but it also destroys the value of savings set aside to purchase a farm.

Another prerequisite for continued progress towards farm family ownership of the land is freedom for the farmer to manage his own business and to change his production plans in response to market needs—rather than politically determined government directives. Legislation that prevents change by increasing government controls is a serious handicap to those farm families who wish to become farm owners.

A third barrier to family owner-operators is the unfair and excessive burden of local taxation that falls on farm property. Tax reform is long overdue. In many rural communities farm property carries two thirds of the tax load while less than one-third of the citizens are farmers.

The only land reform American farmers need is greater opportunity—not more restrictions. In other parts of the world where land ownership is under monopoly control, the cause will usually prove to be the misuse of excessive power—Government power.

EX-PRESIDENT HERBERT HOOVER

Mr. MILLER. Mr. President, in the August 20 issue of the Omaha World-Herald appeared a fine article on one of our great ex-Presidents. I refer to former President Herbert Hoover. The article is written by Saul Pett, and is the first of a series of articles treating of three of the living ex-Presidents of the United States. I ask unanimous consent that the article be printed in the RECORD at this point.

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

MR. EX-PRESIDENT NO. 1: HERBERT HOOVER—OBSCURITY WASN'T FOR HIM

(By Saul Pett)

In 1957, when he was 83 years old, Herbert Hoover went to Independence, Mo., to help dedicate the Harry Truman Library on a hot July day.

For an eternity he sat in 91° heat and a flow of oratory. It is difficult to know which he minded more, although his views on verbosity are sharp and clear.

After the ceremony, the thirtieth President of the United States was invited to the home of his friend, the 32d President of the United States, for refreshment.

A local matron, gushing with curiosity, fluttered up to Mr. Hoover and asked what ex-Presidents do with all their time.

"Madam," said Herbert Clark Hoover, "we spend our time taking pills and dedicating libraries."

Like all Hoover humor, which is considerable, the joke was delivered dead-pan from a square, apple-red face. The words were bitten off, as if broken from a fresh stalk of celery. The lines at the edges of his mouth remained turned down.

Under the wispy brows, a faint twinkle lurked behind the misty blue eyes—the look of a man who could no longer be surprised, shocked or hurt by the frailties of man.

None of the Nation's three ex-Presidents spends much time on pills or ceremonial functions. All remain busy men. Of the three, the oldest appears the busiest.

ONCE THOUGHT FINISHED

At 87, the longest-lived President since John Adams, Mr. Hoover still puts in more than 10 hours of work a day at his desk in his Waldorf Towers apartment, writing books, writing and rewriting speeches and letters, helping to raise money for various charitable and educational institutions.

Such activity would be remarkable for any man of 87. It is even more remarkable for this man who was supposed to have been finished 28 years ago when history slammed a door in his face and snapped the bolt.

Herbert Hoover left the White House in 1933 during the long dark agony of the depression, in which a majority of Americans were persuaded he was the chief villian. He left at a time of deep bitterness.

Shantytowns were called Hoovervilles; cars drawn by mules, Hoover wagons; jack rabbits, Hoover hogs; newspapers wrapped around the body of a man sleeping on a park bench, Hoover blankets.

He left the White House, it appeared, a bitter and broken man. His critics were certain he would never be heard from again in public and even Republicans were convinced he was a sone-dead political liability.

Since then, he has handled, with great praise, four major assignments at the behest of Democratic and Republican administrations, made hundreds of widely attended speeches, including four moving farewells to GOP national conventions, and written 12 books, including the well received study of "The Ordeal of Woodrow Wilson."

KEEPS BOX SCORE

He is a remarkable practitioner of intense concentration in work or play.

Two friends who recently entered the Hoover living-workroom were not even noticed as they walked in and stood for a moment or two before his desk. Mr. Hoover had a sentence to finish. Only then did he look up.

At a baseball game, he keeps his own box score. He frowns on diversionary conversation there as he does during an evening of canasta with friends.

"Work-play vacations," the traditional phrase for relaxing Presidents, still applies to Herbert Hoover. On a bone fishing trip off the Florida Keys, he usually has a couple of secretaries with him on his rented houseboat.

He has never used a ghostwriter as a private citizen or in his long years of Government service as Food Administrator in the First World War, Secretary of Commerce in the Harding and Coolidge administrations, President from 1929 to 1933, Famine Relief Coordinator after the Second World War, chairman of the two monumentally comprehensive Hoover Study Commissions on Organization of the Executive Branch, under Presidents Truman and Eisenhower.

He still gets up to work in the middle of the night when the spirit or idea moves him. Out of deference to his age, Mr. Hoover no longer rises at 6 a.m. Now he gets up at 7.

His schedule is full. People with appointments for lunch at 12:30 or martinis (he has two weak ones) at 6 p.m., are not expected to arrive at 12:34 or 6:06.

BUSY 85TH YEAR

Herbert Hoover has much to do and cherishes his time. It is planned and worked with all the precision of a pilot determined to get all he can out of his aircraft before, as a simple fact of engineering, it must be grounded. In the words of a friend, Mr. Hoover is an "old man in a hurry."

On a recent birthday he held a rare news conference, in which it was disclosed that in his 85th year he had: attended 35 public functions, made 20 speeches, answered 21,195 letters, received 23 awards, traveled 14,000 miles, made TV appearances, laid assorted cornerstones, worked on his books and raised $1,500,000 for the Boys Clubs of America, of which he is chairman.

He still receives many letters from school children around the country asking a variety of direct questions in laboriously printed block letters on lined pages.

To all, Mr. Hoover pencils his replies, to be typed by a secretary. Examples:

"DEAR SHIRLEY: You ask 'What does Christmas mean to you?'

"1. We have gone through another year without war.

"2. We still have enough left after taxes to buy a Christmas tree and trim it properly.

"3. Some of my children, grandchildren, and great-grandchildren will come to see me and the tree.

"4. There will be too much to eat.

"5. And I wish for all of you in your training class, a Merry Christmas and a good New Year."

To a schoolboy who asked, "How the sixth grade made your life successful," Mr. Hoover replied: "The sixth grade made my life successful by preparing me for the seventh grade."

TAKES LOYALTY OATH

Herbert Hoover is not the sort of person who lectures any one, young or old. But his ideas of public service are rigid, without compromise. To all who ask about a career as a "politician," he gently suggests they replace the word with "public servant."

When he returned to Washington in 1947 for the first Hoover Commission, he was told he would have to take a loyalty oath and be fingerprinted.

A secretary was outraged; she insisted a former President should not have to be subjected to this. Said Mr. Hoover, with a rare display of impatience:

"At no time do I have any objection to taking an oath of loyalty to my country. At no time do I object to having my fingerprints taken."

His passion for brevity is legendary. The reason he does all his writing in pencil, he says, is because tape recorders, dictating machines, smooth-flowing ballpoint pens are all stimulants of verbosity.

He rewrites his speeches with the hunger of a perfectionist. Thirteen years ago, when he was 74, he was still rewriting his speech to the Republican convention at midnight before delivery.

Ten years ago, when he was 77, he wrote 29 separate drafts of 1 speech before he was satisfied. Always, he looks to eliminate the extra word, with the passion of an engineer striking a useless girder or bolt from his specifications.

HIDES INNER MAN

Brevity is also the mark of his informal conversation. After the Second World War he was in Cairo on a famine relief mission for President Truman. He put in a call at the American Embassy to Mr. Truman in Washington.

The President and ex-President of the United States exchanged pleasantries and settled their business. Several minutes after the call, Mr. Hoover was summoned to the phone again.

He was heard to say, "No, that's all right. We finished." To an aid, he remarked, "That was the overseas operator. She said we hadn't used up our 3 minutes."

While he has formed many warm friendships and savors good conversation, Herbert Hoover rarely talks about himself.

"He has a great sense of discipline," said a friend. "He was an orphan. He is a Quaker. He is not accustomed to weeping on any one's shoulder."

When Mrs. Hoover died in 1944, it was clear the ex-President felt the loss profoundly. But he said little to any one.

Some of Mr. Hoover's friends say he has been changed, been mellowed by the altered public image of him since 1933.

Others put it another way. They say the human warmth was always there, that it retreated into a shell during the bitter depression criticism and emerged only as a result of new public affection.

In any case, the public attitude has changed.

Several years ago Mr. Hoover was being driven by commercial chauffeur to a dinner engagement near New York City. Being late, he urged the driver to make time. A motorcycle cop stopped them, bawled out the driver and was about to write out a ticket when Mr. Hoover interceded and took the blame.

Whereupon the cop put away his book, smiled broadly and said, "Why, Mr. Hoover, I've been wanting to shake your hand for 20 years."

RETURNS FEDERAL PAY

Such an incident is not remarkable in the life of any public figure, least of all a former President of the United States. But to Herbert Hoover, who for a long time was pictured as the heartless, hapless ogre of the depression, it earned a priority in his memory book.

It probably ranked higher than the cries of "No! No! No!" which followed his first farewell to the Republican National Convention in 1952, when he noted, "From the inexorable course of nature, this is likely to be the last time I shall attend your conventions."

In 47 years of intermittent Government service, Herbert Hoover has turned all his Federal salary checks over to charity, including his $25,000-a-year Presidential pension.

He made his fortune as a mining engineer early in his career. He gave away all his governmental income, he once explained to acknowledge a "great debt" to his country.

While he has mellowed in many ways and was, some years ago talked out of wearing stiff high collars, Mr. Hoover still clings to one hallmark. He still wears a business suit, shirt, and tie even when fishing or vacationing among the California redwoods.

He is still lyrical on the subject of fishing. Fishing, he says, "is a chance to wash one's soul with pure air, with the ripple of the stream and the shimmer of the sun on the blue waters."

Of retirement and age, he says there is no joy to be had from either without "some kind of productive work. Otherwise you will degenerate into talking to everybody about your pains and pills and income tax."

"Any oldster who keeps at even part-time work has something worth talking about," he adds. "He has a zest for the morning paper and his three meals a day. The point of all this is not to retire from work or you will shrivel up into a nuisance to all mankind."

PRINCIPLES OF THE LATE EARL C. SMITH

Mr. MILLER. Mr. President, one of our most able farm editors in Iowa is Mr. Rex Conn, of the Cedar Rapids Gazette. In the August 8 issue of the Gazette Mr. Conn has an article in which he sets forth the principles of the late Earl C. Smith, long-time Illinois Farm Bureau president and vice president of the American Farm Bureau Federation—principles for preserving America as a nation of free men.

I ask unanimous consent that this article by Mr. Conn be printed in the RECORD at this point.

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

SMITH'S PRINCIPLES ARE STILL PERTINENT

(By Rex Conn)

When the late Earl C. Smith, long-time Illinois Farm Bureau president and vice president of the American Farm Bureau Federation, retired in 1945 he listed these "basic essentials for preserving America as a Nation of freemen."

"You cannot bring about prosperity by discouraging thrift.

"You cannot strengthen the weak by weakening the strong.

"You cannot help small men by tearing down big men.

"You cannot help the poor by destroying the rich.

"You cannot lift the wage earner up by pulling the wage payer down.

"You cannot keep out of trouble by spending more than your income.

"You cannot further the brotherhood of man by inciting class hatred.

"You cannot establish sound security on borrowed money.

"You cannot build character and courage by taking away a man's initiative and independence.

"And you cannot help men permanently by doing for them what they can and should do for themselves."

Earl Smith's "basic essentials" are still sound principles upon which to evaluate proposals today.

THE BERLIN CRISIS

Mr. MILLER. Mr. President, there are many persons who realize that the Berlin crisis is serious, but they do not quite understand what it is all about. They do not have the background which is required for a proper evaluation of the crisis.

In the Monday, August 14, and the Tuesday, August 15, issues of the Wall Street Journal are two articles relating to the background of the Berlin crisis. I ask unanimous consent that these two articles be printed in the RECORD at this point.

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

[From the Wall Street Journal, Aug. 14, 1961]

BERLIN: BACKGROUND FOR CRISIS—HOW WORLD WAR II ATMOSPHERE, HORSEBACK AGREEMENT MOLDED EVENTS

(By John F. Bridge)

The origins of such great political crises as Berlin are often obscure. One reason is that the original facts behind them are often trivialities of history. It is only at some later date, under some different circumstances, that those original facts come to take on far more meaning than ever envisioned.

Thus, it was longstanding but obscure facets of the Croatian question in Austrian politics that in 1914 led to the assassination of an Austrian archduke and the beginning of World War I. The rather minor decision at the end of that war to give a recreated Poland a corridor through former German territory to the sea was the eventual excuse Hitler used to start World War II.

Berlin is little different. Leaf through encyclopedias, reference books, and the volumes of memoirs written by and about the great leaders of World War II who set the face of present-day Berlin, and there is little concrete information as to how it all came about. A reader cannot escape the impression that the actual division of Berlin into zones, and the division of Germany into areas of occupation, were almost incidental developments at the time they took shape. None of the great Allies—Britain, the Soviet Union, the United States—paid very much attention to Berlin at the great wartime conferences. But of them all, the United States paid the least attention.

To understand how this could be—considering the situation of August 1961—the psychology of the World War II era must be remembered. It was totally different from what now prevails, and is perhaps worth recollection in some detail.

In all the Allied capitals Hitler and the German—"the unspeakable Nazi" in Churchill's famous phrase—were villains nonpareil. The Soviets at that time, and since, may indeed have committed far greater genocides; but somehow Hitler's crimes against Jews, Dutchmen, Czechs and dissenting Germans, among others, had inflamed all the world, and the Soviet crimes were overlooked and hushed up. The fervor was reminiscent of the religious wars of 17th-century Europe, or of the Crusades.

RUSSIA'S VICTORIES

In addition, the Soviets had won the admiration of all the West for their stand against the German invaders. The first Russian victories against Hitler, coming after months of defeats for the Allies, were really the first land successes anyone had been able to score against the German war machine. The victories, and the tenacious Russian resistance in defeat, were all the more dramatic because so little resistance had been expected from the Soviet Army. Only a few years before, the tiny Finnish Army had inflicted disastrous rout after rout on the Russians before Stalin had reorganized his forces to barely defeat the Finns. Against the background of the Finnish debacle, it was expected that the Germans would go through the Russians, as it was so often said at the time, "like a hot knife through butter."

So in both Washington and London there was both extreme concentration on Germany as the foe and admiration of the stand the Russians were making. Too, it was an era when sweeping phrases and grand pronouncements were apt to be accepted at face value. Both President Roosevelt in Washington and Prime Minister Churchill in London were expert phrasemakers. It was the era of the grand cliche: Total victory; unconditional surrender; everlasting peace; global amity; democratic unity (which equated the Soviet slave laborer with the American worker) were typical phrases, and, most importantly, they were phrases which were believed.

To be sure, grand phrases, and a certain amount of belief in them, are typical of all wars. But these had a particularly empty sound in the postwar world which was to follow, for they had been so believed by the men who uttered them that the United States and Britain were led into moves which were all but disastrous to the West.

These phrases were particularly believed in Washington, and because the United States was the most powerful in the Anglo-American alliance, the protests of the English went unheeded. Indeed, Prime Minister Churchill was often looked on with suspicion as an "old Tory" in Washington, when he occasionally endeavored to raise some caution signals about Moscow.

There were other reasons why Washington was so warm toward Moscow besides Russian arms success and the common cause against Hitler. It must be remembered that World War II followed closely on the heels of the depression and the economic experiment days of the New Deal. In those days, "capitalist" was almost as bad a word in Washington as in Moscow; class consciousness had been deliberately fostered and the Soviet workingman was often held up as more the partner of the American worker than his employer. The Soviet anthem "Meadowland"—indeed many aspects of Red culture—were much admired by U.S. intellectuals. And any intellectual who dissented or who raised questions about the Soviets was apt to be summarily read out of the club.

And the same psychology prevailed in the Washington bureaucracy. While there was some direct Communist penetration, it was this psychology which was to prove so damaging. If one authentic chronicle of the times and feeling, "Roosevelt and Hopkins," by Robert Sherwood, sheds little light on the making of the present Berlin crisis itself, it sheds interminable light on this now-forgotten mood which made the crisis possible. As this book illustrates with its praisesome account of the activities of the Iowa welfare worker who became Roosevelt's plenipotentiary to Stalin and alter ego, the summum bonum was "getting along" with the Russians. The whole spirit was the one that is summed up in the once-popular but now ludicrous idea that giving Stalin his way with Eastern Europe was a diplomatic success "because it proves we can get along with the Russians."

If all this makes strange reading in August 1961, it is no less germane to how Berlin came to be what it is—half Red, half free, deep within Communist Europe. This atmosphere made possible the desultory, haphazard policymaking which brought things to their present pass.

Just how haphazard Berlin policymaking was is underscored by a review of the main events in its history.

HUMBLE BEGINNINGS

It all started in 1943. Neither the Russians nor the Americans, seemingly, had done much thinking about the shape of the postwar settlement besides the ringing cries for total defeat of Germany. Hitler dominated Europe and much of European Russia. Americans had yet to set foot on the Continent.

At this time the British, more experienced than either the Russians or Americans with foreign affairs, began to consider what would be done with Germany once it was defeated. But as Winston Churchill points out in "Triumph and Tragedy," the concluding volume of his memoirs, the underlying belief in Washington and London was that the Russians would have to be enticed into a joint occupation.

As strange as this may sound now, it was perhaps plausible at the time. The Russians had entered into the abortive nonaggression pact with Nazi Germany. This was excused in the West as a device for protecting Russia, which was considered a very unaggressive country, perhaps because Karl Marx had said Communists, per se, were incapable of aggression. It followed from this that the Russians would be reluctant to pursue the war once their own territory had been rid of the Germans. The Americans and British, and particularly the latter, anxious to have the benefit of the Russian might in crushing Germany, therefore were to bend considerable energy to keep the Russians in the fighting until all Germany was in ruins.

So Prime Minister Churchill set up the Cabinet Committee in the summer of 1943 to study the occupation of Germany, under Clement Attlee, a Socialist. It "recommended that the whole country should be occupied if Germany was to be effectively disarmed, and that our forces should be disposed in three main zones of roughly equal size, the British in the northwest, the Americans in the south and southwest, and the Russians in an eastern zone." The approximately arithmetical division of Germany into three parts left Berlin well within the Russian zone. So the committee recommended "Berlin should be a separate joint zone, occupied by each of the three major allies."

These British recommendations were forwarded to the joint United States-British-Soviet group which had been set up to handle political questions, the European Advisory Council. "At the time," Mr. Churchill recalls, "the subject seemed to be purely theoretical." It "did not bulk in our thoughts, nor was it raised by any of the leaders at Teheran" in November 1943.

DIFFERING VIEWS

That is Mr. Churchill's view, anyway. Mr. Sherwood, in "Roosevelt and Hopkins," takes a different one, and reports at least three conferences between Roosevelt, Churchill, and Stalin on what was to be done with Germany.

None went very far nor concerned the British Cabinet study proposal. Roosevelt ventured a rather grandiose piece of map redrawing under which five separate German states would be created. Stalin advanced this thesis: "He felt that to leave the principle of unconditional surrender unclarified merely served to unite the German people, whereas to draw up specific terms, no matter how harsh, and tell the German people that this was what they would have to accept, would, in his opinion, hasten the day of German capitulation."

Mr. Churchill formally brought up the Cabinet proposal at the Quebec conference in September 1944—and the outcome was to prove fateful in the whole story of Berlin. Only Roosevelt and Churchill of the Big Three were present. The Cabinet proposal was part of a long report covering a multitude of matters. The President assented, the Berlin part of the report drawing, in Mr. Churchill's words, "little or no discussion." The report was remanded to the Combined Chiefs of Staff. So, the study begun by a group of British bureaucrats as a theoretical subject had now been adopted by the Americans with no discussion and, as events would develop, would be considered a firm policy guide by the military in the coming conquest of Europe.

It was Gen. Dwight D. Eisenhower, supreme commander Allied forces, whose lot it became to make the moves that have brought much of the controversy in the West over Berlin policy. As noted, complete military victory over the Germans was the Allied goal. General Eisenhower felt called on to pursue this victory without much regard to other matters.

The whole question of Germany and Berlin did not intrude into Eisenhower's plans until after France had been liberated and the Ruhr reduced. True, General Montgomery had pleaded to be allowed to make a dash for Berlin at this point but his request had been refused; there simply were not enough forces, and the main objective in the coming conquest of Germany was to be the destruction of the German armies.

Eisenhower's plan for this final stage was to be a three-pronged attack. The British were to attack in the north; the strongest, American force was to drive in the center, with a third force of Americans and French in the south. Montgomery, backed by Churchill, again asked to be permitted to go for Berlin. But this would have required the transfer of forces from the center to the north and Eisenhower demurred.

He writes in "Crusade in Europe": "I already knew of the allied political agreements that divided Germany into posthostilities occupational zones. This future division of Germany did not influence our military plans for the final conquest of the country. Military plans, I believed, should be devised with the single aim of speeding victory. A natural objective beyond the Ruhr was Berlin. It was politically and psychologically important as the symbol or remaining German power. I decided, however, that it was not the logical or the most desirable objective for the forces of the Western Allies." The Russians meanwhile were only 30 miles from Berlin and Eisenhower decided to stop his armies at the Elbe River, well within the occupation-zone-to-be of the Russians, but far short of Berlin. Stalin, receiving a copy of Eisenhower's pronouncement about Berlin, agreed readily: "Berlin has lost its former strategic importance."

Before the defeat of the German armies could be carried out, however, the Yalta conference took place and the rosy aura of a perfect United States-Soviet-British postwar world began to crumble. Berlin was not much of an issue—it was only briefly discussed. Stalin agreed to the old British Cabinet plan, and it was decided that Berlin would be occupied by whoever got there first. But the Russian insistence that Poland be handed over to its mercies convinced all but the most optimistic that trouble portended. Mr. Churchill was particularly perturbed.

THE PRESIDENT DIES

And as the Allied armies crashed ahead in the west, and the Russians attacked in the east, and Germany crumbled, President Roosevelt died. President Truman took power, completely in the dark as to what arrangements had been made in secret conferences. In May the Americans were on the Elbe, 200 miles inside the Soviet sector, the Russians were in Berlin and Hitler was dead.

Mr. Churchill now began to have serious second thoughts about the whole German arrangement, spurred along in his worry by the Russian takeover of much of Austria. On June 4 he messaged President Truman concerning the scheduled pullback of U.S. forces to their own zone: "I view with profound misgivings the retreat of the American Army to our line of occupation in the central sector, thus bringing Soviet power into the heart of Europe and the descent of an iron curtain between us and everything to the eastward. I hoped that this retreat, if it has to be made, would be accompanied by the settlement of many great things which would be the true foundation of world peace."

Then, as Mr. Churchill writes: "On June 12, the President replied: He said that the tripartite agreement about the occupation of Germany, approved by President Roosevelt after 'long consideration and detailed discussion' with me, makes it impossible to delay the withdrawal of American troops from the Soviet Zone in order to press settlement of other problems."

Mr. Churchill quickly replied, "we are obliged to conform to your decision" but added: "It is not correct to state that the tripartite agreement about zones of occupation in Germany was a subject of 'long consideration and detailed discussion' between me and President Roosevelt. References made to them at Quebec were brief, and concerned only the Anglo-American arrangements which the President did not wish to raise by correspondence beforehand."

It was to fall to President Truman, new as he was on the scene, to bring some order out of the chaos, in effect to trade the U.S.-held territory in the Soviet zone for the Russian permission to allow the Americans and British to assume their zones in Russian-conquered Berlin. It also fell to Mr. Truman to arrange that some Western access to Berlin be guaranteed, a matter not theretofore considered.

Mr. Truman was to make his mistakes, but he made them under most difficult circumstances not of his own doing. Commenting on the Quebec conference and the impact on Germany and Berlin in his "Year of Decision," he said something many of today's statesmen would do well to ponder:

"This shows conclusively that heads of state should be very careful about horseback agreements, because there is no way of foretelling the final result."

[From the Wall Street Journal, Aug. 15, 1961]

BERLIN: THE GREAT EAST-WEST LABORATORY—HOW CITY BECAME SYMBOL OF FREEDOM FOR WEST

(By John F. Bridge)

"Berlin, we were convinced, was an experimental laboratory for international accord. * * * If we could learn at the conference tables to conduct our business as friends, we could eventually live together as friends and ultimately work together in world partnership. A modus vivendi between East and West was our first objective."

So wrote Gen. Dwight D. Eisenhower in "Crusade in Europe" of his philosophy during the early days of Allied-Soviet control of Berlin. The philosophy was widespread in the United States, and the basis of such policy as there was. Though Churchill was already having serious reservations about its practicability, as the result of Russia's gobbling up East Europe despite the Yalta agreements, Britain was also going along with the idea.

In the years since 1945 Berlin has indeed become a laboratory but hardly one of international accord. Even before the experiment could be set up, there were rumblings of trouble. Germany was to be governed by an Allied Control Council, consisting of the military commanders of each of the four major victorious powers. But General Eisenhower, while he found the first meeting on June 5, 1945, in Berlin cordial enough, discovered Marshal Zhukov hemmed in by all kinds of advisers, including Andrei Vishinsky; the marshall had to take these into consideration in everything he did. But beyond this initial signal of trouble to come, the

haphazard policies that had grown up for the occupation of Germany left the new President Truman with some most difficult problems to work out.

Since at the war's end the Russians occupied all of Berlin, while both the American and British forces had advanced well within the agreed-upon Russian zone of Germany, some method had to be worked out to get everyone within the proper zones. Behind the diplomatic verbiage, the unspoken situation was one of "who's going to give up territory first." Only the Americans seemed to have faith that everyone would act properly, and bit by bit even this was tarnished.

MR. TRUMAN ACTS

Mr. Truman finally broke the logjam, after a visit by Harry Hopkins to Stalin, by messaging the Russian dictator and Mr. Churchill in early June, 1945: "As to Germany, I am ready to have instructions issued to all American troops to begin withdrawal into their own zone on 21 June in accordance with arrangements between the respective commanders, including in these arrangements simultaneous movement of the national garrisons into Greater Berlin and provision of free access by air, road and rail from Frankfurt and Bremen for U.S. forces."

The free access matter was crucial. The years of preliminary negotiations setting up a divided Berlin, going back to 1943, had not provided any method or guarantee for supply of Allied forces in the German capital. As Mr. Truman noted in his memoirs, "Year of Decisions," the arrangements "would be silly" if they led to "an isolated Berlin * * * to which we would have no access." He advised the military to press ahead for such agreements along the lines of his message to Stalin, and Marshal Zhukov and Gen. Lucius Clay sat down to work out the details late in June 1945.

Mr. Truman wrote: 'The Soviet agreed to provide unrestricted use by the Allies of the standard-gauge railroad from Goslar to Berlin via Magdeburg. The Allies were also given the use of the Hanau-Magdeburg-Berlin autobahn, but were refused free use of the Berlin-Frankfurt autobahn. The Allies were to have an air lane some 20 miles wide from Berlin to Magdeburg and two lanes from Magdeburg to Frankfurt."

These agreements were not formalized in any treaty. They were merely a verbal agreement between the two military commanders. There were still widespread hopes, at that time, that trusting the Russians would lead them into friendly relations with the West. Too, Marshal Zhukov was particularly liked by Western leaders and he reciprocated—probably to his own detriment, for as relations eventually worsened he disappeared to a remote command. General Clay in time came to express regret for the verbal character of the agreement. But as Mr. Truman noted in his memoirs, if the Russians didn't intend to honor the agreements, putting them on paper wouldn't have helped.

The Berlin meetings of the Allies rapidly became anything but a showcase of international accord. Russian intransigence became a constant concomitant to the meetings. The most minor decisions, in the Western view, had to be referred back to Moscow and the answers were often weeks in coming.

GLOBAL TROUBLES

The big blowup over Berlin—the blockade of 1948–49—was still several years away. And while relations between the West and Soviets within the city were often difficult, the main troubles were elsewhere; the hopes of cooperation in the postwar world were rapidly being dissipated at the United Nations, in Greece, Turkey, and Iran, where West and East came into conflict. One Western reaction was the Marshall plan, which further enraged the Russians.

As for Germany, it was becoming evident that East and West had different basic ideas. The West, led by Mr. Truman, continued to push for a unified Germany with a Central Government in Berlin. The East, it became increasingly evident, was set on a divided Germany, communizing its own sector and hoping eventually to pull the Western sector behind the Iron Curtain. The rosy aura of World War II days had given away to cold war by 1948, though the Russians were not yet aware of the depth of the Western determination that was suddenly and triumphantly dramatized in the Berlin crisis of 1948–49.

The background, briefly, was economic as well as political. Ever since World War II the Russians had been able to flood Berlin and West Germany with paper currency because they had been given plates duplicate to those used to print the Western currency. They had used this to depreciate the currency, aggravating inflation and the difficulties of economic reconstruction. Since the Russians were looting their own zone, rather than reconstructing it, they were already suffering a propaganda disadvantage in the eyes of the Germans.

The West decided on a currency reform, issuing new paper in its occupation areas, which were being economically united in a "bi-zonal" plan. Partly as a result of these moves, the Russian representative walked out on the Allied Control Council on March 20, 1948. And a few days later the Russians said that on April 1 they would start checking all U.S. personnel and freight passing through their zone.

Wrote Mr. Truman: "Our military government authorities rejected these conditions. They pointed out that we had been assured free access to Berlin at the time our troops withdrew from Saxony and Thuringia into their own zones. The Russians claimed no such agreement had been made. They declared they had the full right to control all traffic in their zone. They began to stop our trains at the zonal border and turn them back when the train commanders, under orders, refused to submit to inspection. Between April 1 and July 1 Russian orders sealed off all highways, rail and river traffic into and out of Berlin. 'Technical difficulties' was given as the reason by the Russians."

He added: "What was at stake in Berlin was not a contest over legal rights, although our position was entirely sound in international law, but a struggle over Germany and, in a larger sense, over Europe. In the face of our launching of the Marshall plan, the Kremlin tried to mislead the people of Europe into believing that our interest and support would not extend beyond economic matters and that we would back away from any military risks."

THE BERLIN AIRLIFT

The U.S. reaction was dramatic—and unexpected by the Russians.

On June 26 Mr. Truman discussed the crisis with his cabinet and directed that an airlift of emergency supplies, already under way, be put on a full-scale basis and every plane available be pressed into service.

Month by month the number of planes involved and the tonnage flown into Berlin airports was increased. Always the question was whether the Russians would go to war to stop the airlift. But Western determination paid off. Talks with the Russians were undertaken to get the blockade lifted, but while there always seemed bright possibilities at the highest levels of negotiation, the plans invariably were blocked at the working level. The battle of diplomacy spread to the United Nations but also bogged down there too.

Meanwhile the machinery of the Kommandatura, the four-power governing agency for Berlin itself, also broke down because of Russian obstacle-making. And as part of its intrigues the Soviets tried to boost the power of the German Communists on the Berlin city council. As a result of these two moves the government and Berlin itself were from that time split into Allied and Russian regions and governments, ending for all practical purposes the original idea that Berlin was to be treated as a single unit, the capital of a nation which was to be reunited.

The longer the airlift went on, the more efficient it became: At the peak 8,000 tons of food, coal, and other supplies were crossing the "airbridge" daily. Finally, in late January 1949, Stalin gave a hint he might back down. On May 12, 1949, 14 months after it had started, the blockade was dropped. Mostly as a face-saving measure, it was agreed by the West that the Council of Foreign Ministers should convene to discuss "matters arising out of the situation in Berlin, and matters affecting Germany as a whole."

SYMBOL OF DEDICATION

Coming on top of the Red coup in Czechoslovakia, the whole incident had galvanized Western Europe. Both there and in the United States and Britain the last defenders of giving the Russians their way in the hope they would then "be good" were in retreat. All the West began to see clearly the need to arm against the Soviet menace. Discussions soon got underway which culminated in the North Atlantic Treaty Organization. U.S. behavior in this crisis was probably a main reason for the support it won in the Korean crisis which was to hit in June 1950. "Berlin," in Mr. Truman's view, "had become a symbol of America's—and the West's—dedication to the cause of freedom."

The "experimental laboratory" for East-West cooperation thus wound up as the laboratory for American and Western determination to stand against the Russians.

Once more, in November 1958, the Russians were to try to squeeze the West out. Mr. Khrushchev at that time delivered an ultimatum saying that he would, in 6 months, sign a peace treaty with East Germany. The effect, presumably, would be to enable the East Germans to ease the West out. When the West—now headed by President Eisenhower—gave no sign of giving in, the ultimatum was allowed to expire with the Foreign Ministers convening once more to discuss German problems.

The mechanics of that squeeze were much the same as those now being applied. The laboratory is the same. There is little to indicate that, if determination be maintained, the outcome won't be the same.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, August 23, 1961, he presented to the President of the United States the following enrolled bills and joint resolution:

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

S. 242. An act for the relief of Mary Dawn Polson (Emmy Lou Kim) and Joseph King Polson (Sung Sang Moon);

S. 333. An act for the relief of Godofredo M. Herzog;

S. 606. An act to provide for the construction of a shellfisheries research center at Milford, Conn.;

S. 650. An act to amend the Watershed Protection and Flood Prevention Act to permit certain new organizations to sponsor works of improvement thereunder;

S. 702. An act to authorize the Secretary of Agriculture to exchange certain lands in the State of Wyoming with the town of Afton, Wyo.;

S. 705. An act for the relief of Norman T. Burgett, Lawrence S. Foote, Richard E. Forsgren, James R. Hart, Ordeen A. Jallen, James M. Lane, David E. Smith, Jack K. Warren, and Anne W. Welsh;

S. 731. An act for the relief of Charles F. Tjaden;

S. 841. An act to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act, and for other purposes;

S. 848. An act to authorize the Secretary of Agriculture to convey a certain parcel of land to the town of Tellico Plains, Tenn.;

S. 883. An act to extend the application of the Federal Boating Act of 1958 to the Commonwealth of Puerto Rico, the Virgin Islands, and Guam;

S. 1054. An act for the relief of Huan-pin Tso;

S. 1100. An act for the relief of Sang Man Han;

S. 1179. An act for the relief of Alicja Zakrezewska Gawkowski;

S.1205. An act for the relief of Roger Chong Yeun Dunne;

S. 1222. An act relating to documentation and inspection of vessels of the United States;

S. 1289. An act to amend sections 337 and 4200 of the Revised Statutes of the United States so as to eliminate the oath requirement with respect to certain export manifests;

S. 1335. An act for the relief of W. B. J. Martin;

S. 1347. An act for the relief of Georgia Ellen Thomason;

S. 1443. An act for the relief of Mrs. Tyra Fenner Tynes;

S. 1450. An act for the relief of Shim Dong Nyu (Kim Christine May);

S. 1492. An act to amend the act of March 24, 1948, which established special requirements governing the selection of superintendents of national cemeteries;

S. 1527. An act for the relief of James D. Jalili;

S. 1622. An act to amend the Atomic Energy Community Act of 1955;

S. 1697. An act to approve the amendatory repayment contract negotiated with the Huntley Project Irrigation District, Montana, to authorize its execution, and for other purposes;

S. 1873. An act to amend the act entitled "An act to authorize the Commodity Credit Corporation to donate dairy products and other agricultural commodities for use in home economics courses," approved September 13, 1960 (74 Stat. 899), in order to permit the use of donated foods under certain circumstances for training college students;

S. 2034. An act to amend the Communications Act of 1934, as amended, in order to expedite and improve the administrative process by authorizing the Federal Communications Commission to delegate functions in adjudicatory cases, repealing the review staff provisions, and revising related provisions;

S. 2079. An act to retrocede to North Carolina jurisdiction over the southern eastbound lanes of North Carolina Highway 24, and the eastern, northbound lanes of U.S. Highway 17, as these highways traverse and parallel Camp Lejeune, N.C.;

S. 2187. An act to implement the provisions of the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954;

S. 2245. An act to amend the act granting the consent of Congress to the negotiation of certain compacts by the States of Nebraska, Wyoming, and South Dakota in order to extend the time for such negotiation; and

S.J. Res. 76. Joint resolution authorizing the Secretary of the Interior during the calendar year of 1962 to continue to deliver water to lands in certain irrigation districts in the State of Washington.

ADJOURNMENT

Mr. HUMPHREY. Mr. President, I believe there is no other business. I move that the Senate stand in adjournment, pursuant to the previous order, until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 19 minutes p.m.) the Senate adjourned, pursuant to the order previously entered, until tomorrow, Thursday, August 24, 1961, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate August 23, 1961:

U.S. District Judges

Frank J. Battisti, of Ohio, to be U.S. district judge for the northern district of Ohio, vice a new position.

Edward S. Northrop, of Maryland, to be U.S. district judge for the district of Maryland, vice a new position.

U.S. Marshal

Victor L. Wogan, Jr., of Louisiana, to be U.S. marshal for the eastern district of Louisiana for the term of 4 years, vice Edward T. Petitbon.

U.S. Attorney

Merle M. McCurdy, of Ohio, to be U.S. attorney for the northern district of Ohio for the term of 4 years, vice Russell E. Ake.

Diplomatic and Foreign Service

Charles F. Darlington, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Gabon.

In the Marine Corps

Having designated, in accordance with the provisions of title 10, United States Code, section 5232, Maj. Gen. Robert B. Luckey, U.S. Marine Corps, for commands and other duties determined by the President to be within the contemplation of said section, I nominate him for appointment to the grade of lieutenant general while so serving.

In the Coast Guard

The following-named persons to be commanders in the U.S. Coast Guard:

David H. Douglas
David Oliver

The following-named person to be lieutenant commander in the U.S. Coast Guard:

Paul S. Hofmeister

The following-named persons to be lieutenants in the U.S. Coast Guard:

William E. West, Jr.
Eugene G. Verrett
Carlton D. Leonard

The following-named persons to be lieutenants (junior grade) in the U.S. Coast Guard:

James G. Glasgow	Leonard W. Garrett
Robert A. Kuehnl	Thomas S. Mills
Robert P. Knauff	William P. Hewel
Joseph M. McKenna	Alan B. Smith

The following-named persons to be chief warrant officers, W-4, in the U.S. Coast Guard:

Ernest E. Fuller	Philip S. Lincoln
Lawrence O. Hamilton	Charles A. McQuaid
Talmadge H. Sivils	Lee W. Bothell
Ludwig K. Rubinsky	

The following-named person to be chief warrant officer, W-3, in the U.S. Coast Guard:

Raymond R. Thiele

The following-named persons to be chief warrant officers, W-2, in the U.S. Coast Guard:

Johnnie P. Gilbert	William C. Bart
John E. Dunn	John E. Tucker

CONFIRMATIONS

Executive nominations confirmed by the Senate August 23, 1961:

St. Lawrence Seaway Development Corporation

Paul M. Butler, of Indiana, to be a member of the Advisory Board of the St. Lawrence Seaway Development Corporation.

Thomas P. McMahon, of New York, to be a member of the Advisory Board of the St. Lawrence Seaway Development Corporation.

Dr. N. R. Danielian, of Maryland, to be a member of the Advisory Board of the St. Lawrence Seaway Development Corporation.

HOUSE OF REPRESENTATIVES

Wednesday, August 23, 1961

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Isaiah 43: 5: *Fear not; for I am with thee.*

Almighty God, in whose keeping and control are the events of each new day and the destiny of all men, may we be more eager to avail ourselves of Thy divine wisdom and guidance.

Incline our minds and hearts to be humble and docile, teachable and trustful, for we are conscious of many limitations and shortcomings and are frequently confused and confounded.

Grant that our faith in Thee and in the power of righteousness may remain resolute and unshaken, no matter how disquieting and disturbing the happenings of these times may be.

May all who hold positions of leadership and influence in our Republic be wise in diplomacy, in moral and spiritual strategy, and in the art of persuasive reasoning as they endeavor to establish peace among the nations.

Hear us in Christ's name. 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 House is requested, a bill of the House of the following title:

H.R. 8302. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1962, and for other purposes.

The message also announced that the Senate insists on its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of

the two Houses thereon, and appoints Mr. STENNIS, Mr. RUSSELL, Mr. MONRONEY, Mr. SALTONSTALL, Mr. BRIDGES, and Mr. BYRD of Virginia to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 650. An act to amend the Watershed Protection and Flood Prevention Act to permit certain new organizations to sponsor works of improvement thereunder.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2034) entitled "An act to amend the Communications Act of 1934, as amended, in order to expedite and improve the administrative process by authorizing the Federal Communications Commission to delegate functions in adjudicatory cases, repealing the review staff provisions, and revising related provisions."

The message also announced that the Senator from Indiana had been appointed a conferee on the bill S. 1983, entitled "An act to promote the foreign policy, security, and general welfare of the United States by assisting peoples of the world in their efforts toward economic development and internal and external security, and for other purposes," in place of the Senator from Kansas [Mr. CARLSON], excused.

COMMITTEE SESSION DURING GENERAL DEBATE

Mr. THORNBERRY. Mr. Speaker, on behalf of the gentleman from California [Mr. ROOSEVELT] and the gentleman from Pennsylvania [Mr. DENT], I ask unanimous consent that the Special Subcommittee on Labor and the Subcommittee on the Impact of Imports and Exports on American Employment of the Committee on Education and Labor may be permitted to sit today during general debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

APPROPRIATIONS FOR MILITARY CONSTRUCTION FOR DEPARTMENT OF DEFENSE, 1962

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8302) making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1962, and for other purposes, with amendments of the Senate thereto, disagree to the amendments and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. SHEPPARD, SIKES, CANNON, JONAS, and TABER.

LIMITATION ON RETIREMENT INCOME CREDIT

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 6371) to amend section 37 of the Internal Revenue Code of 1954 with respect to the limitation on retirement income.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. MASON. Mr. Speaker, reserving the right to object, I ask for an explanation of the bill.

Mr. MILLS. Mr. Speaker, the bill, H.R. 6371, which, with amendments, was unanimously approved by the Committee on Ways and Means, would liberalize the present limitation on retirement income with respect to which a tax credit may be claimed for Federal income tax purposes. An identical bill, H.R. 6372, was sponsored by the ranking minority member of the Committee on Ways and Means, the Honorable NOAH M. MASON of Illinois.

As Members of the House will recall, the retirement income credit was brought into the law by the Internal Revenue Code of 1954 and was designed to provide tax benefits for the recipients of taxable pensions, annuities, and other retirement income, that were comparable to the benefits received by the recipients of tax-exempt social security and similar payments. This was done by, in effect, exempting from the first bracket tax an amount of otherwise taxable retirement income up to a maximum of $1,200. In 1954, this $1,200 figure approximated the maximum amount of tax-exempt social security benefits that an individual could receive under the law at that time. To preclude the allowance of a double benefit, this retirement income available for the tax credit must be reduced by the amount of any social security or other tax-exempt benefits received.

Since 1954, Mr. Speaker, the Congress has approved increases in social security benefits so that at the present time the maximum primary benefit payable under the social security program is $1,524 a year. The bill, H.R. 6371, updates the retirement income credit by providing a comparable increase in the retirement income subject to the tax credit. Thus, the amount of retirement income which may be taken into account is increased from the present $1,200 to $1,524.

Mr. Speaker, another liberalization that would be made by this bill would increase the amount of income that a recipient of retirement income may earn without suffering a reduction in the amount of such income eligible for the tax credit. This increase is analogous to the increase in the earned income that Congress has permitted the recipients of tax-exempt social security benefits to receive without reducing the amount of such benefits.

The Members of the House will recall that in 1954 a social security benefit was reduced for earnings in excess of $1,200. A similar earnings test was made applicable to the retirement income credit. However, since 1954, Congress has increased the amount of earned income a social security beneficiary may receive without reducing his benefits so that at the present time social security benefits are reduced as follows: There is no reduction for earned income received up to $1,200. Earned income between $1,200 and $1,700 reduces a social security benefit by $1 for every $2 of such earnings. Earnings in excess of $1,700 reduces such benefits on a dollar-for-dollar basis. Under the bill, H.R. 3671, a similar reduction will be made in the retirement income which will be available for the tax credit.

Mr. Speaker, this bill also provides that the liberalized earnings tests just described shall apply to taxpayers who receive pensions and annuities under public, or governmental, retirement systems upon their attainment of age 62. Under present law, if these taxpayers are under the age of 65, their retirement income which is available for the tax credit must be reduced on a dollar-for-dollar basis for all earnings in excess of $900. Your committee concluded that in line with the social security liberalizations voted by the Congress which permit early retirement at age 62 and the application of the new earnings test rules at that age, that similar earnings test rules should apply at age 62 in computing the retirement income credit available to retired public employees who, in general, are not receiving benefits under the social security program. However, the bill would not change the present earnings test limitation of $900 in the case of retired public employees who are under the age of 62.

In my opinion, the passage of this bill will restore the tax equality that the enactment of the retirement income credit was designed to provide between the recipients of taxable pensions, annuities, and other retirement income, and, the recipients of social security, railroad retirement, and similar tax-exempt benefits.

Mr. MASON. Mr. Speaker, due to the fact that my name is on the bill and I am for the bill, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 37(d) of the Internal Revenue Code of 1954 (relating to limitation on retirement income) is amended to read as follows:

"(d) LIMITATION ON RETIREMENT INCOME.—For purposes of subsection (a), the amount of retirement income shall not exceed $1,524 less—

"(1) in the case of any individual, any amount received by the individual as a pension or annuity—

"(A) under title II of the Social Security Act,

"(B) under the Railroad Retirement Acts of 1935 or 1937, or

"(C) otherwise excluded from gross income, and

"(2) in the case of any individual who has not attained age 72 before the close of the taxable year—

"(A) if such individual is a man and has not attained age 65 before the close of the taxable year, or is a woman and has not attained age 62 before the close of the taxable year, any amount of earned income (as defined in subsection (g)) in excess of $900 received by such individual in the taxable year, or

"(B) if such individual is a man and has attained age 65 before the close of the taxable year, or is a woman and has attained age 62 before the close of the taxable year, the sum of (i) one-half the amount of earned income received by such individual in the taxable year in excess of $1,200 but not in excess of $1,500, and (ii) the amount of earned income so received in excess of $1,500."

SEC. 2. The amendment made by the first section of this Act shall apply only to taxable years ending after the date of the enactment of this Act.

With the following committee amendments:

Page 2, beginning in line 8, strike out "is a man and has not attained age 65 before the close of the taxable year, or is a woman and".

Page 2, beginning in line 15, strike out "is a man and has attained age 65 before the close of the taxable year, or is a woman and".

Page 2, line 21, strike out "$1,500," and insert "$1,700,".

Page 2, line 22, strike out "$1,500" and insert "$1,700."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. MASON] and I may be permitted to extend our remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, the bill, H.R. 6371, which, with amendments, was unanimously approved by the Committee on Ways and Means, would liberalize the present limitation on retirement income with respect to which a tax credit may be claimed for Federal income tax purposes.

As Members of the House will recall, the retirement income credit was brought into the law by the Internal Revenue Code of 1954 and was designed to provide tax benefits for the recipients of taxable pensions, annuities, and other retirement income, that were comparable to the benefits received by the recipients of tax-exempt social security and similar payments. This was done by, in effect, exempting from the first bracket tax an amount of otherwise taxable retirement income up to a maximum of $1,200. In 1954, this $1,200 figure approximated the maximum amount of tax-exempt social security benefits that an individual could receive under the law at that time. To preclude the allowance of a double benefit, this retirement income available for the tax credit must be reduced by the amount of any social security or other tax-exempt benefits received.

Since 1954, Mr. Speaker, the Congress has approved increases in social security benefits so that at the present time the maximum primary benefit payable under the social security program is $1,524 a year. The bill, H.R. 6371, updates the retirement income credit by providing a comparable increase in the retirement income subject to the tax credit. Thus, the amount of retirement income which may be taken into account is increased from the present $1,200 to $1,524.

Mr. Speaker, another liberalization that would be made by this bill would increase the amount of income that a recipient of retirement income may earn without suffering a reduction in the amount of such income eligible for the tax credit. This increase is analogous to the increase in the earned income that Congress has permitted the recipients of tax-exempt social security benefits to receive without reducing the amount of such benefits.

The Members of the House will recall that in 1954 a social security benefit was reduced for earnings in excess of $1,200. A similar earnings test was made applicable to the retirement income credit. However, since 1954, Congress has increased the amount of earned income a social security beneficiary may receive without reducing his benefits so that at the present time social security benefits are reduced as follows: There is no reduction for earned income received up to $1,200. Earned income between $1,200 and $1,700 reduces a social security benefit by $1 for every $2 of such earnings. Earnings in excess of $1,700 reduce such benefits on a dollar-for-dollar basis. Under the bill, H.R. 6371, a similar reduction will be made in the retirement income which will be available for the tax credit.

Mr. Speaker, this bill also provides that the liberalized earnings tests just described shall apply to taxpayers who receive pensions and annuities under public, or governmental, retirement systems upon their attainment of age 62. Under present law, if these taxpayers are under the age of 65, their retirement income which is available for the tax credit must be reduced on a dollar-for-dollar basis for all earnings in excess of $900. Your committee concluded that in line with the social security liberalizations voted by the Congress which permit early retirement at age 62 and the application of the new earnings test rules at that age, that similar earnings test rules should apply at age 62 in computing the retirement income credit available to retired public employees who, in general, are not receiving benefits under the social security program. However, the bill would not change the present earnings test limitation of $900 in the case of retired public employees who are under the age of 62.

In my opinion, the passage of this bill will restore the tax equality that the enactment of the retirement income credit was designed to provide between the recipients of taxable pensions, annuities, and other retirement income, and, the recipients of social security, railroad retirement, and similar tax-exempt benefits.

Mr. Speaker, the ranking minority member of the Committee on Ways and Means, the Honorable NOAH M. MASON, of Illinois, joined with me in sponsoring this legislation.

Mr. MASON. Mr. Speaker, when the retirement income credit, section 37, of the 1954 Code, was originally adopted, there was an approximate relationship between the terms of that credit and certain aspects of the social security program. However, subsequent changes have been made in the Social Security Act without appropriate adjustments being made in the case of the retirement income credit provision of our Federal tax law. The purpose of this legislation that has just passed the House is to bring the tax credit provision into conformity with the Social Security Act in a number of respects as follows: First, the maximum amount of retirement income which may be taken into account in computing the tax credit is increased from $1,200 to $1,524; second, the reduction in the retirement credit because of earned income is conformed with the social security retirement test so that there will be a $500 band between $1,200 to $1,700 within which the retirement income credit will be reduced in the amount of $1 for every $2 of earnings, and earnings above $1,700 would provide a dollar for dollar reduction in the credit; and third, the bill provides for those retiring under public retirement programs that the new reduction for earned income will be applicable to those age 62 or over rather than age 65 or over, as is provided under present law. For those persons who are below age 62 and under a public retirement program, the present $900 floor for a reduction arising from earned income will continue to apply.

The Committee on Ways and Means was unanimous in reporting this legislation favorably. It was my privilege to join with the chairman of the committee in cosponsoring this legislation.

BETA-RAY SPECTROMETER FOR TULANE UNIVERSITY

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 641) to provide for the free entry of an electron microscope and an L.K.B. intermediate image spectrometer for the use of Tulane University, New Orleans, La.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. MASON. Mr. Speaker, reserving the right to object, I ask for an explanation of the bill.

Mr. MILLS. Mr. Speaker, this bill would provide for the duty-free entry of one intermediate lens beta-ray spectrometer for the use of Tulane University at New Orleans, La. The spectrometer covered by this bill is a high precision instrument which is needed in important research to be conducted at Tulane University. The committee has

been advised that this instrument is not made in the United States, and therefore this matter does not involve a conflict with domestic production.

Mr. MASON. I withdraw my reservation of objection, Mr. Speaker.

Mr. GROSS. Mr. Speaker, further reserving the right to object, there was a bill on June 19 of this year out of the gentleman's committee which the gentleman from Texas [Mr. IKARD] called before the House, dealing with the importation of an electronic miscroscope.

Mr. MILLS. Electron microscopes.

Mr. GROSS. At the time I asked the gentleman if this type of microscope was manufactured in this country, and the answer of the gentleman from Texas [Mr. IKARD] was that it was not manufactured in this country. It likewise called for duty-free importation. Now I understand that such a microscope is manufactured in this country.

Mr. MILLS. There is a difference of opinion, and there was at that time, among some people as to whether or not that particular type of microscope, an electron microscope of that nature, was made in the United States.

At the time I gave the gentleman the answer I did it was the opinion of the committee that such type was not, and I do not know that the committee has yet received information that it is manufactured here, because that would change the situation.

Mr. GROSS. It was not the gentleman who answered my question, but the gentleman from Texas [Mr. IKARD].

Mr. MILLS. That is true. The gentleman from Texas had information that caused him to give the gentleman that answer.

Mr. CAHILL. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. CAHILL. I would like to say to the Chairman that I was on the floor at the time the question was asked by the gentleman from Iowa [Mr. GROSS] and answered by the gentleman from Texas [Mr. IKARD] and I did some research in this matter. I found that the Radio Corporation of America—RCA—does actually manufacture an electron microscope such as was provided for in that bill.

Mr. MILLS. I learned of that fact after the bill had passed the House, after it passed the Senate, and after it was up at the White House awaiting the President's signature.

Mr. CAHILL. I suppose the legislation introduced by the gentleman from Texas [Mr. IKARD] was for a very worthy purpose and I think the statements made by Mr. IKARD were made unknowingly and without full information. I think, however, the RECORD should show that RCA has been manufacturing this electron microscope for 32 years. I believe it is for the best interest of the institutions of the United States that this electron microscope be manufactured in this country and that personnel be trained in its use. Therefore we should encourage the industry now manufacturing them. The gentleman from Texas [Mr. IKARD] has joined me in introducing a bill to negate the effect of the bill which was referred to by the gentleman from Iowa, because we agree, Mr. Chairman, that the United States should perfect our own industries and train our own personnel to operate these election microscopes. We should not be dependent upon European manufacture or European-trained personnel.

Mr. MILLS. It is known to the committee that electron microscopes are manufactured in the United States, but it has also come to the attention of the committee that there are diverse types of electron microscopes. We were talking about a specific type of such instrument when we had the bill before the House. It was the opinion of the committee at that time that that particular type of electron microscope was not produced in the United States. The matter of domestic production of electron microscopes was only called to my attention, I must say, after the bill had passed the House and passed the Senate, and there was nothing we could do about it.

Mr. CAHILL. I understand. Will the gentleman from Iowa yield further?

Mr. GROSS. I yield.

Mr. CAHILL. I would like to say I understand through representatives of the manufacturer that the agencies of the Government now have been fully informed of the type of microscopes they manufacture and that the committee has been informed likewise.

Mr. MILLS. That is true.

Mr. CAHILL. And it would be my hope that in this session, or certainly early in the next session, legislation can be enacted which would negate the effect of the bill which was passed.

Mr. MILLS. At any rate we understand we do not have that problem with respect to this type of beta ray spectrometer. The Department of Commerce has made a very diligent inquiry of American industry and has come up with information it has submitted to the Ways and Means Committee that this type of instrument is not produced in the United States. We have received no information to date from any source that this particular instrument is produced here in the United States.

Mr. IKARD of Texas. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. IKARD of Texas. I was just going to observe that we are all desirous of supporting American industry and development, but this particular type of research and a very highly specialized field requires laboratory equipment of a very specialized nature. Without belaboring the point here, I will read an excerpt from a letter with regard to a foreign electron microscope from the Marine Laboratory at Woods Hole, Mass., in which they say:

> We think it would be a waste of money for our purposes to purchase any other presently available electronic microscope.

They point out that they already have a domestic electron microscope but they need the foreign microscope to engage in research which they say they cannot do with the domestic article.

So you are getting into an area of basic scientific research where it is felt one particular instrument can do a better job than any of the rest. I think we should do everything possible to aid them in continuing with their research into vital matters of health and national security.

I am not knowledgeable enough to argue with them, and I do not think anyone in this House is, and to say to them they have to have a particular type of instrument to do basic research. We started out in the previous bill to take the same approach that is taken here and to bring in duty free a particular instrument for a particular institution. It was only at the suggestion of the administration that we broadened that, and we might have made a mistake.

Mr. GROSS. Does the gentleman not agree that if there is a product made in this country that is acceptable, that is efficient, we should not eliminate the tariff?

Mr. IKARD of Texas. I agree with the gentleman, assuming the scientists involved will come to that judgment. I think they are the ones who have to make the determination that it will do the same job.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There being no objection, the Clerk read the bill as follows:

> *Be it enacted by the Senate and House of Repesentatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to admit free of duty one electron microscope and one L.K.B. intermediate image spectrometer imported for the use of Tulane University, New Orleans, Louisiana.

With the following committee amendment:

> Strike out all after the enacting clause and insert in lieu thereof the following: "That the Secretary of the Treasury is authorized and directed to admit free of duty one intermediate lens beta-ray spectrometer imported for the use of Tulane University, New Orleans, La."

The committee amendment was agreed to:

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

The title was amended to read as follows: "A bill to provide for the free entry of an intermediate lens beta-ray spectrometer for the use of Tulane University, New Orleans, La."

A motion to reconsider was laid on the table.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection?

Mr. MILLS. Mr. Speaker, the purpose of H.R. 641, which was introduced by our colleague from Louisiana [Mr. BOGGS], and unanimously reported, with amendments, by the Committee on Ways and Means, is to permit the duty-free entry of one intermediate lens beta-ray spectrometer for the use of Tulane University of New Orleans, La.

The spectrometer covered by this bill is a highly precise instrument which is needed in important research being conducted at Tulane University. The Committee on Ways and Means was advised that it is the understanding of the Department of Commerce that this type of instrument is not produced in the United States. We have received no information to the contrary.

In these circumstances, your committee feels that Tulane University should not have to pay substantial import duties on such a highly specialized instrument, which is not available in the United States and which is utilized in important scientific projects.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. MASON] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection?

Mr. MASON. Mr. Speaker, H.R. 641, as amended by the Committee on Ways and Means, authorizes the duty-free entry of a spectrometer by Tulane University in New Orleans, La.

The membership of the Committee on Ways and Means during its deliberations on this legislation was advised that the instrument is to be used to make precision measurements of the yields and energies of beta particles in connection with experimental nuclear physics. The Committee on Ways and Means was also informed that this particular type of spectrometer is not available in the United States.

The committee was unanimous in reporting this legislation favorably to the House.

ANNOUNCEMENT

Mr. MILLS. Mr. Speaker, it had been previously announced that I would ask unanimous consent for the consideration of the bill H.R. 6145. I am not going to do that today because the gentleman from Wisconsin [Mr. BYRNES], has notified me if it should be called up he would have to object at this time.

AMENDMENT TO FEDERAL AVIATION ACT OF 1958 PROVIDING FOR APPLICATION OF FEDERAL CRIMINAL LAW TO CERTAIN EVENTS OCCURRING ON BOARD AIRCRAFT IN AIR COMMERCE

Mr. HARRIS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2268) to amend the Federal Aviation Act of 1958 to provide for the application of Federal criminal law to certain events occurring on board aircraft in air commerce.

I may say this is the bill commonly referred to as the airlines hijacking bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas [Mr. HARRIS]?

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 902 of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new subsections:

"CRIMES ABOARD AIRCRAFT IN FLIGHT

"(i)(1) Whoever, while on board an aircraft in flight in air commerce, commits an act which, if committed within the special maritime and territorial jurisdiction of the United States, would be in violation of sections 113, 114, 1111, 1112, 1113, 1363, or 2111 of title 18, United States Code, shall be punished as provided therein.

"(2) Whoever, while on board an aircraft in flight in air commerce (A) attempts to obtain or obtains control of the aircraft by unlawful force or violence or the threat of force or violence; or (B) assaults, intimidates, or threatens so as to interfere with any flight crew member of such aircraft while engaged in the performance of his duties or lessen the ability of such flight crew member to perform his duties, shall be fined not more than $10,000 or imprisoned not more than twenty years, or both. Whoever in the commission of any such acts uses a firearm or other deadly or dangerous weapon shall be punished by imprisonment for life, or for a term of years not less than twenty, or punished by death if the jury shall so direct.

"(3) Whoever, while on board an aircraft in flight in air commerce, commits an act which if committed aboard a vessel on the high seas would constitute piracy as defined by section 1651 of title 18, United States Code, shall be punished by imprisonment for life, or for a term of years not less than twenty, or punished by death if the jury shall so direct.

"(4) Whoever willfully imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would constitute a violation of paragraphs (2) and (3) of this subsection shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(5) Violation of this subsection shall be investigated by the Federal Bureau of Investigation.

"CARRYING WEAPONS ABOARD AIRCRAFT

"(j) Except for law enforcement officers of any municipal, county, or State government, or the Federal Government, who are authorized or required to carry arms, and except for such other persons as may be so authorized under regulations issued by the Administrator, whoever, while a passenger aboard an aircraft being operated by an air carrier in air transportation, carries on or about his person a concealed deadly or dangerous weapon or attempts to board such an aircraft carrying such a weapon shall be fined not more than $5,000 or imprisoned not more than five years, or both. Violations of this subsection shall be investigated by the Federal Bureau of Investigation."

SEC. 2. Title XI of the Federal Aviation Act is amended by adding at the end thereof a new section as follows:

"AUTHORITY TO REFUSE TRANSPORTATION

"SEC. 1111. Any air carrier is authorized under regulations prescribed by the Administrator to refuse transportation to a passenger or to refuse to transport property when, in the opinion of the air carrier, such transportation would or might be inimical to safety of flight."

Mr. HARRIS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARRIS: Strike out all after the enacting clause and insert the following: "That section 902 of the Federal Aviation Act of 1958 (49 U.S.C. 1472) is amended by adding at the end thereof the following new subsections:

"'AIRCRAFT PIRACY

"'(i)(1) Whoever commits or attempts to commit aircraft piracy, as herein defined, shall be punished—

"'(A) by death if the verdict of the jury shall so recommend, or, in the case of a plea of guilty, or a plea of not guilty where the defendant has waived a trial by jury, if the court in its discretion shall so order; or

"'(B) by imprisonment for not less than twenty years, if the death penalty is not imposed.

"'(2) As used in this subsection, the term "aircraft piracy" means any seizure or exercise of control, by force or violence or threat of force or violence and with wrongful intent, of an aircraft in flight in air commerce.

"'INTERFERENCE WITH FLIGHT CREW MEMBERS OR FLIGHT ATTENDANTS

"'(j) Whoever, while aboard an aircraft in flight in air commerce, assaults, intimidates, or threatens any flight crew member or flight attendant (including any steward or stewardess) of such aircraft, so as to interfere with the performance by such member or attendant of his duties or lessen the ability of such member or attendant to perform his duties, shall be fined not more than $10,000 or imprisoned not more than twenty years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon shall be imprisoned for any term of years or for life.

"'CERTAIN CRIMES ABOARD AIRCRAFT IN FLIGHT

"'(k)(1) Whoever, while aboard an aircraft in flight in air commerce, commits an act which, if committed within the special maritime and territorial jurisdiction of the United States, as defined in section 7 of title 18, United States Code, would be in violation of section 113, 114, 661, 662, 1111, 1112, 1113, 2031, 2032, or 2111 of such title 18 shall be punished as provided therein.

"'(2) Whoever, while aboard an aircraft in flight in air commerce, commits an act, which, if committed in the District of Columbia would be in violation of section 9 of the Act entitled "An Act for the preservation of the public peace and the protection of property within the District of Columbia", approved July 29, 1892, as amended (D.C. Code, sec. 22–1112), shall be punished as provided therein.

"'CARRYING WEAPONS ABOARD AIRCRAFT

"'(l) Except for law enforcement officers of any municipal or State government, or the Federal Government, who are authorized or required to carry arms, and except for such other persons as may be so authorized under regulations issued by the Administrator, whoever, while aboard an aircraft being operated by an air carrier in air transportation, has on or about his person a concealed deadly or dangerous weapon, or whoever attempts to board such an aircraft while having on or about his person a concealed deadly or dangerous weapon, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"'FALSE INFORMATION

"'(m)(1) Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by subsection (i), (j), (k), or (l) of this section, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"'(2) Whoever willfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by subsection (i), (j), (k), or (l) of this section, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"'INVESTIGATIONS BY FEDERAL BUREAU OF INVESTIGATION

"'(n) Violations of subsections (i) through (m), inclusive, of this section shall be investigated by the Federal Bureau of Investigation of the Department of Justice.'

"SEC. 2. Subsection (a) of section 903 of the Federal Aviation Act of 1958 (49 U.S.C. 1473(a)) is amended to read as follows:

"'VENUE

"'SEC. 903. (a) The trial of any offense under this Act shall be in the district in which such offense is committed; or, if the offense is committed out of the jurisdiction of any particular State or district, the trial shall be in the district where the offender, or any one of two or more joint offenders, is arrested or is first brought. If such offender or offenders are not so arrested or brought into any district, an indictment or information may be filed in the district of the last known residence of the offender or of any one of two or more joint offenders, or if no such residence is known the indictment or information may be filed in the District of Columbia. Whenever the offense is begun in one jurisdiction and completed in another, or committed in more than one jurisdiction, it may be dealt with, inquired of, tried, determined, and punished in any jurisdiction in which such offense was begun, continued, or completed, in the same manner as if the offense had been actually and wholly committed therein.'

"SEC. 3. Paragraph (4) of section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301(4)) is amended by striking out 'operation or navigation or aircraft within' and inserting in lieu thereof the following: 'operation or navigation of aircraft within'.

"SEC. 4. Title XI of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new section:

"'AUTHORITY TO REFUSE TRANSPORTATION

"'SEC. 1111. Subject to reasonable rules and regulations prescribed by the Administrator, any air carrier is authorized to refuse transportation to a passenger or to refuse to transport property when, in the opinion of the air carrier, such transportation would or might be inimical to safety of flight.'

"SEC. 5. (a) That portion of the table of contents contained in the first section of the Federal Aviation Act of 1958 which appears under the heading 'Sec. 902. Criminal penalties.' is amended by adding at the end thereof the following:

"'(i) Aircraft piracy.

"'(j) Interference with flight crew members or flight attendants.

"'(k) Certain crimes aboard aircraft in flight.

"'(l) Carrying weapons aboard aircraft.

"'(m) False information.

"'(n) Investigations by Federal Bureau of Investigation.'

"(b) That portion of such table of contents which appears under the heading 'TITLE XI—MISCELLANEOUS' is amended by adding at the end thereof the following:

"'Sec. 1111. Authority to refuse transportation.'"

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

By unanimous consent, the proceedings by which H.R. 8384 was passed by the House were vacated, and that bill laid on the table.

A motion to reconsider was laid on the table.

VICE PRESIDENT JOHNSON'S RECENT VISIT TO BERLIN

Mr. AUCHINCLOSS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. AUCHINCLOSS. Mr. Speaker, I feel that every citizen in the United States should be grateful for the representation given them by Vice President JOHNSON in his recent visit to Berlin. From all reports, he not only strengthened the morale of those freedom-loving people in West Berlin and renewed their determination to resist slavery but, at the same time, he carried high the banner of our country and made it plain to the world that we are not afraid but determined to fulfill our promises and to preserve the sanctity of the given word and agreements between nations.

I commend him highly for the work he has done and I am grateful to him for upholding the high standards of our country and strengthening our own determination to do that which is right and honest.

CALL OF THE HOUSE

Mr. TEAGUE of California. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 165]

Andersen, Minn.	Keith	Philbin
Baring	Kilburn	Pilcher
Barrett	Landrum	Pillion
Bell	Loser	Rabaut
Brooks, La.	McMillan	Riley
Buckley	Machrowicz	St. Germain
Curtis, Mo.	May	Santangelo
Diggs	Miller, N.Y.	Shelley
Harrison, Va.	Milliken	Shipley
Healey	Minshall	Slack
Hébert	Nix	Tupper
Henderson	Norrell	Westland
Kearns	O'Brien, N.Y.	Whitten
Kee	Passman	Widnall
	Peterson	Wilson, Ind.

The SPEAKER pro tempore. On this rollcall, 393 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. THORNBERRY. Mr. Speaker, on behalf of the gentleman from South Carolina [Mr. MCMILLAN], I ask unanimous consent that the Committee on the District of Columbia may have until midnight Saturday night to file sundry reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

FUGITIVE FELON ACT

Mr. THORNBERRY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 409 and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 468) to amend section 1073 of title 18, United States Code, the Fugitive Felon Act. After general debate, which shall be confined to the bill, and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. THORNBERRY. Mr. Speaker, House Resolution 409 provides for the consideration of H.R. 468, a bill to amend section 1073 of title 18, United States Code, the Fugitive Felon Act. The resolution provides for an open rule with 2 hours of general debate.

The purpose of H.R. 468 is to amend the Fugitive Felon Act so as to broaden the scope of existing law in order that a number of serious crimes not presently included within the statute will be included in order to assist local law enforcement agencies in the apprehension of fugitives through the services of the Federal Government.

It is not my purpose to cover the details of the bill at this time since they will be fully discussed by members of the Judiciary Committee when the bill is considered.

Mr. Speaker, I urge the adoption of House Resolution 409 so that H.R. 468 may be acted upon by the House.

I know of no opposition to the rule.

Mr. Speaker, I reserve the balance of my time and yield 30 minutes to the gentleman from California [Mr. SMITH].

Mr. SMITH of California. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, the reason I am taking this particular time this afternoon is because I find myself wearing two hats, one as a member of the Rules Committee to present the rule, and the other as a former law enforcement officer of the FBI.

The resolution before us makes in order the consideration of the so-called Fugitive Felon Act. I believe there is no opposition to the adoption of the rule, but I think there will be some opposition to the bill and some amendments will be offered. I understand the bill is controversial. Some of the gentlemen on the Judiciary Committee, gentlemen for

whom I have the highest respect, having served with them on the Judiciary Committee and having argued this particular bill in committee last year, have different opinions. I consider them to be very able attorneys and very fine Members and I respect their opinions.

This rule will provide 2 hours of general debate for the consideration of the bill H.R. 468. This is one of the most vitally important items of legislation pending before this House, in my opinion. This bill—designed to amend the Fugitive Felon Act—would plug a dangerous hole in the Nation's protective armor against crime by extending the Fugitive Felon Act to enable the Federal Bureau of Investigation to actively enter the search for escaped convicts and other underworld elements who have fled across State lines to avoid prosecution, custody, confinement, or giving testimony in connection with crimes which are punishable by more than 1 year's imprisonment.

The United States critically needs this legislation. Today, we are confronted by the worst wave of lawlessness in the Nation's history. The esteemed Director of the FBI, Mr. J. Edgar Hoover, has recently reported a 98-percent increase in serious crimes across the country since 1950. Every 3 minutes, one of our citizens becomes the victim of murder or vicious assault. There is a robbery every 6 minutes; an automobile theft, every 2 minutes; a burglary, every 39 seconds.

The Federal Government cannot shirk its responsibility to help fight this surging tide of criminality. We must move—and move quickly—not by usurping the jurisdiction of State and local authorities, but by giving them further cooperative assistance.

That is why H.R. 468 is so vitally important. It will enable the FBI to render further assistance to local police in tracking down fast-moving public enemies who commit crimes in one section of the country and then flee into hiding hundreds of miles away.

The Fugitive Felon Act, as presently constituted, covers only a limited number of vicious crimes. Yet, it has been of invaluable aid to the entire law-enforcement profession. During the past fiscal year, I am advised, more than 1,400 fugitives—including sadistic killers, armed robbers, and other menaces to society—were located under this statute and made available to the State and local authorities from whose jurisdictions they had fled.

Since its original enactment in 1934, this statute has become one of America's most potent weapons in the fight against crime. Mr. Hoover's agents have enforced it with typical efficiency, tact, and restraint.

First, it has been the established policy of the Justice Department that a local warrant must be outstanding against the fugitive in the State from which he has fled.

Mr. FORRESTER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Georgia.

Mr. FORRESTER. The gentleman has put his finger on the criticisms that he well knows I have had regarding this legislation. As a matter of fact, I find no fault in the administration of this law in the past practices of the Department of Justice, but I believe the gentleman will concede that the law itself is quite different from the practice that has been pursued. Is that not correct?

Mr. SMITH of California. I would not concede that to the gentleman. I have had a lot of experience under this law myself, and I think it has been efficiently handled. I would not want to make a statement to go as far as that.

Mr. FORRESTER. There is nothing in the law which provides that the State will have to make any request, but, as a practical matter, the State does make the request?

Mr. SMITH of California. I agree, the State has to make the request.

Mr. FORRESTER. That is very important. As I understand it, the gentleman agrees the State should make the request?

Mr. SMITH of California. Yes.

Mr. FORRESTER. The gentleman will support an amendment which will be offered by the gentleman from Iowa [Mr. BROMWELL], which will have that effect?

Mr. SMITH of California. That is correct. I will support him. If I may finish several more paragraphs, I shall be glad to yield.

Second, State or local authorities must make an official request for the FBI to help locate the fleeing felon. Third, a Federal warrant cannot be issued for the fugitive's arrest without the express approval of a U.S. attorney or other prosecutive official of the Department of Justice.

There is no danger that this extension of the Fugitive Felon Act will lead to abuses of individual rights. To the contrary, it will provide greater security and protection to law-abiding citizens throughout the land.

Mr. FORRESTER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Georgia.

Mr. FORRESTER. I want to ask the gentleman if he will recommend and endorse the amendment which will be offered by the gentleman from Iowa [Mr. BROMWELL] that will take care of the serious objection I have.

Mr. SMITH of California. The amendment which the gentleman from Iowa [Mr. BROMWELL] showed me is acceptable. Of course I am only presenting the rule at this time, but I will urge Members on my side of the aisle, as well as the gentleman from New York [Mr. CELLER] to accept the amendment.

Mr. FORRESTER. I thank the gentleman.

Mr. CRAMER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Florida.

Mr. CRAMER. Because of the gentleman's experience in this field, I would like to ask this question, and also because of his obvious ability as an attorney and as a former member of the FBI: Is it not true in practices in the past the Federal Government has used this as an implement to assist local law enforcement authorities and has, as a matter of practice rather than instituting a Federal case, generally assisted local authorities in any State by prosecuting for the basic crime as defined?

Mr. SMITH of California. The answer definitely is "Yes."

Mr. Speaker, by way of background, back in 1934 when individuals would commit a robbery—and this covers eight crimes, as you know, at the present time, it starts out with murder, extortion, mayhem, burglary, robbery, assault with a dangerous weapon, rape, and kidnaping. I see my colleague, the gentleman from Ohio [Mr. DEVINE], a former agent, is present, and we used to remember the crimes as "MEMBRARK." Each letter refers to one of the eight crimes.

Local law enforcement agents would say, "We have been looking for this fellow. We know he fled the State and went to Detroit. We wrote a letter to Detroit and they think he is in Louisville, Ky." Then there was a letter sent back to the office there, and they had to write to Louisville. Time went on, during which this criminal could continue to commit serious acts, with the difficulty of the local law enforcement officials catching these serious criminals.

On the other hand, they simply called the local agent of the FBI, and they would call the Detroit office. In a little time we would have them furnished with a description of the individual and the process would be outstanding in the office where the crime had been committed. He would be picked up and arrested and returned home for prosecution in practically all instances by local authorities.

Mr. Speaker, local authorities will say to you "That is fine, Mr. SMITH," as I went around the country, "but what about the grand theft individual? What about the person that forges checks and goes up and down the State and passes all of these forged checks? You do not include those. Those represent a great number of crimes that we have. Why do you not help us catch those?" Repeatedly, law enforcement officials over the Nation have insisted and requested that the FBI join in helping them catch other individuals. This language was changed to make it possible, where the punishment is for more than 1 year, to handle those cases. The language is difficult, I will admit that. There are a number of States where a misdemeanor carries a sentence of more than 1 year. There is some feeling that this new change in the language might be used for small misdemeanors. Then there was the thought to make this apply to felonies. Every State does not define crimes as felonies and misdemeanors. In California, for example, certain things are offenses, and there is a punishment provided for them. In a number of crimes at the time of the sentencing, if he is given a county jail sentence or suspended sentence, it is then determined to be a misdemeanor. The purpose is with reference to the juvenile and the teenage person to not have a felony against his record. So, if he goes along for a year or so on good behavior, he can then wipe it off.

Mr. CRAMER. Mr. Speaker, will the gentleman yield further?

Mr. SMITH of California. I yield to the gentleman from Florida.

Mr. CRAMER. I appreciate the gentleman's observations because I think they are valuable in this record. Is it not true further that it is necessary—which, of course, prevents the Federal Government from becoming a national police force—for there to be a known suspect before the act will come into play, and then a specific individual involved or suspected by the local authorities of having committed the crimes involved. You would have them come into play for the local authorities to make the request of the FBI. Is not that a matter of record?

Mr. SMITH of California. I want to say to the gentleman from Florida that it goes further than that. Local law enforcement officials might have 20 suspects; they might be working on a grand theft case or forgery over a period of months, and finally somebody identifies the suspect through a photograph or fingerprinting. It has to be not only a suspect, but an individual who they believe has committed a crime, and they file a process against him. The FBI does not use this law to go about picking up suspects. It has to be a known perpetrator of one of these eight offenses.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Ohio.

Mr. VANIK. I want to commend the gentleman for his splendid statement in support of this bill, and I join him. However, I thought the amendment left undisturbed the second section of section 1073 relating to the site of crimes.

I wonder if this could not be strengthened if the place of apprehension could be included with the Federal district in which the person is apprehended; that is, could be included as a place where the person might be tried.

Mr. SMITH of California. I will have to say to the gentleman that I rather doubt it, but I have not gone into that particular question and would prefer to leave that to the chairman of the Committee on the Judiciary when we get into committee.

Mr. VANIK. I thank the gentleman. I shall pursue that question when we go into committee.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. Mr. Speaker, I should like to commend the gentleman for a very fine statement. I think he has stated very succinctly the arguments in support of this legislation. It occurs to me, in the case of our own State, that we have a number of very serious crimes on which it is not possible to get the assistance of the Federal officers to go after the perpetrators of the crime. I think immediately of crimes like embezzlement, grand larceny, aggravated assault where a dangerous weapon is not used but where very serious harm is done to the individual; some grievous crimes involving mistreatment of children, contributing to the delinquency of minors, for example. These are instances of crime in which the Federal power could be invoked if the law were so expanded.

I certainly hope the rule will be adopted and the bill passed.

Mr. SMITH of California. I thank the gentleman.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman.

Mr. DEVINE. Mr. Speaker, I, too, would like to commend my colleague for his excellent presentation of the rule on this important legislation. Also I would like to bring to the attention of the Members of the House that the Member in the well, the gentleman from California, spent many years with the FBI and had a very outstanding record not only as an agent, but in a supervisory capacity. I also know, from firsthand knowledge, that he still enjoys the highest respect of the Director of the Bureau and other persons in an administrative capacity in that Bureau.

Specifically with relation to the legislation before us, I would ask the gentleman if, during his long experience as an FBI agent and a member of the Department of Justice, there was any case in which the FBI entered into a case such as we are bringing up today without a specific request from a local law-enforcement agency or a prosecuting attorney's office?

Mr. SMITH of California. From my experience for years I can say that I know of no such case. The FBI is not going to send an agent out to pick up somebody unless there is process outstanding. You know, sometimes you get shot; and you would like to have a warrant before you go around on these matters.

Mr. DEVINE. That is correct. I am sure the gentleman will agree with me, again drawing on his long and excellent experience in the Bureau, that the FBI has plenty of work to do without going around looking for the opportunity to solve local problems, without specific request from those local agencies.

Mr. SMITH of California. That is correct. But they do want to help law enforcement; and law enforcement wants them to.

Mr. DEVINE. I believe the overall objective of this bill is cooperation with local law-enforcement agencies.

Mr. SMITH of California. I understand that is correct.

Mr. DEVINE. I might say to the gentleman from California that during my experience as a prosecuting attorney—and I think it is true of district attorneys' offices and State attorneys' offices and prosecuting attorneys' offices across the country—that they would not make a request of the FBI in an unlawful-flight case, such as is the subject of this legislation, unless they were financially in a position to bring back the person apprehended, wherever he might be located by the FBI, anyplace in continental United States; is not that correct?

Mr. SMITH of California. That has been my experience.

Mr. DEVINE. Which also acts as a deterrent in cases in which there might be otherwise no prosecution.

Mr. SMITH of California. I thank the gentleman.

Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. THORNBERRY. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, first, I want to commend the gentleman from California [Mr. SMITH] who just preceded me and who is a former valuable member of the House Committee on the Judiciary on his splendid presentation. In general I associate myself with his position.

The purpose of the bill before us, H.R. 468, to broaden the scope of existing law in order that a number of serious crimes not presently included can come within the scope of the Fugitive Felon Act. As the gentleman from California stated, the present law provides that anyone who moves in interstate commerce in order to avoid prosecution, and so forth, commits a Federal offense. The present law spells out the crimes to which the act applies. Those crimes are mayhem, rape, assault with a dangerous weapon, murder, kidnaping, and so on. In other words, the present Fugitive Felon Act makes it unlawful to avoid prosecution by running away only with regard to these specified crimes. Of course there are other serious crimes where it is equally offensive for a person having committed a crime to run across a State line and to be immune from Federal prosecution. As drafted, the bill would not enumerate the crimes but it would make it unlawful for a person to run away to avoid prosecution, in terms of the bill as drafted, "for a crime, or an attempt to commit a crime, punishable by death or imprisonment for a term exceeding 1 year under the laws of the place from which the fugitive flees."

I participated in the discussion of this bill before the full Committee on the Judiciary. When we talked in terms of 1 year and a day we had in mind our notions of what constitutes a felony under Federal law, because that is the point of departure from a misdemeanor to a felony. That is a crime which involves a possible punishment of 1 year or more. However, this bill is related to State crimes and could conceivably apply to offenses which under State law are not felonies.

Serious objections were raised along that line. It is my understanding that the gentleman from North Carolina or someone else will offer an amendment which will make this bill applicable to crimes which are felonies under State law.

I will say this in connection with the proposed amendment: Our experience over the years has been that the Department of Justice has not invoked this act except in very horrible cases. I would doubt that even under the language of this bill they would have anything in mind except to go after criminals involved in connection with offenses which under State law are felonies. Therefore,

from my own point of view I would embrace the amendment if that amendment is offered.

I wish finally to point out that under the policy and the administration of this law as written, the Federal Government has never come into the picture except in cases where it has been asked to do so by the State officials. In other words, it has come to the assistance of State authorities when that assistance has been requested. I see no reason why they are not going to follow that policy. As a matter of fact, of all the apprehensions made under present law very few have ripened into prosecutions under the Federal statute.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. WILLIS. I yield to the gentleman from New York.

Mr. CELLER. With reference to the amendment of which the gentleman has spoken, which will be offered by the distinguished gentleman from North Carolina [Mr. WHITENER], I wish to state that the Department of Justice has accepted that amendment and I have accepted it, and the gentleman from Ohio [Mr. MCCULLOCH], the ranking minority member of the committee, has likewise accepted it.

Mr. WILLIS. I am delighted to know that. This means that the bill should have little opposition. We passed this bill last year, and it has the approval of all the agencies downtown at this time.

Mr. THORNBERRY. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the adoption of the resolution.

The resolution was agreed to.

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 468) to amend section 1073 of title 18, United States Code, the Fugitive Felon Act.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 468, with Mr. THOMPSON of Texas in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New York [Mr. CELLER] will be recognized for 1 hour and the gentleman from Ohio [Mr. MCCULLOCH] will be recognized for 1 hour.

The Chair recognizes the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, this bill is offered as the result of an executive communication received from the Department of Justice. I wish to state likewise we passed a similar bill in the 86th Congress. This bill amends the Fugitive Felon Act. The Fugitive Felon Act has been on the books for a number of years. That act by its terms provides that anyone who moves in interstate or foreign commerce with intent to avoid prosecution or custody or confinement after conviction under the laws of the place from which he flees for certain specified crimes is upon conviction subject to a fine of not more than $5,000 or imprisonment for not more than 5 years, or both.

The Attorney General stated before the judiciary as follows:

> The purpose of this proposal is to expand the coverage of the Fugitive Felon Act (18 U.S.C. 1073) which now makes it a Federal offense to flee a State jurisdiction in order to avoid prosecution or confinement for certain crimes of violence. These crimes include murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, arson punishable as a felony, extortion accompanied by threats of violence or attempts to commit those offenses.
>
> Although the law only applies to fugitives, who have committed these crimes, this section has been extremely useful in strengthening local law enforcement. It has enabled the FBI to arrest fugitives fleeing a State jurisdiction and turn them over to the State in which they are arrested to await extradition by the demanding State. In 1960, the FBI apprehended 1,361 fugitives under the provisions of this law. Only two were tried in Federal courts. The rest were turned over to local authorities.
>
> We can understand the limited scope of the section if we go back to the time of its enactment in 1934. Local law enforcement officials were troubled then, as they are today, with the ease with which fugitives could escape their jurisdiction by crossing a State line. The local officials could not follow, find, and return the criminals. It became apparent that the Federal Government had to assist those officials by apprehending fugitives in other jurisdictions and returning them for prosecution.
>
> The nature of the publicized crime of that era was, however, different than it is today. At that time, the Congress and the public were greatly disturbed by widespread crimes of violence. Names like Capone, "Dutch" Shultz, "Mad-dog" Coll, Dillinger and Karpis were on the front pages of the newspapers of the country.
>
> Today, as in 1934, the major responsibility for combating crime and the prosecution of offenders rests with the States. Today, however, the face of organized crime has changed. While there still are crimes of violence, the modern criminal has become somewhat more sophisticated in the planning and perpetration of his activities in gambling, prostitution, narcotics, bribery, fraud and larceny. He has moved into legimate businesses and labor unions where he embezzles the funds and loots the treasury. He has much more rapid means of escape from the jurisdiction of the local law enforcement. Unless his offenses also are Federal offenses, the Federal Government may not through the means of this section enhance the power of the State officials to apprehend racketeers and hoodlums.
>
> If the Fugitive Felon Act is expanded, as proposed by this bill, the FBI will be able to put into operation the first of the necessary steps leading to the return to the proper jurisdiction of any person who has committed a crime punishable by death or imprisonment for more than 1 year. In such an expanded scope, we in the Federal Government can be of the greatest aid and assistance to the States.

The crimes, however, specified in the act that now prevails are murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, arson punishable as a felony, or extortion accompanied by threats of violence, as well as an attempt to commit any of the enumerated offenses.

Now, we propose to widen the scope of the bill to include crimes that are determined to be felonies under the law of the State from which the fugitive flees.

The effect of the proposed amendments embodied in our bill will permit local law enforcement agencies to seek Federal assistance in locating offenders who have fled in interstate or foreign commerce to avoid prosecution, custody, or confinement.

Then, in addition, I will state that this bill will not place any undue burden on the Federal Bureau of Investigation. The Department of Justice has previously stated:

> It would appear, therefore, that despite the broadening of the jurisdiction under the proposed bill, the Federal Bureau of Investigation will not be unduly burdened with unwarranted investigations.

In other words, the practice of the FBI will not be changed under the bill. Also, Federal intervention is now generally limited to those cases where the State has indicated a clear intention to secure the return of the fugitive for bringing him to trial before a State court. Such intent is usually evinced by a State request or an indictment or other indication to prosecute the individual felon. Thus, the effect is to limit the coverage of the act to criminal cases where the State demonstrates sufficient interest in obtaining the return of the fugitive to warrant incurring the necessary expense incident to extradition.

Now, experience has clearly shown that States are unwilling to undertake such expense attendant upon extradition unless the fugitive is wanted for a serious crime or a person's presence is necessary for the successful prosecution of a serious crime.

The bill will help States procure the return of felons to the States from which they flee to avoid prosecution.

This bill is aimed primarily to assist the States in locating the offenders, to have them brought back for trial. The FBI would only be used—and this is very important—would only be used if the State makes the request.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Georgia.

Mr. FORRESTER. Now, the gentleman has made the statement that this law would only be used if the State requested it; is that correct?

Mr. CELLER. That is correct.

Mr. FORRESTER. Now, the gentleman will agree with me that the law as it stands now does not so stipulate.

Mr. CELLER. No, it does not state that in the act itself, but that has been the practice.

Mr. FORRESTER. It is only a practice and could be done away with tomorrow, could it not?

Mr. CELLER. I would like to read a letter which I received in that regard from the U.S. Department of Justice.

Mr. FORRESTER. Very well.

Mr. CELLER. The letter is dated August 23:

This is in answer to your request for information concerning the procedure utilized by the Department in cases involving the Fugitive Felon Act. The policy of the Department is set out in the U.S. attorneys' manual as follows:

"The Fugitive Felon Act does not supersede nor is it intended to provide an alternative for State extradition proceedings. Its primary purpose is to permit the Federal Government to assist in the location and apprehension of fugitives from State jurisdiction."

The Department of Justice goes on further to state:

The manual further requires the approval of an appropriate Assistant Attorney General before an indictment or a Federal removal proceeding may be instituted. Thus under present procedures when a complaint is issued by the U.S. attorney in the State in which the State offense has been committed, the Federal Bureau of Investigation is requested to conduct an investigation. Upon the arrest of the fugitive, he is turned over to State authorities in the State of asylum and is returned to the State from which he has fled through normal State rendition proceedings. It is, therefore, very seldom that an Assistant Attorney General authorizes the prosecution in the Federal courts under this statute. As an example, there have been 48 prosecutive applications of the present statute in 9,098 possible instances over a 10-year period.

This procedure, which has operated so effectively in the past in giving aid to the States, will be continued in the event that the fugitive felon statute is amended as we have requested.

I hope that the foregoing satisfactorily answers your inquiry.

Sincerely,

BYRON R. WHITE,
Deputy Attorney General.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield further?

Mr. CELLER. I yield.

Mr. FORRESTER. I have no quarrel whatsoever with the statement on the part of the Justice Department as to what its practice has been. The quarrel that I have is with our Committee on the Judiciary. I am quarreling by saying that we ought to have spelled out and we should have set out the practices and put those practices into the statute that they say they have been carrying on. Now, will not the gentleman admit to me that not one of those practices—and I certainly say they are sound practices—but not one of those practices is spelled out in the bill?

Mr. CELLER. This act has been in effect quite a long time and there has been no complaint about its administration whatsoever.

Mr. FORRESTER. I did not ask that.

Mr. CELLER. There is nothing spelled out

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. Congress can certainly keep track of the Department of Justice and particularly the FBI in the appropriations, the sums of money to carry out the enforcement of this act. If the experience of the past few years in the enforcement of this law has not resulted in any abuses why should we now contemplate that there will be abuses in the future? Hence I am sure the gentleman from Georgia will agree that the FBI and the Federal enforcement agencies are no more anxious to jump in and try to run the business of the States than we want them to, and we have the tool if they do commit any abuses by which we can stop them in the Congress of the United States.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. FORRESTER. I am not quarreling with the FBI; I am quarreling with the committee; I am quarreling with those charged with the responsibility of writing this legislation. I say to you that the actions of the Department of Justice and their practices are just as different from this legislation as the day is from the night, and that they have no authority whatsoever. As a matter of fact, if they do what they say they are doing they are actually violating the law, and I say we ought to have it spelled out.

Mr. CELLER. As was indicated very succinctly by the gentleman from Colorado, we have had no complaints whatsoever as to the operation of this statute, the administration of this Fugitive Felon Act, and I do not see why we should conjure up any idea now that they are going to abuse it in the future. They have not in the past and I have no reason to believe they will in the future.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield further?

Mr. CELLER. I yield.

Mr. FORRESTER. The gentleman is a great lawyer, the gentleman is a fine chairman of our committee, and I know that the gentleman does not ordinarily legislate like that; the gentleman tries to anticipate things, not that they might occur, but things that could occur. Will not the gentleman admit to me here that under this law the State has no rights whatsoever to make any requests for any kind of investigation that the Department of Justice can move of its own volition?

Mr. CELLER. No; the State must make the request of the Department of Justice and seek the return of the criminal. The State makes the determination and when the determination is passed on to the Department of Justice they make a cursory investigation. When they find a proper case has been made out by the State they then help the State to locate the criminal, apprehend him, and help the State to have him returned.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield.

Mr. ROGERS of Colorado. I point out to the gentleman from Georgia that the act we are now considering makes it a felony under Federal law to flee across State lines to avoid prosecution or the giving of testimony. The gentleman says that we in the Judiciary Committee are derelict in our duty in not spelling out something different. Does the gentleman know of any method whereby you can spell out crime any more clearly than it was spelled out in a previous Congress? This act has been in force and effect for a number of years and we are now merely reenacting it and extending it to those criminal acts which constitute a felony when heretofore it has been limited to a certain type of crime. Hence we have no reason to anticipate anything other than orderly process in the Federal enforcement of this law along that line.

Mr. FORRESTER. Yes, I know the gentleman says that. An amendment will be offered by the gentleman from Iowa [Mr. BROMWELL], which will be acceptable to me because then you are spelling it out and not leaving it to the imagination of the Department of Justice.

Mr. CELLER. May I say to the gentleman from Georgia that there are some very serious doubts about the amendment to which he just referred. It would tear down the bill, it would kill the potency and the efficacy of the bill altogether.

Mr. FORRESTER. Will the gentleman yield to me there?

Mr. CELLER. I yield.

Mr. FORRESTER. If we want to write in the law what is the practice of the Department of Justice, we would also destroy the bill?

Mr. CELLER. I doubt that very much.

Mr. FORRESTER. The gentleman does?

Mr. CELLER. I do not think so. I do not think we would want to fill this bill with details to that degree. I do not think it is necessary. I think we must put some trust and faith in our executive branch. If we do not we might as well have no representative government anymore. If they are derelict in their duty we have a remedy. We can cut off appropriations. The Judiciary Committee has the power to impeach; we can criticize very severely, and if necessary abrasively, we can incite public opinion against the Department. We can do many things that would force them to stop the abuses. I do not believe we have to go to the extreme the gentleman indicates. You would hurt this bill, not help it. We would not further justice, and we might bring about some injustice we would render the States.

Mr. FORRESTER. Does the gentleman mean to tell me it would be unreasonable to put in a bill and to legislate into law a practice which the Department of Justice says it has been adhering to?

Mr. CELLER. It all depends on the form of the amendment. If the amendment has certain language in it which would vitiate the bill, I would have to in good conscience oppose it. If it is harmless language, I will accept it. It all depends on what the semantics are. I do not know exactly what the amendment is that is to be offered. I have not seen the final wording of it. I did have a cursory view of it, however. I said that I wanted to study it. I have not had a chance to maturely and objectively view it. At first glance it might appear to be all right, but I want to be very

careful about it. I want to correlate it with the number of cases which have been determined.

Mr. JOELSON. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New Jersey.

Mr. JOELSON. I would like to ask the gentleman this question. Under this bill where a person engages in flight, the penalty is greater than the penalty he would receive in the first instance for the crime. For instance, a man could be sentenced to 5 years in prison for fleeing an offense for which he would get only a 2-year term in the State.

Mr. CELLER. That is correct.

Mr. JOELSON. How does the gentleman justify that?

Mr. CELLER. Those penalties are in the Fugitive Felon Act at the present time. We do not change the penalties.

Mr. JOELSON. The penalty for an offense in a State is, we will say, is less than 5 years. But here you are sending a man to jail for 5 years for fleeing from prosecution for a crime for which he could be punished by only 2 years in prison.

Mr. CELLER. It is up to 5 years. It may be only for a day. It depends on the gravity of the offense, the nature of the offense, the surrounding circumstances; and, also, the judge has discretionary power in that respect.

Mr. JOELSON. The judge could penalize a man to a greater extent than the man would suffer from the offense originally?

Mr. CELLER. That is possible. We have to leave that to the discretion and good sense and wisdom of the judge.

Mr. JOELSON. I thank the gentleman.

Mr. McCULLOCH. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, at the very outset I want to say that I am of the opinion that our colleague, the gentleman from California [Mr. SMITH], of the Rules Committee, did an unusually able job in explaining the provisions of the bill in question. Of course, all of us know that he was a devoted and able and respected member of the FBI. If there be any Member of the House who may speak with authority, it certainly would be our colleague, the gentleman from California [Mr. SMITH]. The same statement goes for my very able colleague, the gentleman from Ohio [Mr. DEVINE].

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman for the purpose of a question.

Mr. FORRESTER. Would the gentleman let me concur with him in his estimate of the gentleman from California [Mr. SMITH], who was a longtime member of the Judiciary Committee, a great American, an outstanding lawyer, and a man in whom I have every confidence? If the gentleman will permit—and I am not buttering it up too much—I have the same affection for the gentleman who just yielded to me, the gentleman from Ohio.

Mr. McCULLOCH. I would be less than grateful if I did not say, "Thank you so much."

Mr. FORRESTER. If the gentleman will yield further, let me ask the gentleman this question.

Mr. McCULLOCH. I would be glad to yield to the gentleman from Georgia.

Mr. FORRESTER. Does the gentleman follow the gentleman from California [Mr. SMITH] throughout, including the recommendation that he would approve the amendment which will be offered by the gentleman from Iowa [Mr. BROMWELL]?

Mr. McCULLOCH. Well, I am not in a position to say that I will approve the amendment offered by my very able colleague, the gentleman from Iowa [Mr. BROMWELL], until I see it. I would not like to accept any amendment to this bill that would materially weaken it or partially destroy its effectiveness.

Mr. Chairman, after I have made the briefest of statements, I will be glad to yield to my colleagues, both on the committee and off the committee.

Mr. Chairman, at the beginning of this session of Congress I introduced several bills to carry forward the unfinished work of the Judiciary Committee of the 86th Congress. One of the most important bills in this category is H.R. 468, to amend the present Fugitive Felon Act, title 18, United States Code, section 1073. I also introduced a similar bill in the 86th Congress, H.R. 11897, which passed the House on August 23, 1960; but evidently it was too late in the session for the other body to take action, and, therefore, the measure did not become law.

The present Fugitive Felon Act applies only to specified State offenses. In those instances in which a fugitive flees from a State to avoid either prosecution for the offense or giving testimony about the offense, he can be apprehended and arrested by Federal authorities. The offenses covered by the present act are murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, arson, and extortion. The bill will amend the act by making it applicable to all State offenses punishable by death or imprisonment for a term exceeding 1 year.

I want to emphasize and stress the fact that the bill we are considering is primarily a fugitive bill. In other words, it is operative only after the fugitive has fled the jurisdiction of the State in which the offense was committed. The State officials of the State involved are therefore powerless. They cannot go outside the jurisdiction of the State. They have to rely upon Federal officials for assistance in locating the whereabouts of the fugitive and in apprehending and arresting him.

Of necessity, then, the authority by which the Federal officials act must be broad enough to cover the variety of occasions when their assistance will be requested. Also, this authority must be exercised, as it has been in the past, in accordance with a well thought out and established plan of operation. As a matter of fact the method by which the U.S. attorneys proceed in a variety of situations is controlled by the procedure prescribed in the U.S. attorneys' manual.

The instructions under the Fugitive Felon Act begin by stating:

> The Fugitive Felon Act does not supersede nor is it intended to provide an alternative for State extradition proceedings. Its primary purpose is to permit the Federal Government to assist in the location and apprehension of fugitives from State justice.

The instructions require further that no complaint under the act be issued unless there is sufficient evidence to establish a prima facie case under the act. The complaint is issued by the U.S. attorney in the State in which the offense occurred. The Federal Bureau of Investigation is then requested to conduct an investigation. The decision as to whether an indictment is to be returned, however, or removal proceedings be instituted can be made only by the Attorney General. Thus, if a man commits an offense in one State and the U.S. attorney in that State issues a complaint or warrant for his arrest, and he is found in a second State, the U.S. attorney in the second State may not commence removal proceedings without first bringing the matter to the attention of the Department of Justice and obtaining authorization. This removal is clearly spelled out in the U.S. attorneys' manual which reads:

> Under no circumstances should an indictment under the act be sought nor should removal proceedings under rule 40 be instituted without the approval of the Department.

Thus, while a U.S. attorney in the State in which a crime is committed may commence proceedings by complaint or warrant, the U.S. attorney in the State of apprehension may not institute removal proceedings without departmental approval.

The history of the administration of the act for the offenses presently specified has been very successful. In 1960, the FBI apprehended 1,361 fugitives. Only two were tried in Federal courts. The rest were turned over to local authorities. However, the Federal authorities, in particular the FBI, have found that the coverage of the act is not broad enough to permit apprehension and arrest of those fugitives who commit a large number of serious State offenses which are not specifically enumerated. In testifying on the need for the bill the present Attorney General stated:

> The face of organized crime has changed. While there still are crimes of violence, the modern criminal has become somewhat more sophisticated in the planning and perpetration of his activities in gambling, prostitution, narcotics, bribery, fraud, and larceny. He has moved into legitimate businesses and labor unions where he embezzles the funds and loots the treasury. He has much more rapid means of escape from the jurisdiction of the local law enforcement. Unless his offenses also are Federal offenses, the Federal Government may not through the means of this section enhance the power of the State officials to apprehend racketeers and hoodlums.

Thus, even though State officials need and request the assistance of the Federal authorities in these cases, the Federal authorities have no jurisdictional basis upon which to intervene and make their facilities available. This bill would cure this very serious jurisdictional defect.

This bill had the specific endorsement of the prior administration.

In addition, the present Attorney General has urged its prompt enactment and considers that it is an essential weapon in the attack on the criminal elements in our society.

I urge every Member of the House to support the bill.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the chairman of the committee.

Mr. CELLER. Is it not true that this measure had bipartisan support in the Committee on the Judiciary; that it was the gentleman himself who now has the floor who in his wisdom and after careful consideration authored the bill, and it was I who filed the report on the bill, to indicate to the House the practical unanimity of action on this bill in the Committee on the Judiciary?

Mr. McCULLOCH. The chairman's question calls for a positive answer. There was well-nigh unanimous support for this bill; and after we shall have considered at least two amendments, which I am willing to accept, I think that there will be well-nigh unanimous agreement in the House.

Commenting upon a statement or two or a question or two of my able colleague, the gentleman from Georgia [Mr. FORRESTER], addressed to the chairman, I would like to say that in 1960 the FBI was requested to investigate and to help locate offenders in well over 1,300 cases; and in all these investigations they were primarily if not entirely responsible for the apprehension of 1,300-odd offenders against State laws. In only two instances did the Federal courts try the offender. The Department of Justice has no desire to get into the trial of these cases where there have been offenses under the State law. They prefer to leave the trial of these cases to State officials.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Florida.

Mr. CRAMER. I thank the gentleman. I want to join in congratulating the gentleman for his sponsorship of this legislation not only this session, but last. I had the privilege of joining with him in such sponsorship having this session sponsored H.R. 3023 which has the same objective. I ask the gentleman this question: Is it not true that the previous administration as well recommended the broadened proposal contained in the gentleman's bill, recommended it in the last session of Congress as part of the anticrime package, three bills of which we passed in the House yesterday?

Mr. McCULLOCH. I am glad to say to the gentleman from Florida that the former Attorney General did recommend such legislation. I introduced it, among other reasons, by reason of that recommendation. We moved promptly in the Judiciary Committee to report it favorably and, as I have already said, it passed the House as I recall without opposition.

Mr. CRAMER. Mr. Chairman, will the gentleman yield further?

Mr. McCULLOCH. I yield.

Mr. CRAMER. Is it not true that the present Attorney General submitted it as a part of the anticrime package, as had the previous Attorney General, feeling that it is an essential weapon in fighting organized, syndicated crime and gangsterism in America?

Mr. McCULLOCH. The answer to that question is again "Yes." The present Attorney General is very anxious to have this weapon in his arsenal in the fight against organized crime which becomes a more serious menace each year.

Mr. DOWDY. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Texas.

Mr. DOWDY. Mr. Chairman, I appreciate the gentleman's statement and would like to say that the main objection to the bill is being taken care of in limiting it to felony cases. I think that should have been done and I am glad it is being done. My question concerns the witnesses. It was not discussed in our committee and it occurred to me that this would apply to defense witnesses as well as prosecution witnesses.

Mr. McCULLOCH. That would be my opinion.

Mr. DOWDY. I would like the chairman of the committee to give his views on that question, because I think it is important.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. The ques- of fleeing to avoid giving testimony has been taken care of in the law since the Fugitive Felon Act was enacted. This proposed legislation does not change that paragraph in any manner whatsoever. Any so-called legislative interpretation probably would not be of any assistance for the simple reason that that provision has already been enacted.

Regardless of whether this bill becomes law, it is still on the statute books. What we may interpret now is mere surplusage, so to speak.

Mr. DOWDY. We are reenacting the law, and we think our views on what the law means will have a bearing on the interpretation of the law we are just passing.

Mr. McCULLOCH. I thank the gentleman for his observation. I should like to comment further concerning the word "felony" which our colleague from Texas used, and the difficulty which we encountered and with which we struggled so long. The difficulty with the word "felony" arises by reason of the fact that certain offenses may be felonies in Ohio or New York and not necessarily be felonies in South Carolina. So for the reasons indicated we have been happy to compromise some of the differences and difficulties by reason of the difference in meaning of the word "felony" in the several States.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Ohio.

Mr. VANIK. I want to commend the gentleman on this bill and the great work the committee has done on this matter. May I inquire, Would the interpretation of the word "felony" here include such statutory instances in which the offense may be either a misdemeanor or a felony as determined by whatever way the prosecuting attorney decided to proceed?

Mr. McCULLOCH. I think perhaps that question should better be answered when we are discussing the amendments that will be offered. If one were to take the bill as now written, I think the question would necessarily be answered by saying that if the offense is a felony then that offense would be subject to this law.

Mr. VANIK. Would the gentleman concur with me in believing it would be considered a felony if the prosecutor elected to proceed on the basis of a felony and the person were tried and found guilty of a felony?

Mr. ROGERS of Colorado. If the gentleman will yield, the answer to the question is, Was it a felony under State law at the time that he fled? That is the test. If it was a felony and he fled across a State line, then he would violate this proposal.

Mr. VANIK. We have certain offenses in which the prosecutor may decide to proceed against the person either as a felony or as a misdemeanor. He has a discretion under the law. It could be on either basis. In this instance if the prosecutor decides to proceed against the person as a felony, my question is assuming he would proceed as a felony.

Mr. ROGERS of Colorado. Let us get this straight. It is not what the prosecutor elects to do. He may elect not to enforce the law at all.

Mr. VANIK. Correct.

Mr. ROGERS of Colorado. But if the act that has been committed constitutes a felony under the State law and he thereafter flees, then he has committed a Federal offense and is subject to the penalties provided in this law.

Mr. VANIK. The gentleman has not quite answered my question, because we have certain statutes that provide that an act may be either a felony or a misdemeanor.

Mr. ROGERS of Colorado. The gentleman is saying that it may be a felony or it may be a misdemeanor. The question is, What act did he commit? If the act that he committed constituted a felony and he thereafter fled, he has violated this law. Certainly the question of degree may be brought forward in all criminal prosecutions.

Mr. VANIK. Mr. Chairman, will the gentleman yield further so that I may read this section of the statute?

Mr. McCULLOCH. I yield to the gentleman from Ohio.

Mr. VANIK. The statute reads to the effect that whoever violates a certain section of the code shall be imprisoned in jail or a workhouse for not more than 1 year of imprisonment or in a penitentiary for not less than 1 or more than 3 years. So under the law, it would be a felony even if it was a penitentiary offense. Am I correct in believing that this would constitute the basis for a felony?

Mr. ROGERS of Colorado. If the act committed would result or could result in a felony prosecution, then he has

committed a Federal offense when he goes over the State line.

Mr. VANIK. I thank the gentleman.

Mr. McCULLOCH. Mr. Chairman, I agree with the answer given by the gentleman from Colorado to that question. Obviously, the law would not await the decision of the prosecuting attorney as to the charge for which he was going to try the person before the act would become effective. Again, I think this is a forward step, long needed in our fight against organized crime. I see no danger to anyone in the operation of this law. I hope it has the unanimous support of the Members of the House.

Mr. CHAMBERLAIN. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentle man from Michigan.

Mr. CHAMBERLAIN. Mr. Chairman, I commend the members of the Committee on the Judiciary for bringing out this legislation and to say I feel it is needed. I would like to take a minute or two of time to relate an instance of which I have personal knowledge where this bill would be effective.

Before I became a Member of the House of Representatives, and I have been a Member for the last 5 years, I served as prosecuting attorney for Ingham County in the State of Michigan. One of the cases I prosecuted was for bribing the State board of optometry. The defendant was Benjamin D. Ritholtz of Chicago, Ill. He was convicted and sentenced to 2 to 4 years. He appealed his case to the Michigan Supreme Court. He appealed his case to the U.S. Supreme Court, and he has not served a day of his sentence yet because he has employed every technique that it has been possible for him to employ to avoid serving his sentence. He has forfeited his bond. Just recently, extradiction was denied to the officials of the State of Michigan who were down there because of a technicality in some extradition papers. It is my understanding that the Michigan State officials are going to make further attempts to get this man back in Michigan to serve his sentence. This happened over 5 years ago. A man was sentenced to from 2 to 4 years for bribery and he has not served a day. If this law had been on the books at that time, justice would have been done.

Mr. McCULLOCH. Mr. Chairman, I thank the gentleman for his contribution.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. WHITENER].

Mr. WHITENER. Mr. Chairman, this legislation, as reported out of the Committee on the Judiciary, had bipartisan support. But I might just as accurately say that it had bipartisan opposition because some of us on both sides of the aisle felt it was very bad legislation. I am delighted that it now appears we can make this legislation acceptable through amendments which will be offered, and, if I understand correctly, which will be accepted. It may not yet attain the degree of perfection which some of us would hope for. At least I would hope that these amendments, which I shall offer and which the gentleman from Illinois shall offer, and which will be accepted by the committee will make the bill more palatable. I understand the gentleman from Iowa [Mr. BROMWELL] will offer an amendment which will further improve the bill. I do not know whether the committee leadership agrees with that or not.

But, this bill which we are amending is entitled "Fugitive Felon Act." If we were to do what this bill, as it is now written, would do, we would change the effect of the act from a fugitive felon act to a fugitive misdemeanant act.

As the gentleman from New Jersey, [Mr. JOELSON], brought out awhile ago, this bill not only applies to those who flee to avoid prosecution, it also applies to persons who flee to avoid testifying. So, the result which the gentleman from New Jersey apprehended could occur is a very probable one, in that a person who was a prospective witness in a misdemeanor case, if he left the jurisdiction of that State, could be guilty of a Federal felony under this act.

Mr. Chairman, I have written minority views which appear on pages 10 through 12 of the committee report, which set forth some of the views which I have about this legislation.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield at that point?

Mr. WHITENER. I will be happy to yield briefly.

Mr. ROGERS of Colorado. Under the present law, the fugitive felon law, the crimes specified there are: murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, arson punishable as a felony.

Mr. WHITENER. There is no question about that.

Mr. ROGERS of Colorado. All right. In many States the crime of mayhem is a misdemeanor, and so are some of the other crimes enumerated. So, you are not changing the situation in that regard in any degree.

Mr. WHITENER. Well, I thank the gentleman. I am sure that he must be correct in what he says about some States providing that mayhem is a misdemeanor, but I am not familiar with any of those States. Certainly, the State which I represent does not so treat mayhem.

But, the gentleman has mentioned something which I think is rather important, and that is that the present law is limited to certain named felonies. Under the legislation as it came out of our committee, it would apply to any list of unnamed felonies and misdemeanors that may exist in any State of the Union where the punishment exceeds 1 year.

Now, in the State of North Carolina there are many petty misdemeanors which are punishable by more than 1 year in prison. I have illustrated a few of those in the minority views set forth in the report.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield at that point?

Mr. WHITENER. I will be happy to yield to the gentleman, if he will get me some more time.

Mr. McCULLOCH. Well, I will be generous to a point of fault, I assure my distinguished colleague. Does the gentleman believe that the Federal Government, the Justice Department, would bring into play this type of legislation, even if it were not amended, to apprehend a fugitive by reason of hazing, or aiding and abetting hazing, by a college student or from the tragedy of willfully breaking up a case of Coca-Cola bottles?

Mr. WHITENER. Well, the gentleman has asked a question, I am sure, in all earnestness. I will certainly answer it in all earnestness and as forthrightly as I am capable of doing.

I would say to the gentleman that I would not hazard a guess as to what departure the Federal authorities might take in the future on any sort of offense; in fact, some of the things which we have observed in the past in which they become terribly interested constitute very petty matters within the confines of some of the States.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield at that point?

Mr. WHITENER. I will be happy to yield to the gentleman from Georgia.

Mr. FORRESTER. The gentleman is a former distinguished prosecuting attorney in North Carolina; he had a fine record.

Now I want to ask the gentleman this question in all seriousness.

Would you recognize the practice of the Department of Justice from the bill that we have before us today?

Mr. WHITENER. I might say to the gentleman that in the 11 years I was privileged to be a district prosecutor, it became necessary to apply to the Federal Department of Justice on numerous occasions for assistance under the Fugitive Felon Act. It was very helpful to law enforcement. But I do not believe that the Justice Department believed that any State law-enforcement officer would recommend, seriously, that we extend this act to include every type of petty misdemeanor. I may go further; I will say I am convinced that in writing the letter to the committee the Justice Department clearly indicated that they did not intend to bring about the result which this bill would bring about. In the Department's letter, on page 3 of the report, you will note that the Attorney General said:

> The proposed amendment will permit Federal law enforcement officers to assist State and local officers in locating persons sought for all serious offenses, that is, offenses which would under Federal law constitute felonies.

So I think from the outset there has been some confusion in the minds of people down at the Department of Justice as to just what they were doing. We all know that the test for felony under the Federal law is imprisonment in excess of 1 year. That test is not the test in several States of the Union.

This bill recognizes the right of the States to determine what constitutes a felony and then says that if those States have decided that a certain type of conduct is a felony that the Federal statute, the Fugitive Felon Act, shall then come into play to assist in apprehending those

who flee prosecution or to avoid testifying.

To go a little further, I say to my friend from New Jersey that the second subsection of this act is entirely unnecessary. From the little research I was able to do it appears that 44 States, Puerto Rico, and the District of Columbia have adopted the uniform act to compel the attendance of witnesses in criminal cases; so if there is a witness outside the State, in 44 States, the District of Columbia, and Puerto Rico, there is now a uniform statute by which those witnesses can be returned to the States. If those other six States of the Union do not desire to come under the uniform act, then I do not see why we should be so concerned about bringing witnesses back to those States.

Let me say this to the Members of the House, that we have prepared amendments, which the chairman of our committee and the ranking minority Member have agreed to.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. McCULLOCH. Mr. Chairman, I yield the promised 2 minutes to the gentleman from North Carolina.

The CHAIRMAN. The gentleman from North Carolina is recognized for 2 additional minutes.

Mr. WHITENER. The first amendment I will offer will be offered as a substitute for the committee amendment. It will provide that the section of the bill relating to flight to avoid testifying will apply to felonies only. The gentleman from Illinois [Mr. LIBONATI] will then offer an amendment which he will explain later. I will then offer a third amendment which will amend the first subsection of the act again limiting its application to crimes which constitute felonies under the laws of the States where the alleged offense was committed.

Mr. Chairman, let me as I conclude say that I am familiar with the policy and the practice followed by the Justice Department in the past. I realize that they have not as a practice injected themselves into State prosecutions or laws to invoke the provisions of the Fugitive Felon Act unless requested by State authority. I think, however, the language of the act is such that the Federal authorities could do that if they should elect to do so. That is the danger of this act, even if we amend in the manner mentioned. It seems to me that the recommendation being made—I understand it may be boiled down into the form of an amendment—to require that there be a request by the States before the Federal authority comes into play, would be a desirable amendment.

None of us wants to see any person take the specific language of the law and use it in a way which the Congress has not intended. If we do not intend for that to happen, then the language of the act should be abundantly clear. If we do intend that it happen, then we should not be concerned about language, but, rather, rely upon the good faith of those who might hereafter hold the position of Attorney General.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may desire to the gentleman from Oregon [Mr. NORBLAD].

Mr. NORBLAD. Mr. Chairman, I am opposed to this bill in its present form.

Mr. McCULLOCH. Mr. Chairman, I yield such time as he may desire to the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Chairman, I rise in support of the pending legislation. This bill is similar in purpose to three bills which the House adopted on Monday last, one dealing with wire communications and gambling enterprises, the second dealing with the transportation of wagering paraphernalia, and the third with travel in aid of racketeering.

I point out we have two other bills of a similar nature, one of which I believe is ready for hearing by a judiciary subcommittee, granting immunity to witnesses; and a second bill, which was defeated in the full Judiciary Committee, relating to the obstruction of investigations.

I said in debate on Monday on the other bills that I believed the approach of the gentleman from Florida [Mr. CRAMER], in his omnibus bill, H.R. 6909, would have been far preferable; first, because it dealt with many of these proposals all at once in one omnibus bill; and, second because the omnibus bill H.R. 6909 is clearly and definitely aimed at interstate racketeering.

I point out that the bill we are considering today is contained on page 19 of H.R. 6909, under title VII, an extension of the Fugitive Felon Act. I think it would have been better procedure, and it would have made the legislation more acceptable to the House and to the American public, if it had been geared to interstate racketeering all the way along.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. By the gentleman's statement I assume he is in favor of setting up in the Department of Justice a separate and distinct division provided in the legislation the gentleman has just said that the gentleman from Florida recommends.

Mr. MEADER. It is true H.R. 6909 provides in the Department of Justice for an Office on Syndicated Crime, interstate racketeering.

Mr. ROGERS of Colorado. A separate division, is it not?

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Florida.

Mr. CRAMER. I am glad the gentleman asks that question, because it relates to some of the things I mentioned yesterday. Title I of my bill H.R. 6909 sets up an Office on Syndicated Crime within the Department, not a division but an Office, headed by a Director who shall act as special assistant to the Attorney General.

What is the purpose? The purpose is to assemble, correlate, and evaluate intelligence procured by other agencies, both Federal and State, relating to the operation of syndicated crime, and "syndicated crime" is properly defined. In carrying out the subsection, it shall include in the activities of the organization operation individuals connected with syndicated crime. It shall permit that Office to make available to State law enforcement authorities this information after it has been correlated and evaluated, because as of today any local law enforcement official who wants to get such information in the first place cannot get it evaluated or correlated by any Federal agency when it cuts across the jurisdiction of some 42 agencies of the Federal Government that has investigative jurisdiction.

There is today no available source of information correlated, evaluated, and properly formulated in a given place anywhere in the United States of America under the jurisdiction of the Federal Government made available to the States even though millions and millions of dollars are being spent annually to investigate crimes involving these syndicated crime people. Yet, the advantage of that expenditure is not made available to the local law-enforcement people in fighting crime, to make this information available, correlate it, to local authorities under proper supervision of the Attorney General. That is the interesting thing to me, I say to the gentleman: that the Attorney General now and the President not too long ago were saying they wanted a Federal Crime Commission which would go much, much further than the proposal suggested in establishing an Office on Syndicated Crime under the jurisdiction of the Attorney General. But I am unable to get the Attorney General interested now that he is Attorney General, even interested in establishing an Office on Syndicated Crime, which does not go nearly so far as the proposal previously made by the present Attorney General for a Crime Commission. Frankly, Mr. Chairman, I cannot understand it, especially in view of the fact that the Milton Wessel group on syndicated crime filed a report, a copy of which is in our hearings, and made its report to the previous Attorney General available to the present Attorney General, and made the finding that this is one of the key necessities in fighting crime in America. I thank the gentleman.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield further?

Mr. MEADER. I will yield for a question. I do not want to get diverted into this other question which is not immediately relevant to the point I was trying to make.

Mr. ROGERS of Colorado. I think the gentleman from Florida [Mr. CRAMER] will admit that it creates a new division in the Department of Justice?

Mr. CRAMER. A new office.

Mr. MEADER. Mr. Chairman, I want to point out that the bill before us would expand existing law regarding fugitive felons.

I also want to draw the attention of the House to the fact that a year ago, in the Civil Rights Act of 1960, we adopted an expansion of the Fugitive Felon Act, which is title II of the Civil Rights Act

of 1960; it is section 1074 of the United States Code, chapter 49, title 18.

That extension of the Fugitive Felon Act dealt with flight to avoid prosecution for damaging or destroying any building or other real or personal property.

I believe that when we adopt the bill before us, we will have included not only the existing section 1073, which is amended by this bill, but we will in addition have included all of the coverage of section 1074 which, as I say, was title II of the Civil Rights Act of 1960.

Mr. Chairman, I would like to have the attention of the gentleman from New York, the chairman of the Judiciary Committee, Mr. CELLER, for the purpose of propounding an inquiry to him and for the purpose of making some legislative history.

I call the gentleman's attention to the colloquy between himself and me on Monday, August 21, 1961, which appears on page 16542 of the CONGRESSIONAL RECORD of that day, in which the gentleman and I agreed that since the legislation under consideration at that time was in aid of enforcement of State laws, there was no danger that any court would interpret the Federal law as preempting or striking down the State law.

I wonder if those comments which the gentleman made would not be equally applicable to this expansion of the Fugitive Felon Act, and there could be no possibility of impairing the validity or vitality of any State criminal laws as the result of the adoption of this legislation?

Mr. CELLER. The gentleman is absolutely right.

Mr. MEADER. I thank the gentleman.

Mr. CELLER. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. FORRESTER].

Mr. FORRESTER. Mr. Chairman, I am an old prosecuting attorney. I served for 27 years and it is an unusual experience for me to be appearing in the well in behalf of the defendant. But the defendant has got to have some representation here today. I have no personal ax to grind, but this is a bad bill. It is not just a reasonably bad bill, it is an extremely bad bill. Now I am going to make this statement to you and I am going to do it without fear of any successful contradiction. If you do not think after the passage of this bill that you have turned the Attorney General and the Federal Bureau of Investigation into every State offense involving a felony of any kind or description, even if it is only selling cigarettes to minors, then you are just simply wrong. It does that very thing.

There is another thing I cannot understand, certainly not as a member of the Judiciary Committee. I cannot conceive why we are not willing to reduce to writing what we say will be the practice under this legislation. It simply does not make sense.

The mere fact that you have had most of this law on the books for years does not mean anything. Do you mean to tell me you are not going to give consideration to trying to cure a mistake if a mistake has been made? I tell you positively and without any fear of contradiction whatsoever that this law in its incipiency, from the very beginning, has been so bad that the Justice Department has not followed it. The Justice Department, instead of observing this law, observed a practice; and, if you will pardon my saying so, neither the Attorney General nor the Justice Department has authority or any right to set up a practice. Each and every one of the officeholders in this country is bound by the law and should enforce the law; not what you think the law ought to be, but what the law is. And I will tell you this further: that if you will read the law you will see what you are doing, and I do not believe you will then pass this kind of legislation.

In the first place the law that you already have covers murder, burglary, robbery, mayhem, rape, and other offenses and the attempts to commit those offenses. So, actually, if you want to deal with major offenses, you already have the law

Now what you are trying to do is this: You are bringing the entire field of policing State criminal law into the hands of the Federal Government. So far as the record shows, the present law is ample.

The report contains only a statement that the Department of Justice wants to help the States administer their laws, but the record does not show that the States have asked for it, have asked the Department to assist them in the enforcement of these laws by passing further legislation. So far as I know, no Governor, no State prosecuting attorney has recommended the action sought today. Whatever the reason is—and I will have to confess to you I do not know the reason; I have tried to find out the reason, and if there is any reason it has been hidden from the Judiciary Committee and from the Rules Committee—but if this bill should be amended requiring offenses to be felonies under the law, the amendment to be offered by the gentleman from North Carolina [Mr. WHITENER], that will not make any concession, because the truth is that that is exactly what the Attorney General in his letter says he wants to do. They just failed to realize that some States have different laws concerning felonies. It just happens that the punishment is for 1 year or more, but that does not convey accurately or identify what are felonies in the various States. So, if that amendment is accepted, it will not cure the infirmities in this bill.

The report says that the Attorney General or Justice Department would act only at the request of a State. See the last paragraph on page 2 of the report. It says that this action is one of practice; in other words, it is a self-imposed restraint. You did not impose it on them. I am asking you to put on self-restraint, for the Department of Justice did it because you did not do it. The Department realizes that the law as written violates virtually every concept of our known criminal jurisprudence. Do you hear me? It absolutely violates every fundamental concept of your criminal jurisprudence. If you adopt the practice today you can break that practice tomorrow. Maybe it will be. If it is broken, no one can criticize that action because the practice is unlawful to start with and to cease that practice and to enforce the law according to its terms would be only the duty of the Attorney General, who is entrusted with the enforcement of the law. It would be a sad day for this country if the practice is accepted that a prosecuting attorney can limit or qualify the laws passed by the people. To me, this practice of self-restraint by the Justice Department makes it impossible for me to support a law giving it such terrific and unjustified powers. As a matter of fact, the present law reads so differently from the present practice of the Justice Department that actually the Justice Department has made its own law. There is nothing in the present law to limit the FBI to cases in which a State has demonstrated sufficient interest in obtaining the return of the fugitive and in incurring the expense necessary to extradition. The Federal Government under this law can proceed even against the will of the State, and I challenge anybody to deny that. Can anybody tell me you are bound to operate under the request of the State? They will not agree to put it in there. I say to you that you ought not to pass any such legislation until it is spelled out there and it says what they are going to do with it. As a matter of fact, any State prosecuting attorney charged with administering the law can be forced by mandamus to prosecute according to the terms of the law. Whether the U.S. Attorney General can be required to do his duty is a matter that I cannot pass on, but he ought to be.

I think I would give favorable reception to proposed legislation along the lines of the stated practice of the Justice Department, but I will not agree, and God knows I hope you will not agree, to pass a law completely foreign to such practices and acquiesce in the Department's setting up its own rules.

You could take the story of "Little Red Ridinghood" and hold it before you and put it over there in the Department of Justice, and the Department of Justice can set out its own rules, the same rules just as easily as under this bill that is before you, because this bill and what the Department of Justice is doing are just as different as the day is from the night.

I do not think this Congress wants to pass a law that whoever travels in foreign commerce or interstate commerce with intent to avoid prosecution is guilty of a Federal offense. They will tell you that they are just going to prosecute them in the State, but tomorrow they may try them in the Federal court. They have done this. Look at the U.S. Annotated Code and you will see. You would not have those decisions if they had not tried the defendants. You cannot only be tried by the Federal Government but you can be given a fine of $5,000 or 10 years in prison.

The bill says nothing about turning the defendant over to State authorities. Listen to me, now. I challenge you. Just show me any authority for turning the defendant over to State authority. It is not in this law. It is a good prac-

tice. I am for it. I approve of it. But it is practice and not law, and it can be stopped tomorrow.

Also, there is no requirement that prosecution be a bona fide prosecution.

It covers a malicious prosecution just as effectively as it does a bona fide prosecution. There is no requirement that the prosecution be initiated by indictment or by criminal information. The prosecution could be started by swearing out a warrant before a justice of the peace who has no knowledge whatsoever of the law.

Anyone can easily conceive of a person removing to another State who could be charged with fleeing to avoid prosecution although the change of residence was without intent to avoid prosecution. I am going to lay down this rule, and I challenge anybody to deny it. I point out to you that in a prosecution under this bill the prosecutor will offer in evidence an indictment or warrant or whatever the foundation for the prosecution is, and evidence that the defendant fled the State, and then if the defendant tries to prove that it was a malicious prosecution, the court would have to hold it was irrelevant and immaterial, as the motive for the prosecution was immaterial.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield me more time?

Mr. McCULLOCH. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia.

Mr. FORRESTER. As I was saying, the court would have to hold that such evidence was irrelevant and immaterial because the gravamen of the offense is simply to flee to avoid any kind of prosecution. Certainly, this legislation creates an independent offense, a Federal offense, and you have, certainly, a degree of multiple prosecution. You can prosecute him in a State court, you can prosecute the defendant in a Federal court. The legislation makes the offense of fleeing to avoid giving testimony in criminal proceedings.

My friends, do you want to do that? Seriously, do you want to do that?

Mr. Chairman, at the risk now of this being considered farfetched, I want to make this point. You ought to consider things that are farfetched when you pass legislation. I remind you, you are making laws to bind human beings. I say this to you—any tourist traveling in another State and who witnesses in that State the commission of a felony—and not one of any earth-shaking importance—but just a felony, because the State says it is a felony, that tourist could be confronted with a charge to remain in that locality as a witness, paying his own expenses, until the trial, and having to pay for his food and lodging and so forth. There is no provision whatsoever for him to reimbursement by the State. It subjects him to punishment for fleeing the State to avoid testifying. I do not intend to be a party to any such legislation. I deem it the duty of the Congress to pass responsible legislation. I do not think it is either within the province of the Attorney General or of the Department of Justice to say what part of the law they will enforce and what part of the law they will ignore. This legislation is too powerful and too oppressive to be granted to any prosecuting official.

Mr. Chairman, I sympathize with the motives of this legislation. I am for the principle, but under no circumstances whatsoever am I willing to put my endorsement upon legislation as oppressive and as far reaching as this.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCULLOCH. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. BROMWELL].

Mr. BROMWELL. Mr. Chairman, I rise in opposition to this bill with some reluctance because I so strongly approved of the legislation that was adopted on Monday in this House to which this legislation is related. Moreover, I am well aware that the members of the committee and, particularly, the gentleman from Ohio who introduced this bill, have been put to a great deal of labor. That this bill is controversial is self-evident. At the risk of laboring the obvious, I should like to point out the particular feature of this bill which is most objectionable to me.

We are all familiar with the manner in which prosecutions are commenced under State law. They are commenced by a true bill of indictment being returned by a grand jury, or if the statutes permit, by the filing of a prosecutor's information; or in some jurisdictions by filing of a preliminary information upon a citizen's complaint—in some cases, the police. In each of these instances, someone must by official act upon oath take the responsibility of accusing one of his fellow citizens of having committed a crime, and in the event that he acts maliciously, he subjects himself to civil liability for inducing malicious prosecution. This is a responsibility which has been placed upon the enforcement officials to safeguard the rights and liberties of American citizens. We are all familiar, in addition, with the processes of extradition. If a man is charged with serious crime in the State in which it is committed, and flees to another jurisdiction, at the present time the process of extradition is followed.

Now, this is a very carefully thought out, time hallowed process in which the requirements are placed upon those seeking to return the criminal for trial of showing that a charge has been filed against this man; that some responsible official has accused him of crime upon his oath or affirmation or otherwise, according to statutory law, and in addition, that the man held in the distant State, the asylum State, is, in fact, the man who has been accused in the State in which the crime was committed. Without these minimum requirements there is no extradition at the present time.

Now, the bill before us provides nothing in the way of a requirement of prosecution in the original jurisdiction. It does not require any proof of a formal averment of crime against the person charged under this Federal law which we are being asked to pass. Indeed, it does not require that any crime shall have been committed at all. It requires no prosecution, no statement by State officials. It requires no intent to prosecute.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield at that point?

Mr. BROMWELL. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. The bill, H.R. 468, on line 5, says "Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody or confinement after conviction."

Mr. BROMWELL. Yes.

Mr. ROGERS of Colorado. Well, now, do you not believe that before the U.S. attorney would file an information against anybody who has fled, that he would have some evidence that he fled to avoid prosecution?

Mr. BROMWELL. Well, yes, but let me say to the gentleman from Colorado that this act is not going to be enforced by what I believe. This act is going to be enforced upon the specific language included in this bill.

Let me hasten to add that I firmly believe that the present practices of the Federal Bureau of Investigation and the Department of Justice would require some showing, and I am speaking now of the express language in this bill which makes no such requirement.

Mr. ROGERS of Colorado. I think where you missed my point is that we are talking about spelling out a Federal crime.

Mr. BROMWELL. Precisely.

Mr. ROGERS of Colorado. Now, the Federal crime we are spelling out is he who travels in interstate commerce to avoid prosecution.

Mr. BROMWELL. Correct.

Mr. ROGERS of Colorado. And, if he does so, then he is subject to a penalty. Now, the U.S. attorney usually is the one who prosecutes. Now, before he files or presents it to the grand jury, as he must, does he not have to have evidence of his fleeing to avoid prosecution?

Mr. BROMWELL. I certainly hope so. Let me say to the gentleman from Colorado that I certainly hope he must have such evidence, and it is also my sincere hope that the requirements will be written into this statute that there be prosecution in the State from which the man has fled.

Mr. ROGERS of Colorado. But, it is written into the statute, if he flees to avoid prosecution.

Mr. BROMWELL. You are implying into the word "prosecution" formal acts which are not required by this bill.

Mr. ROGERS of Colorado. But, suppose he committed a murder tonight and nobody knew who he was and he fled over the State line; he fled to avoid prosecution for the murder that he committed.

Mr. BROMWELL. Yes.

Mr. ROGERS of Colorado. Well, now, would you amend this bill to say that there had to be a formal complaint filed before he violated this law?

Mr. BROMWELL. I would say that before he was subject to prosecution under this law there should be someone

stand up and say: This man, John Doe, or whatever his name was, did commit a crime. And, I will stake my reputation on that.

Mr. ROGERS of Colorado. That is the duty and the responsibility of the prosecutor which files the charge against him as now provided by law. In other words, you are spelling out a Federal crime.

Mr. BROMWELL. Yes.

Mr. ROGERS of Colorado. And the Federal crime is he who flees to avoid prosecution. The fact that the justice of the peace or the State or county attorney or the attorney general of the State has not had an opportunity to go out to the courthouse to file a complaint against him before he goes across the State line should not be a test of whether he has committed a crime.

Mr. BROMWELL. I say that before we send a man to the penitentiary for 5 years somebody better have time to get to the courthouse in the State in which the murder is committed.

Mr. ROGERS of Colorado. But the Federal crime here and the duty and responsibility of proof is on the Federal Government, and if they cannot show that he fled the State for the purpose of avoiding prosecution then they have not proved their case.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. BROMWELL. I yield.

Mr. FORRESTER. Of course the gentleman knows that the observation made by the gentleman from Colorado is just theoretical. There does not have to be any prosecution commenced at all, and the Justice Department can move in under their own volition under the terms of this bill, and if they would just accept the amendment the gentleman is going to offer it would cure that very defect. I cannot understand why they will not accept it, for they contend that that was the effect of this law.

Mr. BROMWELL. I agree with the gentleman.

Mr. Chairman, I yield back the balance of my time.

Mr. CELLER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I want to say to the membership we cannot accept the so-called Bromwell amendment in the terms it has now been presented. This amendment is not only prospective, but also retroactive, since it would affect the old statute. For example, if this amendment were adopted and a person committed a crime of rape, arson, robbery, kidnaping, all despicable crimes, and flees to another State it would take considerable time to institute a complaint of these heinous offenses, or an indictment, or any kind of formal process. That interval of time aids the criminal to continue his flight possibly from one State to another, and the apprehension might be thwarted because of the enforced delay. He could seek out an absolutely safe haven secure from detection. Thus justice would be thwarted and there could be no prosecution whatsoever.

The amendment would slow down beyond peradventure of doubt the whole process of apprehending a felon to such a degree as to assist the fugitive in making an actually safe getaway, and thus hamper prosecution and frustrate justice.

What the gentleman seeks to do is to incorporate into the definition of a crime that which is purely procedural. That is dangerous. In numerous cases it would be impossible for the State from which the felon flees for various reasons to bring any complaint or indictment, or information against the fugitive under the proposed amendment. It accents this formal proceeding. There can be no invocation of a statute without formal procedure, and the fugitive goes on his merry way.

There have been a number of important cases decided which should be decisive of this proposition. This question of a pending formal process was raised before as a defense against a Federal prosecution for violation of the Fugitive Felon Act. A leading case is United States against Bando. This was the case in which Victor Riesel was blinded. The perpetrator of the crime which was mayhem in New York was one Abe Telvi. He also received facial burns from the acid spattered on him as he threw it. Being a marked man the conspirators in the crime moved Telvi to Youngstown, Ohio. He subsequently returned to New York and shortly afterwards was shot and killed. No proceeding for the crime of mayhem in New York was pending, since the State did not have sufficient evidence, nor could a proceeding ever be brought since the defendant was dead.

Thus, under the Bromwell proposition, these men who aided Telvi could not have been prosecuted.

The appellate court, mark you well, ruled that under the existing statute it is not necessary that flight follow the filing of a formal charge or indictment of one of the specified crimes. The court pointed out that the statute does not say "a pending" prosecution. It merely suggests that the fleeing felon is subject to prosecution; but the court continued to point out that if the statute was construed as the defendant argued, demanding a formal charge, that is, the statute had that in it, as the gentleman from Iowa [Mr. BROMWELL] wants it in now, it would serve in great measure to frustrate Federal law enforcement agents by preventing them from going into action promptly, and it would set a premium on a quick getaway across State lines by criminals who had committed one of the crimes of violence listed in the statute.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CELLER. Mr. Chairman, I yield myself 5 additional minutes.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Louisiana.

Mr. WILLIS. Under the present statute, which has been on the books since 1934, the requirement sought to be imposed by this amendment is not in there, is that correct?

Mr. CELLER. That is correct.

Mr. WILLIS. We had no hearings on this proposal. It may well be, as the court said, it would not only result in frustration but would result in something we cannot conceive of until we have had hearings on this matter.

Mr. CELLER. That is a sound argument.

Mr. WILLIS. It has never been thought through.

It seems to me that the Department of Justice should have an opportunity to express itself on this broadsided amendment before we properly consider it on the floor.

Mr. CELLER. I agree with the gentleman.

I want to point out another case, Lupino against United States. The defendants were charged with violating the Fugitive Felon Act. In this case the defendants kidnaped and killed a man in Minnesota and fled to California. No prosecution was ever held in Minnesota because of lack of sufficient evidence. These men were convicted, and the conviction affirmed on appeal. The defense was that a State prosecution—that is the language used in the Bromwell amendment—was an essential prerequisite prior to flight.

The court refused the defendant's argument. The court said:

> Such flight by perpetrators of crime against the States are a common means of hindering State justice, as is well known, and if it is the Federal Government which accords freedom of movement throughout the country, that makes flight possible, it is plainly within the province of the Government to regulate this abuse of it. The abuse is against the peace and dignity of the United States and also of the States.

In the light of modern convenience of transportation, the Bromwell amendment would make the statute an ineffective aid in the capture or prosecution of fleeing felons because of the time which would necessarily be required to institute some formal process. It is an innate instinct of a person who has committed a crime to immediately flee the scene. Thus, the modern means of transportation makes it only a matter of hours, or even less, to reach a State border and move in interstate commerce. Normally, on the other hand, it would take at least a day, or maybe several, for a complaint or information or other formal process to be filed. To summon, for example, a grand jury and render an indictment would take much longer.

To summon, for example, a grand jury and render an indictment, would taken even much longer. Thus, under the proposed amendment, the law would be made an ineffective instrument of justice.

Mr. Chairman, it should also be pointed out that under existing law defendants cannot be convicted unless the jury finds beyond a reasonable doubt that they committed the crime for which they fled for which they feared they would be prosecuted, and that they fled with the intent to avoid prosecution. The apprehension on the part of the defendant must also be a reasonable one, and not a mere figment of the imagination.

Mr. Chairman, another aspect of the Bromwell amendment is this: the Fugitive Felon Act is primarily designed to

assist the States in locating and apprehending, through the FBI, fugitives from State justice. It plugs a loophole in the States' uniform and reciprocal extradition laws. It does so in this manner: If a State has a defendant under indictment, that indictment is of no force and effect unless the State knows where the defendant is located so that it can make a demand upon the State of asylum. Its law enforcement officers are limited by the territorial boundaries of the State. However, if the demanding State does not know the whereabouts of the defendant and its law enforcement is so limited, it is only the agency of the Federal Government which can perform the task of locating and apprehending the missing indicted defendant. This also applies in the case of missing witnesses under the Reciprocal Witness Act.

Mr. Chairman, for these reasons I hope that the amendment will not be adopted, when offered by the distinguished gentleman from Iowa [Mr. BROMWELL].

Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. LIBONATI].

Mr. LIBONATI. Mr. Chairman, I think we should weigh this legislation as realists. I do not think any constitutional lawyer of any training whatsoever or prestige could defend the original enactment of the Felony Act in Flight on this national basis. It is lese majesty piece of legislation that has for its specific purpose a quick taking and a lightening delivery back to the demanding State from the asylum State.

Mr. Chairman, we all know as lawyers in the practical sense that the man is brought before the Federal commissioner, and that is his hearing. He is immediately ordered back to the demanding State. Under the 44-State system of uniform extradition there is a difference. Through the writ of habeas corpus there is testimony taken and testimony can be given which is a complete defense to the sending of this person from the asylum State to the demanding State. So, in reality if this is legislation because of necessitous circumstances that confront the States between themselves, a lack of time, or for the emergency of the moment, the individual is returned to the demanding State.

Mr. Chairman, under this bill there is no protection in any sense, constitutionally and otherwise, on the part of any person whom the Government seeks to send back to the demanding State. But by amendments we have in some way rectified certain areas in the bill or certain provisions in the bill that were too broad and too loosely drawn. I would rather have seen the crimes enumerated that the Attorney General spoke of instead of the entire classification of felonies in the respective States. I would rather have the bill list individual crimes instead of an amendment inclusive of all felonies.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. LIBONATI. I yield to the gentleman.

Mr. WHITENER. Mr. Chairman, I appreciate my friend from Illinois yielding to me; and I would like to say to him that those of us who have been privileged to serve with him on the Judiciary Committee have been most appreciative of his splendid mind and the application of that splendid mind to some of these problems which so regularly present themselves to the members of our committee. And I appreciate so much the wonderful work the gentleman has done in connection with this particular bill in trying to make it a less objectionable piece of legislation than it was when we started with it.

Mr. Chairman, I would like to ask the gentleman if he will agree with me on this proposition. We are told by the Department of Justice that their sole purpose is to assist the State agencies or the local law-enforcement people in returning criminals who have fled, returning them to the place where the crime was committed for trial. They say, "We have no desire to prosecute people under this language even though we are asking you to give it to us." Now I want to ask the gentleman, is there anything in the law of this land which would prevent the Federal Bureau of Investigation from giving assistance to local authorities in the location of fleeing felons any more than there is some provision against the local law-enforcement agencies, such as the police department of Chicago, cooperating with the police department of my city?

Mr. LIBONATI. There is nothing; the gentleman is absolutely right.

Mr. WHITENER. Certainly the local law-enforcement people have no legal interest in a crime committed in another State or another jurisdiction; but at the same time throughout this country of ours we have a network of law enforcement as a result of the reciprocal attitude of these local law-enforcement officers. Now, without the Fugitive Felon Act does the gentleman know of anything that would prevent the FBI from showing a reciprocal interest in the apprehension of criminals when a local agency requests it?

Mr. LIBONATI. No. As a matter of fact, it is the practice. I would say further that that was the purpose of the original bill, purely for the apprehension of felons who have flown from a jurisdiction and it is the desire of the demanding State authorities to return him. That is the only function that they measure up to in this bill except where the Attorney General in such case may determine, as by the amendment that I propose, to prosecute under the Federal law of flight—he or members of his staff, and no one else. It is limited to him and to his staff. Under those circumstances I say as realists, that the Members of the Congress at the incipiency of this legislation, realized when they were passing it that it was purely for that purpose and no other purpose.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. LIBONATI. I yield to the gentleman.

Mr. ROGERS of Colorado. Do I understand the gentleman contends if Congress had not passed the Fugitive Felon Act and if we do not now enact H.R. 468 that the FBI has authority to ferret out a man who may have committed a murder in Chicago and went to Florida?

Mr. LIBONATI. Yes. And they lodge them in the city jail for investigation, and the local police take over, informing the police of the demanding authority.

Mr. ROGERS of Colorado. Could the gentleman cite any statute that would give authority to the Federal Bureau of Investigation to walk in and arrest a man in Florida for a murder committed in Chicago?

Mr. LIBONATI. Yes. They take him in custody and hold him on the pretext that they are turning him over to the custody of the local police authority for continuing investigation. Then the local police authority informs the proper authorities in the demanding State. That is the way it was done before this act.

Mr. WHITENER. As a matter of reciprocity.

Mr. LIBONATI. That is true.

Mr. WHITENER. Is it not the knowledge of the gentleman from Illinois as well as the knowledge of the gentleman from Colorado, who served as attorney general of his State, that never a day passes that police authorities do not assist the Federal Bureau of Investigation in locating Federal criminals?

Mr. LIBONATI. As a matter of fact, police officers are assigned to various agencies of the Government, including the Narcotics Bureau and the FBI, at the local levels.

Mr. ROGERS of Colorado. Suppose the local officials refuse to cooperate with the Government?

Mr. LIBONATI. They do not owe a duty to the Government to cooperate with the Government, but they have certain instructions from their own disciplinary officials who in case of a refusal would take cognizance of it. But the gentleman was the attorney general of Colorado. Maybe they refused to cooperate because your demands were excessive and would subject them to lawsuits for false arrest.

Mr. WHITENER. I will say to the gentleman from Colorado in answer to his question that if the local authorities refuse to cooperate when the Federal authorities request them to do so the same thing happens when the Federal authorities refuse, as they have in many instances, when we have requested their support and their assistance. You just do not have the cooperation. That is exactly what happens.

Mr. LIBONATI. I appreciate that, but you will find the persons who are heads of these departments want them to cooperate.

Mr. ROGERS of Colorado. Does not the gentleman recognize that every process in the executive branch is based on some statute or authority given by Congress?

Mr. LIBONATI. That is an overstatement that I have heard many times but that you cannot prove.

Mr. ROGERS of Colorado. Does the gentleman know of any action taken by the agencies that is not backed up by some statute, by Executive order, or that has been authorized by Congress?

Mr. LIBONATI. The gentleman is asking me to determine whether or not an agency has been disciplined. The

books are filled with them. The Congress is always investigating, ready to investigate any Government agency that does not act in conformity with the rules or areas of their responsibility.

I hope that in expanding the jurisdiction over all felonies the Government works out a way whereby these men who are picked up by the Government will be given an adequate hearing and an opportunity to defend their position, especially in view of the fact that you are permitted under this law and it has been permissible under the old law to take persons in custody in the light of what testimony they could give toward some proceeding that started after they had left the jurisdiction.

I say to you that the time is coming when there must be adequate legal representation at the Federal level, such as defense counsel appointed by the courts to represent these prisoners held in custody; especially as to the testimony that they may be presumed to know about and are held without due process or under court proceedings, complaint, information, or indictment, or under any subpena. Otherwise, detaining such persons against their will without due process of law is unlawful and in violation of their civil rights. The bill as amended in its present form although not entirely satisfactory, now corrects the more important criticisms leveled against its enactment.

Mr. McCULLOCH. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 1073 of title 18 of the United States Code is amended to read as follows:

"Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which he flees, for a crime, or an attempt to commit a crime, punishable by death or imprisonment for a term exceeding one year under the laws of the place from which the fugitive flees, or (2) to avoid giving testimony in any criminal proceedings in such place in which the commission of an offense punishable by imprisonment in a penitentiary is charged, shall be fined not more than $5,000 or imprisoned not more than five years, or both."

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

On page 2, line 2, strike "imprisonment in a penitentiary" and insert in lieu thereof: "death or imprisonment for a term exceeding one year".

Mr. WHITENER. Mr. Chairman, I offer an amendment, as a substitute for the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITENER as a substitute for the committee amendment: On page 2, line 2, strike: "imprisonment in a penitentiary" and insert in lieu thereof the following: "death, or which is a felony under the laws of such place, or which in the case of New Jersey, is a high misdemeanor under the laws of said State,".

Mr. WHITENER. Mr. Chairman, the intent and the purpose which will be served, if this amendment is adopted, is to make this act applicable only as to felonies. It comes as a substitute to the committee amendment, which follows the section of the bill relating to unlawful flight to avoid giving testimony. This substitute for the committee amendment would have the effect of saying that a witness who fled a jurisdiction to avoid testifying could not be brought under the penalties of the Fugitive Felon Act unless the case involved in the local jurisdiction was a felony. There is some additional language here which is designed to meet the special situation which we are told by counsel to our committee and by the Department of Justice exists with reference to the law of the State of New Jersey. It seems in that State, they do not denominate the offense as a felony, but term it a high misdemeanor which is synonymous, I am told, with the term felony as it applies in the average jurisdiction. This amendment would have a very wholesome effect in that it would limit the application of the unlawful flight to avoid the testifying portion of the Fugitive Felon Act to cases where a felony was charged or a high misdemeanor in the State of New Jersey or in the State where the alleged offense has been committed.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield to the gentleman from New York.

Mr. CELLER. The gentleman's amendment is eminently acceptable to the committee.

Mr. McCULLOCH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, we are happy to accept the amendment offered by our colleague on the Committee on the Judiciary, Mr. WHITENER. As indicated earlier today, the word "felony" does not have uniform meaning in all States, and while we, in Ohio, were entirely satisfied with the meaning of this legislation, we found that certain misdemeanors, as described in the State of Ohio, may be subject to imprisonment in the State penitentiary for as much as 2 years in some of the other States. For that reason, in order to get at one of the things which is objectionable to some Members, and which has been so ably described by our colleague from North Carolina, we are pleased to accept this amendment.

Mr. FORRESTER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to point out to the Committee of the Whole that actually they are making no concessions whatever when they accept this amendment. As a matter of fact, if you will turn to page 3 of the report, you will find that the Attorney General in his letter to the chairman of our committee set out the language I now quote:

The proposed amendment will permit Federal law enforcement officers to assist State and local officers in locating persons sought for all serious offenses, that is, offenses which would under Federal law constitute felonies.

Now, that is just exactly what he said he wanted in the law. Now, when the bill came before the committee that is just exactly what it did not do. That is one of the many points that we raised in connection with the infirmities in this bill. Of course, when it clearly appeared before the committee over there and when the gentleman from North Carolina [Mr. WHITENER], vigorously protested both there and in the Committee on Rules, that there was opposition, it was just a few minutes ago before they would even accept that particular amendment.

I will say this to you, though, when you take it and when you get this, you have got every sort of felony that any State has decided that they want to make an offense so characterized; in some States even selling cigarettes to minors or things of that kind. And, as a matter of fact, I would predict that almost more than half of the criminal laws of every State of the Union are covered under this bill, and I think you ought to know that.

Now, Mr. Chairman, if no one else wants to comment, I want to raise a point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and five Members are present, a quorum.

The question is on the substitute amendment offered by the gentleman from North Carolina [Mr. WHITENER].

The substitute amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment as amended by the substitute.

The committee amendment as amended was agreed to.

Mr. LIBONATI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LIBONATI: Page 1, line 3, strike out the phrase "the first paragraph of".

Page 2, line 5, add the following paragraph: "Violations of this section may be prosecuted only in the Federal Judicial District in which the original crime was alleged to have been committed, or in which the person was held in custody or confinement, and only upon formal approval, in writing, by the Attorney General or the Assistant Attorney General of the United States, which function of approving prosecutions may not be delegated by them".

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. LIBONATI. I yield.

Mr. CELLER. The amendment suggested by the gentleman from Illinois is acceptable to the committee.

The CHAIRMAN. Without objection the amendment is agreed to.

There was no objection.

Mr. WHITENER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITENER: On page 1, line 9, after the word "death" strike the following: "or imprisonment for a term exceeding one year under the laws of the place from which the fugitive flees," and insert in lieu thereof the following: "or which is a felony under the laws of the place from which the fugitive flees, or which, in the case of New Jersey, is a high misdemeanor under the laws of said State."

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield.

Mr. CELLER. This amendment like the other amendment offered by the gentleman from North Carolina is acceptable to the committee.

Mr. WHITENER. I thank the gentleman.

Mr. CORMAN. Mr. Chairman, will the gentleman yield for a question?

Mr. WHITENER. I yield.

Mr. CORMAN. I only want to ask how this amendment would affect California law. I read the definition of a felony:

A felony is a crime which is punishable with death or by imprisonment in the State prison.

Every other crime is a misdemeanor. When a crime, punishable by imprisonment in the State prison, is also punishable by fine or imprisonment in a county jail, in the discretion of the court, it shall be deemed a misdemeanor for all purposes after a judgment other than imprisonment in the State prison.

And so forth. I would inquire whether the reference to felonies in this law would cover any crime in California punishable as a felony, and I take it that it would.

Mr. WHITENER. That is the language of the amendment. It would certainly not do any violence to California law; and the definition the gentleman read from the statute is something which has been enacted in the wisdom of the legislators of the gentleman's State. I think it would be very improper for any of us to undertake here to dictate what should be the law of California.

Mr. CORMAN. Mr. Chairman, if the gentleman will yield for a question, I do not quarrel with his amendment. I would like to know whether, in California, after a judgment has been imposed that is less than 1 year and thus the crime reduced from a felony to a misdemeanor, the ability of the Federal prosecutors to prosecute under this amendment, would be affected. At the time of flight the alleged crime was a felony. Subsequently the penalty imposed reduced it to the status of a misdemeanor. Would the necessary elements of an offense under this amendment still exist?

Mr. WHITENER. I would say to the gentleman that while I know nothing about California statutes, I would assume that when the court makes a decision to put a defendant in the local lockup instead of the State prison that the defendant is already in court and would not be involved in a fugitive proceeding anyway.

Mr. CELLER. I would say to the gentleman from California that if that crime is punishable as a felony or like a felony at the time then it would be subject to this statute.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. WHITENER. I yield.

Mr. HOLTZMAN. I would like to say to the gentleman that under the California law which the gentleman read if it has been reduced to a misdemeanor it when then take it out of the purview of this section.

Mr. CORMAN. It seems to me that under this amendment the question could arise as to whether or not it is a felony and even though the indictment may have been for a felony if the sentence reduced it to a misdemeanor then the Federal authorities might not be able to intervene whether they wanted to or not. There might not be any possibility of prosecution. I am still in doubt.

Mr. WHITENER. I am sure the gentleman would agree that if the presiding judge sought to temper justice with mercy by reducing the charge to a misdemeanor the defendant should not complain.

Mr. CORMAN. I only wanted the RECORD to indicate what the House intends as to this amendment when the felony portion of the Federal statute is being interpreted under the California law.

The CHAIRMAN. Without objection the amendment offered by the gentleman from North Carolina will be agreed to.

There was no objection.

Mr. BROMWELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROMWELL: On page 1, line 6 of the bill, after the word "prosecution" strike the comma and insert the following: "commenced or to be commenced by appropriate official act,".

Mr. BROMWELL. Mr. Chairman, the purpose of this amendment is a simple purpose. It is to guarantee two things; first, that State action shall trigger the operation of this statute; and, second, that someone within the State will take the responsibility for undertaking the prosecution upon which the operation of this statute is based.

We have considered here a derivative crime. The crime that is contemplated here in this bill derives from a crime previously committeed in one of the 50 States of the Union. In order that intent, which is spoken of in this statute, shall have some criterion in this act upon which a judgment can be based, I offer the amendment.

One of the criteria of the intent of the person charged under this act shall be a prosecution in fact, not in contemplation, not suggested, not possible, not thought about, not simply discussed, but a prosecution in fact in the State in which the crime was committed. If there is such a prosecution in fact, either at the time of the flight or after the flight, then the prosecution under this act can be commenced. Without prosecution in fact this act would not become operative.

What do I mean by official act? I mean the filing of a sworn complaint, of a prosecutor's information, the return of a true bill, some basis upon which a warrant could issue, something which would give evidence of a serious attempt on the part of the State in which the crime was committed to prosecute for that crime.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. BROMWELL. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I would like to suggest to the gentleman several situations in which the imposition of his requirement could raise some very serious problems in connection with this. I will state several of them that occur to me. Perhaps the gentleman has an answer to them. If he does, I would be interested.

Suppose you had a situation such as the chairman pointed out, a murder was committed and the murderer later was helped to flee across a State line, then subsequently was killed himself. What about proceeding against the persons who fled with him, who have been conspirators to the crime, yet who were not subject to action under the State prosecution situation?

Another one I would like to mention would be a situation in which your prosecuting attorney was a brother or close relative of the person who committed the crime; or, for example, a situation in which you had a corrupt local prosecuting attorney who refused to proceed and get a process. What would happen in situations such as those?

Mr. BROMWELL. Let me take the first case, one in which a murder is committed and the man flees, later dies on the other side of the State line, what do you do with his accomplices? That is an extremely rare circumstance. In the second place, there are State statutes under which the accomplices may be prosecuted for such as criminal conspiracy. They are not entirely beyond the reach of the State law. Some prosecution can be had.

What was the next one?

Mr. EDMONDSON. The second case was where the prosecutor's own brother or wife commits a crime and he refuses to issue a process.

Mr. BROMWELL. That may be reduced to absurdity by the statement that if you had a Federal prosecuting attorney or a Federal investigative agent who was related to the people committing the crime, he would not act. I do not think that is material to the operation of this statute at all.

Mr. EDMONDSON. How about a corrupt local prosecutor who refuses to proceed, who was obligated in some way to the person who is guilty of the crime, and flees across a State line. The gentleman would not say that was an unheard of circumstance, would he?

Mr. BROMWELL. I hope that it is rare enough so that it will not interfere with the operation of this statute as a general rule throughout the United States. Moreover, this Congress cannot cure all cases of State corruption.

Mr. BRAY. Mr. Chairman, will the gentleman yield?

Mr. BROMWELL. I yield to the gentleman from Indiana.

Mr. BRAY. In the case mentioned, where the prosecutor for certain reasons is friendly to the criminal, there is in every State of the Union methods of bringing about prosecution in cases of that kind, by the Attorney General or grand jury. In fact, I am certain you could not find a situation where there is no method of bringing the prosecution simply because of one corrupt official. You might find in the whole situation one case where you might contemplate that, but of course you could not prosecute them anyway.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. ROGERS of Colorado. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think that we should first examine exactly what we are doing here. We are spelling out the definition of a crime. Congress a long time ago spelled out what acts were necessary to constitute a crime.

Mr. Chairman, the present law is that if one commits murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, arson punishable as a felony, or extortion accompanied by threats of violence, as well as an attempt to commit any of the enumerated offenses, and these are on crimes under the State statutes, and thereafter flee in interstate to avoid prosecution then, he has committed a Federal crime.

Mr. Chairman, the gentleman's amendment, as I construe it, is going to require more in order to constitute a crime—more acts to be done before a man has committed a felony under this law.

Mr. Chairman, as I interpret the gentleman's amendment, if a murder is committed in my State of Colorado, as an example, and the accused leaves instantly for the State of Utah before the murder is discovered, and flees to avoid prosecution, the gentleman's amendment would require that before he could be guilty of a felony under this act there must be commenced, or about to be commenced, proceedings by an appropriate official act. In other words, there will be two things necessary to constitute the crime: One is that he must flee to avoid prosecution after an official action has been taken by someone before he would be in violation of this law. Therefore, I suggest that we should not adopt this amendment. The adoption of it creates a burden and creates a hazard. As was pointed out by the chairman of the Judiciary Committee, Mr. CELLER, that in order for the present law to be in effect he must flee to avoid prosecution. However, the proposed amendment would add additional language to the effect that the local authorities are required to do something else before he is guilty of the crime.

Mr. BROMWELL. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Iowa.

Mr. BROMWELL. In order to clarify the statements of the gentleman from Colorado [Mr. ROGERS] I might state that the purpose of this amendment is not to require the filing of process or the bringing of a criminal action prior to the flight. It is to require as a matter of fact in the State in which the crime was committed the filing of an information or its equivalent before prosecution can be commenced.

Mr. ROGERS of Colorado. There is where you get confused, should I say, because first of all you have to define the crime. The criminal law requires that in order for a man to be prosecuted there must be a definite and certain spelling out of what constitutes the crime that he himself can understand.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Florida.

Mr. CRAMER. As proposed, the amendment is that the prosecution shall have been commenced, or to be commenced?

Mr. ROGERS of Colorado. Yes.

Mr. CRAMER. By "appropriate official action." How can one ever have any certainty as to whether a crime has been committed by writing into the substantive criminal statute a procedural aspect that is not certain in itself, being whether it is, or about to be commenced? Who knows whether a prosecution is going to be commenced? There is no certainty to it at all.

Mr. ROGERS of Colorado. Not only that, but under the language proposed by the gentleman from Iowa [Mr. BROMWELL], I am sure that any court would declare it unconstitutional, as being too vague and indefinite in the interpretation of what constitutes a crime.

Mr. McCULLOCH. Mr. Chairman, I regret that I feel it necessary to rise in opposition to this amendment because, Mr. BROMWELL our colleague on the Committee on the Judiciary has worked so ably and so well on this important legislation. However, if his amendment be adopted it will not only harm the bill that is before us today but it will have disastrous effects on the legislation that has been on the statute books since 1934. As a matter of fact, when the original Fugitive Felon Act was passed by the Congress in 1934 we were confronted by the fears expressed by my able colleague from Iowa [Mr. BROMWELL] and in all that time, although the serious offenses therein covered were murder, rape, burglary, arson and the others that were listed, there has not been an abuse of the authority by the Department of Justice that has been called to my attention or that has been mentioned by anyone in the committee today, or before the Committee on the Judiciary of the House.

Furthermore, as so often happens when amendments are offered on the floor to technical proposals we do not have time to consider the effect of the amendments. The very language offered by our good friends is this: "commenced or to be commenced," which has been ably commented upon by the gentleman from Florida [Mr. CRAMER] and by the gentleman from Colorado [Mr. ROGERS]. The rest of the language is this: "by appropriate official action."

That is a phrase that has not been defined by judicial decision and we are opening up a field here where it will be difficult, if not impossible, to have any definite and certain understanding of its effect. For that reason, and with reluctance, I urge the Committee to reject the amendment.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Florida.

Mr. CRAMER. Would the gentleman say, from the language of the amendment, that the writing of a letter could be interpreted as an appropriate official act?

Mr. McCULLOCH. It might be so interpreted.

Mr. CRAMER. I, too, hesitate to oppose the amendment of the distinguished gentleman, because I have a great deal of confidence in him and his ability; but is it not true that according to his discussion of the amendment it is apparently his intention for it to come into play only if there has been some official act in the form of prosecution instituted; but the wording does not accomplish that and is not that the problem?

Mr. McCULLOCH. I think that is the intention of the author of the amendment. You have correctly stated the problem. Mr. Chairman, I would like to give the following facts again, because some of the Members were not present when they were first given. I give them to allay the fears of probable abuse of the bill which is before us. These statistics come from the Attorney General of the United States.

In 1960 the FBI arrested 1,361 fugitives and the Federal Government prosecuted only 2 of that number. In 1956, 902 were arrested and 11 prosecuted. In 1957, 947 arrests were made, 6 convictions. In 1958, 1,021 arrests and 2 convictions. So it is apparent that the Justice Department of the U.S. Government is not interested in getting into the trial for these violations.

Mr. KITCHIN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in my comment concerning the amendment that is before us today I go along with the purpose for which the amendment is offered, but I do see some language here that is open to many interpretations.

In anticipation that this amendment would come up, I have been in conference with the Assistant Attorney General, who has authorized me to state that the policy of the Department of Justice and the Federal Bureau of Investigation in the enforcement of this act will remain on the same basis it has before. That is to say this, that in each instance where there is an assumed jurisdiction under this particular act there must be a request from the local authority before the Federal Government would get into the matter, and that upon that request the U.S. attorney in the district in which the crime has been committed will be consulted and he will authorize the issuance of a Federal complaint before the investigation is undertaken.

I see a querulous look on the face of the chairman, so I will explain that statement. That means that the authorization can be obtained by telephone. It does not mean that the complaint must be signed by a committing magistrate or the U.S. commissioner, but at least the onus of the responsibility of this particular proceeding, or you can call it an investigation or prosecution, must be borne by the U.S. attorney himself and not in collaboration with the chief of police or an agent of the FBI.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I was present during the discussion and my understanding of the policy to be followed is identical with that of the gentleman who is in the well of the House. I am further informed the gentleman is supposed to receive a letter to that effect, which, when we get back into the House he will ask unanimous consent to place in the RECORD at this point. Is that correct?

Mr. KITCHIN. That is absolutely correct. As a matter of fact, I requested when I was informed about this by the Assistant Attorney General that he confirm it by letter, and when we get back into the House I will ask unanimous consent to insert that into the RECORD as part of the legislative history of this matter.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. I yield to the gentleman from Georgia.

Mr. FORRESTER. There is not one scintilla or one word in the language of this bill that would compel that that practice or agreement be carried out?

Mr. KITCHIN. Absolutely not, and that has been a matter of discussion for the last couple of hours among those of us who have served in the FBI. For a portion of 13 years during the existence of the original Fugitive Felon Act I was in the enforcement of it. That is the practice we followed in all cases during the investigation of violations of the original act.

Mr. FORRESTER. In the 27 years I was prosecuting attorney my experience with the FBI was wonderful indeed, but during that 27 years the FBI made some mistakes. To make mistakes is human. But I just want to ask the gentleman, Is it sane legislation to deliberately pass a bill which is entirely different from the practice that the Department of Justice is going to follow on that particular legislation? Why can we not spell it out?

Mr. KITCHIN. If the gentleman will allow me to say so, for the last hour we have been trying to work out language that can be inserted in this bill. In the first place, we talk about the description of a crime and the delineation of jurisdiction. In the same bill, we get into the matter of enforcement. It has been hard for me, and for those of us who have been collaborating to know what part of the bill should be inserted as the administrative provisions and procedures.

Mr. FORRESTER. As the gentleman points out, we have had an hour on this problem here but the Department of Justice has had considerable time to work this out; is this not true?

Mr. KITCHIN. I am afraid the gentleman is correct.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield ?

Mr. KITCHIN. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. The gentleman recognizes that the amendment offered by the gentleman from Iowa requires act or contemplated act of some State official to constitute a crime, hence, if it is adopted, it will result in chaos and it will result, probably, in the destruction of the Fugitive Felon Act.

Mr. KITCHIN. I will not go as far as that with the gentleman, but I will say it does involve the matter of interpretation.

Mr. CELLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the assurance just indicated from the Department of Justice should put an end to any argument in favor of the amendment offered by the gentleman from Iowa. Let me tell you of something that happened in New York City. Not so long ago in Queens County, in the State of New York, a policeman was murdered. Investigations showed that a certain man had actually committed the murder, but after committing the murder, he took a train heading south. The FBI was notified by the New York authorities. When the man arrived at Atlanta, they arrested him as he stepped off the train. He was brought to trial in New York and he was convicted. If there had been the Bromwell amendment on the statute books, as the gentleman from Iowa [Mr. BROMWELL] stated, in the interpretation of whatever is meant by some sort of prosecution pending or to be pending; if there had been, as he said, the possibility of the grand jury being impaneled, and in Queens, remember, they would have had to impanel a grand jury—remember, that takes time. If then evidence had to be presented before the grand jury, that too takes time. If a true bill had to be returned against the defendant, that also takes time. Thus, if these procedures would have had to be followed, this culprit never would have been arrested in Atlanta. He probably would have gone beyond Atlanta to Florida, and then maybe to Cuba or Mexico or Europe or South America. Then, he would never have been located. He would have escaped. That is what would happen in many cases, if this amendment is adopted. But, beyond that, gentlemen, I beg of you to consider that this amendment changes a statute that has been on the books since 1934. Not only does this change the statute, but it would change the entire case law that has developed on the basis of the statute. The statute and the case law would be nullified. Many cases that have been interpreted under the Fugitive Felon Act would become obsolete and be nullified. That is dangerous—a highly dangerous thing. This amendment would give aid and comfort to those who might be guilty of kidnaping, arson, burglary, rape, and all these other heinous offenses. To file a complaint—to bring forth a true bill—to bring out an indictment—that all takes time and meanwhile the kidnaper, the arsonist or the rapist has a wonderful opportunity to escape from justice. Time is of the essence in these matters, and if you are going to dillydally and wait until some prosecution develops, then you may as well do away with the Fugitive Felon Act.

I urge you not to adopt this amendment.

Mr. CAHILL. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New Jersey.

Mr. CAHILL. In this day and age of fast moving transportation, suppose there was a homicidal maniac who committed a crime in one of the States like New Jersey, he could very easily flee into the State of New York, Pennsylvania, Delaware, or any of the other bordering States. If this amendment were passed, would it not be impossible for the Federal authorities to assist in such a case?

Mr. CELLER. I am quite sure it would be impossible; create difficulties, at least.

I again quote from the decision in the *United States* v. *Brando* (244 Federal, 2d, 833) where the court said, in reference to possible situations like that involved in the Bromwell amendment:

> It would serve in great measure to frustrate the Federal law enforcement agents by preventing them from going into action promptly, and it would set a premium on a quick getaway across State lines by criminals who had committed one of the crimes of violence listed in section 1073.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MEADER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I reluctantly oppose the amendment offered by my colleague, the gentleman from Iowa [Mr. BROMWELL]. But, I wish to call the attention of the committee to certain basic problems that his amendment would raise.

Words are imperfect instruments at best. All lawyers who find difficulty in expressing thoughts and purposes in contracts or wills know the difficulty of finding exactly the right phraseology. We here, as legislators, in laying down the laws know that we have difficulty in finding perfect phraseology to express our purposes.

Now, this is a criminal law, and all lawyers are familiar with the rule of construction of criminal laws that they are strictly construed.

The amendment offered by the gentleman from Iowa offers at least four new concepts for construction by courts.

The law as it now reads and as it has read and been interpreted since 1934 simply applies to flight to avoid prosecution. We passed upon this problem just a year ago in the Civil Rights Act when we adopted title II, flight to avoid prosecution for damaging or destroying property.

Now, these are the elements that the gentleman's amendment introduces which will require construction by a court and raise questions which will possibly permit defendants to escape punishment for offenses.

First is the word "commenced." Now, what does he mean by "commenced"? It might be various things that might commence a prosecution.

Then the second concept "is to be commenced." Now, who knows what may be commenced in the future? Is that not a nebulous and ambiguous concept that ought not to be introduced in a criminal statute which must be strictly construed?

Then the third concept is "official act." What is the meaning of "official act"? Is it an act of a magistrate, a prosecuting attorney, or the act of a policeman? What does he mean by "official act"?

But then there is this other even vaguer word "appropriate." Who is going to decide what is appropriate?

The gentleman from Iowa, who is attempting to do something desirable, it seems to me, is introducing all kinds of vagueness and ambiguity into a criminal statute which has been on the books and will affect not only those crimes which are added to the Fugitive Felon Act beyond those that have been in the law for many years, but it will even affect those serious crimes concerning which the law has been on the books for 27 years.

Mr. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from New York.

Mr. HOLTZMAN. I want to compliment the gentleman on the fine explanation he has just made. In essence what the gentleman is saying is not only would we be doing an exercise of frustration if we pass the amendment, but we would be doing violence to the fugitive law as it exists at the present time.

Mr. MEADER. That is my judgment.

Mr. BROMWELL. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Iowa.

Mr. BROMWELL. Let me ask the gentleman this question: Is it not true that the phrase "Commencement of prosecution" is well known to every lawyer? Can there be any real doubt about the "commencement" of the prosecution? And can there be any real doubt about "official act"?

Mr. MEADER. I heard the gentleman refer to an indictment by the grand jury or the filing of an information by the prosecuting attorney.

Mr. BROMWELL. Are these not commencement of prosecution?

Mr. MEADER. My interpretation of commencement of prosecution would be long before that time. It could have been "commenced" with the filing of a complaint; it could have been commenced by the authorization or issuance of a warrant for arrest, by examination before a magistrate and several other steps along the line, at least in Michigan.

Mr. BROMWELL. Is this concept not clear?

Mr. MEADER. The burden of proof beyond a reasonable doubt is on the prosecution to establish each element of a criminal offense and the gentleman has introduced four new elements which I think are ambiguous. I believe it would be very harmful to the effective enforcement of this law.

Mr. FORRESTER. Mr. Chairman, I move to strike out the last word.

Mr. CELLER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. FORRESTER. Mr. Chairman, I object.

Mr. CELLER. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 5 minutes.

The CHAIRMAN. The question is on the motion of the gentleman from New York.

The motion was agreed to.

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. FORRESTER. Mr. Chairman, do I understand there will be but 5 minutes of discussion?

The CHAIRMAN. That is correct.

Mr. FORRESTER. Then I will take no time as far as I am concerned, because I know there are other amendments to be offered.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was rejected.

Mr. BATTIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BATTIN: On page 2, line 5, after the word "both" strike out the period and quotation marks and insert a comma and the following: "*Provided, however,* That there shall be no prosecution under the provision of this section unless a request has been made of the Department of Justice, or a representative thereof, from a State authority, asking that a fugitive from such State be apprehended."

Mr. CELLER. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Montana is recognized for 2½ minutes in support of his amendment.

Mr. BATTIN. Mr. Chairman, this does not affect the basic law as I see it as it was written by our committee. However, it does I think take care of some of the fears and apprehensions that have been expressed on the floor relative to whether or not there would be any relinquishing of authority by the Federal Government and again placing it back in the position of allowing the State government to require, or be the initiating force.

This does not have anything to do with anything except the prosecution. It does not change the crime, but it does require that someone in authority, the police department, or whoever it might be, request the Department of Justice, the FBI, or the appropriate person be asked to help. This could be done merely by picking up the telephone and calling the Federal Bureau of Investigation and notifying them that a crime had been committed and asking them to help.

Mr. FORRESTER. Mr. Chairman, will the gentleman yield?

Mr. BATTIN. I yield to the gentleman from Georgia.

Mr. FORRESTER. This does just exactly what they say they want the State to do, to make the request. Is not that true?

Mr. BATTIN. That is my interpretation of it.

I am sure no Member of the House, myself included, would be interested in seeing that we do harm to the present act, but only put into effect what everyone agrees it would do anyway.

Mr. CELLER. The Federal Government would be unable to prosecute unless the State government does approve?

Mr. BATTIN. I do not think so.

Mr. CELLER. That is exactly what the gentleman's amendment says.

Mr. BATTIN. No. First of all, we are talking about violation of State law in the initiating instance. All this requires is that somebody in the State, the police department, prosecutor, or someone notify the Bureau of Investigation that a crime has been committed and ask that the criminal be apprehended.

Mr. CELLER. This is Federal crime that is embodied in this bill.

Mr. BATTIN. Yes.

Mr. CELLER. The gentleman is making the prosecution of a Federal crime subject to what some State official may or may not do.

Mr. CORMAN. Mr. Chairman, I rise in opposition to the amendment proposed by the gentleman from Montana.

As I understand the original Fugitive Felon Act and this amendment, it is contemplated that when the elements of flight from one State to another, with the intent to avoid prosecution or other specified consequences, exist, a Federal crime has been committed. I cannot follow the logic of those who contend that prohibiting such action in interstate movement constitutes an infringement of States rights.

The right of a law-abiding individual to move about freely among the various States is unquestioned. This very fact gives rise to situations in which local authority would not have the practical ability and probably the constitutional ability to cope with such fugitive felons. As to the State from which flight was accomplished, there would normally be the right of extradition if out-of-State apprehension were accomplished, but what of the right of a State to keep violators from entering to avoid felony prosecution in the State of their origin? This State cannot prosecute because no crime has been committed within its borders. Thus, to protect itself it must rely on Federal action. If all of the elements required in this bill exist, the citizens of this State should have relief through the Federal courts with or without action on the part of the State of origin.

It appears from the committee report and the letter of the Department that the Fugitive Felon Act is used primarily as an expeditious means of apprehending fleeing criminals to be returned to the scene of their alleged crime for prosecution. It further seems apparent that in those instances when this mission is accomplished and State authorities do prosecute that the Federal Government refrains from prosecution. I see no violence to justice under such procedure. It has not been our custom to try offenders in both Federal and State courts even though many crimes constitute a violation of both laws and there is no constitutional question of double jeopardy. Although there is the additional element of flight under the Fugitive Felon Act, such does not seem to dictate dual prosecution and punishment. However, the original act and the act as proposed to be amended by the committee goes beyond the above circumstances, and rightly so. The protection it affords goes both to returning felons to the scene of their crime and to

keeping them out of the jurisdiction into which they have flown.

When one crosses a State line in the conduct of his mischievous act, the rights for protection against him go beyond the rights of each State. These rights are best protected by Federal action. In many instances this is the only protection. Such is the situation with which we are dealing here.

I have today discussed the committee's proposed amendment with three law enforcement officers whom I greatly respect and who have all won national acclaim in their field: William B. McKesson, district attorney of Los Angeles County; Peter J. Pitchess, sheriff of Los Angeles County; and William Parker, police chief of the city of Los Angeles. Each of them endorses and vigorously supports the committee's proposals.

I urge defeat of the amendment offered by the gentleman from Montana and the adoption of the committee's recommendations.

Mr. ROGERS of Colorado. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, remember that we are still defining a crime. It is not certain whether a crime would ever be spelled out. It would depend on the whims or decisions of some prosecutor at a later date. This amendment should be rejected, as it now stands the question of spelling out what constitutes a crime is that he must commit the crime and flee in interstate commerce. If you add what the gentleman from Montana has offered, you are going to say that after he has committed the crime and has fled across a State line, if the prosecutor then decides not to prosecute, you are going to determine that no Federal crime has been committed. I am sure even the most ardent of States' Righters would not want to have that right reserved to them. The Federal Government has the right to define its own crimes.

As the gentleman from California has pointed out, they may want to keep those people from fleeing into their States.

Mr. BATTIN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from Montana.

Mr. BATTIN. All afternoon we have been talking about what the States are going to do. It is what are the States going to do? Now we hear, keep the States out of it, let Uncle Sam get into it. If you will read my amendment, it will not have that interpretation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana [Mr. BATTIN].

The question was taken; and on a division (demanded by Mr. FORRESTER) there were—ayes 36, noes 71.

So the amendment was rejected.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to correct a misspelling of the word "fugitive" on page 1, line 11 of the bill. It is misspelled.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. WALKER] having resumed the chair, Mr. THOMPSON of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that committee having had under consideration the bill (H.R. 468) to amend section 1073 of title 18, United States Code, the Fugitive Felon Act, pursuant to House Resolution 409, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

COMMITTEE ON RULES

Mr. SMITH of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain resolutions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

INVESTIGATION AND STUDY OF THE EFFECT OF AIRCRAFT NOISE ON PERSONS AND PROPERTY ON THE GROUND

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 420 and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That the Committee on Interstate and Foreign Commerce, acting as a whole or by subcommittee, is authorized and directed to conduct a full and complete investigation and study of the problems involved in, and measures to minimize or eliminate, aircraft noise nuisances and hazards to persons and property on the ground. In the conduct of such investigation and study, the committee, among other things, shall give attention to—

(1) the noise created by the operation of aircraft, in the air and on the ground, and the effect of noise on persons and property on the ground;

(2) research and development in aircraft and aircraft engine design;

(3) research and development in design, application, and use of noise-suppression devices;

(4) the design, construction, and operation of airports;

(5) the cost of measures to minimize or eliminate aircraft noise nuisances and hazards to persons and property on the ground;

(6) air traffic rules governing the operation of aircraft at and near airports; and

(7) the extent of authority vested in Federal and local regulatory agencies and airport operators to prescribe safety regulations applicable to any airport operation or development, including authority to impose controls on the operation of aircraft so as to minimize the noise and other hazards created by the operation of aircraft, and the manner in which such authority has been exercised.

For the purposes of such investigation and study the committee, or any subcommittee thereof, may sit and act during the present Congress at such times and places within or outside the United States, whether the House has recessed, or has adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any member of the committee designated by him, and may be served by any person designated by such chairman or member.

The committee may report to the House at any time during the present Congress the results of any investigation or study made under authority of this resolution, together with such recommendations as it deems appropriate. Any such report which is made when the House is not in session shall be filed with the Clerk of the House.

Mr. DELANEY. Mr. Speaker, I yield myself such time as I may consume, following which I yield 30 minutes to the gentlewoman from New York [Mrs. ST. GEORGE].

Mr. Speaker, this resolution merely directs the Committee on Interstate and Foreign Commerce to hold a full and complete investigation on airport noises and safety devices. The number of subjects which they may take into consideration has been enumerated in the bill. It is felt that this study will help in large degree to alleviate the unbearable conditions suffered by people who reside in the vicinity of airports, particularly those in the large metropolitan centers.

The gentleman from New York [Mr. ADDABBO] represents the district where Idlewild Airport is situated and he will give us firsthand information on the problem. He has made a study of this and is vitally interested in the resolution. There are other Members from like areas who are also vitally interested. I, myself, live in the vicinity of Idlewild and La Guardia Airports and have heard the noises from these planes. I get letters day in and day out from constituents complaining of the noise which not only keeps them awake, but which has split parts of their houses, knocked dishes off walls, broken windows, and so forth. I urge the adoption of this resolution.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield.

Mr. GROSS. Mr. Speaker, I am pleased to see that there is no provision for the expenditure of money on the part of the committee; no money will be appropriated as a result of this resolution, so I assume that the investigation will be carried on with the very liberal funds we have already voted the Committee on Interstate and Foreign Commerce.

Mr. DELANEY. That is correct.

Mr. GROSS. I thank the gentleman for his reply.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield.

Mr. HARRIS. In view of what has been stated here in response to the question from the gentleman from Iowa [Mr. GROSS]—and I would like to get the attention of the gentleman from Iowa——

Mr. GROSS. I am listening.

Mr. HARRIS. I want to say very frankly to the gentleman that, in the first place, if there is going to be an investigation conducted and our committee is going to have the responsibility of doing it, I want to know and my committee wants to know something about the kind of investigation you want. We want to know what the House is directing the committee to do. If you are just going to tell the committee to go out and conduct an investigation and hold a few hearings, as we have been doing, that will not accomplish anything.

Mr. DELANEY. That is absolutely correct. That is not the intention of this resolution. There were many resolutions offered before the Committee on Rules.

Mr. HARRIS. I am fully aware of that, but let us get down to what this investigation is going to be. If we are going to conduct an investigation and really get into the situation behind all of these complaints, it is going to take some money to make this investigation; and I will say to my friend from Iowa that I do not agree with him that the House has been so liberal with the funds that it has made available to our committee for its work. I would say to the gentleman from New York [Mr. DELANEY] in view of the fact that he has responded affirmatively to the question of the gentleman from Iowa [Mr. GROSS] that we do not have funds that have already been made available by the House for the purpose of conducting such an investigation as this would take.

Mr. DELANEY. No, there are no funds called for in this particular resolution. It was my understanding the Committee on Interstate and Foreign Commerce had such funds.

Mr. HARRIS. No, I would say that the budget that the committee submitted to the Committee on House Administration, and on which the House has approved funds, did not include funds for that purpose.

Mr. DELANEY. Then the committee can make application to the Committee on House Administration.

Mr. HARRIS. What I would like to know is, Does the Committee on Rules have in mind for our committee to go to the Committee on House Administration and request funds necessary for this study and investigation, and if so, to what extent?

Mr. DELANEY. We did not go into that, but I would say as a member of the committee that if funds are necessary you should be empowered to have those funds.

Mr. HARRIS. I want to put the House on notice that if you expect us to do it and go out and get experts in this field——

Mr. DELANEY. Then there would be funds needed.

Mr. HARRIS. It is going to take probably $200,000 or $300,000 at the minimum to do this job if we are going to have the authority, as I discussed with the gentleman's committee, to go beyond any industry interest or proposal that they might have had, or even an agency of Government, and get an independent study from a professional society, for example, or somebody like that. If we are, we are going to have to have an understanding. We have to know whether or not the House wants us to do that job.

Mr. HOLTZMAN. If the gentleman will yield, I live in the La Guardia area. That is within the confines of my district. I can assure the gentleman that it would be impossible to make a real investigation here, the kind of investigation that might have some substance to it, without additional funds. I am sure the gentleman would get plenty of help from all the Members here were he to make a real, full investigation.

Mr. DELANEY. May I say this is not limited to any one area. We find that every day most communities are making the same complaint. There are more airplanes in use and more airports. Every vicinity that did not have the trouble before is now confronted with the trouble we have in the impacted area, particularly in the use of jet airplanes.

Mr. HARRIS. I did want to get a thorough understanding. First, our committee is perfectly willing to undertake any responsibility that the House directs, and we do not mind that at all. We have held hearings in New York, we have held hearings in Los Angeles and other places. It accomplishes very little to go into a community just for the purpose of holding a public hearing and let the people come up there, and most of them are ready, as I have seen personally, to testify about this problem. Whoever is there doing that has to expect all that and satisfy them, but we cannot satisfy them by just holding a hearing and letting them come in and express themselves vehemently on the subject. We have to go into the technicalities of all these things with the industry, the manufacturers, and the experts in the field of noise and what is noise.

Mr. DELANEY. I think it is clearly spelled out in the resolution. The committee is authorized and directed to conduct a full and complete investigation and study of the problems involved in, and measures to minimize or eliminate, aircraft noise nuisances and hazards to persons and property on the ground; and then they elaborate.

Mr. HARRIS. I know that, because I am very thoroughly familiar with the resolution and its preparation. I was quite certain it did include sufficient authority to reach the technicalities involved. What I do want the Committee on Rules to understand, and I want to get a thorough understanding on this, is, Do you expect us to try to do a thorough job even if it takes $200,000 or $300,000 to do it, or do you just expect us to go out and hold a few hearings some place?

Mr. DELANEY. We want a complete investigation. Whatever funds are necessary I believe will be forthcoming.

Mr. HARRIS. One other question. One of the biggest complaints we have had in connection with the noise problem goes beyond commercial planes. Of course, the jets are operating in a lot of places. But the military has these fast jets, that frequently break the sound barrier. Wherever the sound barrier is broken, it creates a terrific impact. If we get into that problem, of course, we are going to have to find out from the military about its policies and procedures. Did the Committee on Rules have in mind that we would go into this problem insofar as the military is concerned?

Mr. DELANEY. If that is a hazard to the health and welfare of those who live in and near the airports, I should think you would go into that.

Mr. HARRIS. It would affect not only those living in and near airports, but those who live out where there are no airports. When you break the sound barrier, whoever lives out there has a terrific impact, too.

Mr. DELANEY. It is my belief there should be a minimum point where they break the sound barrier.

Mr. HARRIS. We have that now. I want to be certain, and our committee wants to be certain, as to just what the Committee on Rules has in mind and what the House of Representatives has in mind for us to do, if this resolution is adopted.

Mr. DELANEY. This resolution provides for a complete and full investigation of all phases of noise and hazards to persons and so forth in regard to airplanes.

Mr. HARRIS. Notwithstanding the fact that it may cost a good deal of money.

Mr. DELANEY. Notwithstanding that fact, although it does not so provide in the resolution.

Mr. FRIEDEL. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield to the gentleman from Maryland.

Mr. FRIEDEL. I was a member of the subcommittee that visited the airport at Idlewild making an investigation of the noise problem there. The people there had some pretty strong complaints about the noise almost taking the roofs off their houses. That has been the situation there for the last 3 or 4 years. I think a very good solution to this problem, which would not cost a penny, would be to have all the planes that land at Idlewild to land instead at Friendship Airport. That would save a great deal of money and eliminate the noise up in New York.

Mr. RODINO. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield to the gentleman from New Jersey.

Mr. RODINO. I assure our colleague, the gentleman from Arkansas, chairman of the Committee on Interstate and Foreign Commerce, that insofar as we from New Jersey are concerned, particularly those of us who represent the area in and around Newark, that we are quite concerned about the problem of noise. We are rather anxious, we assure you, that we would support the committee if it requested further sums of money in order to conduct this investigation. I believe it is absolutely necessary to look into this matter as it is a problem that has been plaguing us for some time. I, myself, am in an area where planes pass right overhead and have had many calls from people in the area as well as people calling others of my colleagues. I think this resolution is an important one, and that funds necessary to conduct the investigation should be furnished to the committee and would be justified.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield to the gentleman from Ohio.

Mr. HAYS. I am a member of the subcommittee that will have to decide as to the funds for this investigation. I am a little curious in view of the fact that here we are talking about $200,000 or $300,000. Once this study is made—then what?

Mr. DELANEY. Then it would seem to me that the Committee on Interstate and Foreign Commerce could report out legislation to correct some of the evils that exist.

Mr. HAYS. I am sympathetic to those who have this problem and I am sympathetic to the people who live in these areas. But, right here in Washington, there is a proposition to allow jets to land at National Airport. There is some objection to it, and most of the objection is coming from apartment house owners who have built houses within the limits, or within the noise limits, I should say, of the landing and takeoff areas of National Airport within the last 4 or 5 years. The question that bothers me is—Are we going to allow real estate operators to drive airports away from our cities so that we cannot use planes?

Mr. HOLTZMAN. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield to the gentleman from New York.

Mr. HOLTZMAN. I should like to say to my friend, the gentleman from Ohio, that this is a very perplexing problem. It is a very bad problem right now and it is getting worse. We are going to have to meet this problem now or in the very near future. We might just as well spend the money now with a view to seeing what, if anything, can be done before the condition gets worse. I am not interested in any real estate operators, but I am interested in the health and safety of people in and about airports wherever they may be.

Mr. HAYS. The gentleman from Ohio certainly did not mean to imply that any Member of the House was interested in real estate operators. I am merely citing to you a fact. You can look across the river and see these apartment houses that were not there 4 or 5 years ago. I am interested in the safety of the people. But, if you move into an apartment house—and I lived in one of them, I might say to you, across the river in a penthouse over there, and the noise was intolerable so I moved out. But I moved in there, knowing that the noise condition existed before I moved in. The people who built the apartment houses knew that that condition existed. I just do not think I would want to vote money for the purpose of making a finding that if an apartment house owner wants to build adjacent to an airport, then we have got to shut down the airport.

Mr. CAREY. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield to the gentleman from New York.

Mr. CAREY. Mr. Speaker, I think we are all here ready to recognize that the airplane is here to stay. The question is, How do we get it to stay in the air and off the roofs of the houses where we live? Now, in my district, on July 16th last year, occurred probably one of the worst crashes in aviation history, when a DC–8 landed in a built-up area, narrowly missing a school that I attended as a child. There were 600 children in that school at the time. I am sure that that holocaust has materially sharpened the awareness of the peril that exists there. As has been indicated, this resolution has great merit. It is a regional and national problem and should be approached on a national basis as far as funds are concerned. I could point out to my colleagues that the investigation conducted by the Port of New York Authority in connection with a suitable site for jet airport cost $650,000. But, that was a desirable study and it ought to have great merit in negotiating for the suitability of such a site. I therefore feel we should not hamstring the committee in any way with its investigation by lack of funds. We should also be well aware that this is a most important regional and national problem, not only as it affects metropolitan areas but insofar as safety and the security of aviation passengers and the people on the ground are concerned. It is a timely resolution, and I am delighted that the gentleman yielded to me for this purpose.

Mrs. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield to the gentlewoman from Illinois.

Mrs. CHURCH. I want to say to the distinguished chairman of the Committee on Interstate and Foreign Commerce that this problem is certainly not regional; it is national. I know of few needs more important than that of trying to find some solution to the danger involved to human life, the inconvenience to family living, and the loss of property values. I know perfectly well that the gentleman's committee cannot legislate against noise, though that seems to be our indication today, but I would like to see relief given these communities with great airports, international airports, naval airports, Army Reserve airports. The danger lies not only to those who just moved into the area but upon those who have built homes, established large industrial enterprises, schools, churches in that area. I would like to say to the gentleman that I was one of those who introduced a similar resolution, House Resolution 415, not giving this committee whole authority but calling upon other committees as well. I am perfectly willing to trust the gentleman from Arkansas with this responsibility, and I will accept my part in voting sufficient funds to make the study.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield to the gentleman from Arkansas.

Mr. HARRIS. Mr. Speaker, I would like to say that I appreciate very much the comments made by the gentlewoman from Illinois and would like to say to her and the gentleman from New York and others that the members of our committee appreciate the terrific problem here. As I already said, we want to cooperate and will with the entire membership of the House and the industry and the people, but I do want you to understand that there are many, many problems behind this that even affect our national security. As an example, a few years back, following an accident in California, an order to protect the public was issued that disrupted operations insofar as the military was concerned. It stopped everything in that area. Now, we cannot go to the extent of shutting down on them. National defense is involved, and we cannot go to the extent of shutting down on our transportation by air. But, we will do everything in the world we can to try to bring to you the best solution we can insofar as possible.

Mr. DELANEY. I thank the gentleman.

Mr. O'HARA of Michigan. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield for a question.

Mr. O'HARA of Michigan. Mr. Speaker, I would like to ask the gentleman from New York with respect to the question propounded by the gentleman from Arkansas, chairman of the Committee on Interstate and Foreign Commerce—I would hope that it is not the intention of the Committee on Rules as contained in the resolution to in any way limit this investigation to nonmilitary flights or nonmilitary airfields.

Mr. DELANEY. The scope would be just as wide as the chairman desires.

Mr. O'HARA of Michigan. If the gentleman will yield further, I think this is extremely important, because representing a district where we have a very large military airport, I think perhaps the problems at such bases at the present time are more severe than at civilian airports. I commend the gentleman for bringing this resolution before the House.

Mr. CLEM MILLER. Mr. Speaker, will the gentleman yield?

Mr. DELANEY. I yield to the gentleman from California for a question.

Mr. CLEM MILLER. Mr. Speaker, I have a question regarding the scope of

the investigation proposed by the resolution. I noticed in line 5 it says the purpose is "to minimize or eliminate aircraft noise nuisances and hazards to persons and property on the ground."

I also note further at the bottom of page 1 and extending to page 2, it gives certain objectives of the proposed investigation, but it is completely silent as to surrounding property. This matter was raised also by the gentleman from New York [Mr. HOLTZMAN]. I would hope that the scope of the investigation would include the problem of what to do about real estate surrounding airports, because this is one of the major problems arising in local communities.

Mr. DELANEY. I yielded to the gentleman for a question. I just do not have time to yield further.

We are here going into safety features. We know that airplanes are used very extensively and the use will be increased from time to time. What we are seeking here is to protect those living in the vicinity of airports as well as those who ride on the planes.

Mr. CLEM MILLER. Then the real property question is not to be covered.

Mr. DELANEY. Not real estate; that is not contained in here, the effect of airplanes on real estate values.

Mrs. ST. GEORGE. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, this resolution as is quite obvious from the colloquies we have heard only scratches the surface of a very grave and a very severe problem.

This is a new problem, it is something that demands attention. We all know it exists. We also know, those of us who live near an airport—and more and more of them are going up throughout the country—that the people in our districts are definitely worried about it. Airplanes cause a great deal of danger to life and limb, to property and buildings. For this reason I feel that this resolution is of great value, and I am very glad my colleague from New York has introduced it.

Living as I do in a district where another very large jet airport is contemplated, I have heard a great deal about every question involved. I am quite sure, Mr. Speaker, that when the time comes there will certainly be no difficulty in finding funds necessary for a thorough and complete investigation; and I know also that the committee and those charged will carry out the investigation thoroughly and completely. They may not find the answer; personally, I doubt it very much.

I am reliably informed that when the steam engine first came it was considered a horrible nuisance and also a great detriment to real estate; nevertheless, it is still with us. I am quite sure that the airplane will be with us too, will be more numerous, more powerful, and possibly even noisier than they are today; nevertheless we must try to meet the problem. This resolution is the first step in a program that has vast consequences to the Nation, to commerce, to industry, and to the world at large.

I sincerely hope, Mr. Speaker, that this resolution will pass.

Mr. DELANEY. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. ADDABBO].

Mr. ADDABBO. Mr. Speaker, I rise in support of House Resolution 420. This is a day of great hope for the residents of my congressional district, neighbors of New York International Airport and all those residents throughout the Nation near commercial airports. A day we have been working for for years.

New York International—Idlewild—is located wholly in the Fifth Congessional District of New York. A few years ago the various communities surrounding this airport were areas of peace and tranquillity, a refuge from the hustle and noise of their job locations. The residents could look forward at the end of the day to returning to their homes and enjoying an evening with family and friends and then getting a good night's sleep in preparation for the next day's toil. This is not true today and has not been so since the advent of commercial jet aircraft.

The question of noise has been with us for years now and the situation does not improve. The teachers in their classrooms must stop everything as the large jets pass over—this is not something that happens once or twice a day, but it happens several times each hour—ministers must stop their Sunday sermons while jets pass over; children wake up screaming at night from the terrible din of these planes as the parents listen trying to determine whether or not this plane is coming through the house or just above it. Life for untold numbers of my constituents is one long nightmare.

Many communities in my district need new schools but they are being held in possible abeyance while a solution to the noise problem is sought.

In 1959 there was a glimmer of hope when the then Administrator of the Federal Aviation Agency, E. R. Quesada, announced that his Agency had authority to regulate noise under provisions of the Federal Aviation Act of 1958. This hope gradually faded as no effective steps to curtail noise were taken. The light of hope went out when the new Administrator, Hon. N. E. Halaby, announced this year that his Agency did not have sufficient authority to set noise criteria. The study under this bill will determine the rights and powers of the various authorities.

Admittedly, there is no easy solution to this problem. The Congress is charged with the regulation of interstate commerce, we can no longer shirk our duty to the millions of people who live in areas adjacent to the large airports across the Nation. One of the things you hear so often is that these people should not have bought homes so near the airport—what about those who lived in the area long before an airport was even dreamed about or imagined. Today, if they want to move away, they are faced with a terrific loss in the value of their property—there are no buyers. The Federal Housing Administration has recently announced a ruling against insuring a refinanced or new mortgage on real estate in areas where the noise of airplanes reaches an intensity of 100 decibels. I assure you, Mr. Speaker, this will take in a large portion of my district.

I call your attention to the picture taken by one of my constituents 2 years ago a jet coming in for a landing over his home—how would you like to buy this home? The Federal Aviation Agency recently congratulated the pilots of jets operating at Idlewild for the record of improvement in noise abatement procedures. I am sure you will agree with me that the family living in the home pictured here would not be able to join in these words of congratulations—this picture was taken between 7:30 and 7:50 p.m. on July 21, 1961.

Because of the complexities of this situation, we must get to work on the thorough study that is needed. I respectfully solicit the support of my colleagues on both sides of the aisle for House Resolution 420, which I pray through its various studies will find some solution. There is no politics involved here, just the humane consideration of the rights of all to the enjoyment of life.

Mr. HOLTZMAN. Mr. Speaker, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from New York.

Mr. HOLTZMAN. Mr. Speaker, I should like very much to associate myself with the gentleman's remarks. No one knows better than I how long and hard the gentleman from New York has worked on this problem. He has worked along with me, the gentleman from New York [Mr. DELANEY] and all members of the Long Island delegation in an effort to alleviate this problem.

May I say to the gentleman that he has rendered a great service in his presentation, not only to the Rules Committee but here on the floor of the House today.

Mr. ADDABBO. I thank the gentleman from New York.

Mrs. ST. GEORGE. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. SCHENCK].

Mr. SCHENCK. Mr. Speaker, I would like to sincerely commend the Committee on Rules for bringing out this resolution, House Resolution 420, and I urge its adoption. All of us who live near airports or who have airports, either commercial or military, in our area, realize that much needs to be done to study methods and develop measures to assist in the problems to minimize or eliminate aircraft noise nuisances and hazards to persons and property on the ground.

Mr. Speaker, the great Committee on Interstate and Foreign Commerce, of which I am very proud to be a member, I believe will conduct a completely objective study of this problem and will come up with some very helpful and workable answers.

Mr. Speaker, part of the answers to these problems are embodied in determining and defining the specific results desired so that the aeronautical engineers will be in a position to actually solve some of these noise level problems.

In my own community of Dayton, Ohio, a very fine local committee consist-

ing of civic leaders, real estate developers, and plan board executives, working with engineers, military officials, and commercial airport officials, have collaborated in a study which is now nearly completed. Our local committee in Dayton, Ohio, has offered to send the full results of its report to the Committee on Interstate and Foreign Commerce in the hope that the study of this report will be of assistance to the committee and other communities in developing a workable and helpful solution to these very important questions.

Mr. Speaker, again I want to commend the great Committee on Rules for bringing out this resolution, House Resolution 420, and I urge its unanimous adoption.

Mrs. ST. GEORGE. Mr. Speaker, I yield 5 minutes to the gentlewoman from New Jersey [Mrs. DWYER].

Mrs. DWYER. Mr. Speaker, the investigation of the effects of aircraft noise on persons and property on the ground which is called for by the pending resolution is a particularly timely and important one. I support the resolution and, assuming the House approves it, I hope the Committee on Interstate and Foreign Commerce will find it possible to undertake expeditiously the comprehensive study which the present confused situation requires.

As one who represents a congressional district which borders on one of the country's major airports, I know at first hand how devastating the impact of aircraft noise can be on the residents of areas close to airports. It is destructive of property. It interrupts quite violently at times the normal pattern of life in the home. It interferes with sleep, unsettles nerves, and is a constant source of harassment. It discourages the location and growth of business and industry in the affected area, and contributes significantly to the decline of such areas.

Too little attention, beyond occasional pious expressions of concern, has been paid to these and other harmful effects of intense noise on airport neighbors. It has been altogether too easy to dismiss them as being part of the inevitable price of progress. Even if we concede that some such price must be paid, however, we can still do a great deal more than has been done to minimize the harm and keep the price as low as possible. A first step in this direction would be the kind of systematic analysis of the hazards of noise which is envisioned in the pending resolution.

The problems associated with aircraft noise have seemed virtually insoluble even with conventional piston-type aircraft. Now, with the advent of a whole new family of jet aircraft, the situation as the Federal Aviation Agency has warned will become even more serious. It is essential that all available information be gathered together, that the problem be understood in all its aspects, and that the more promising possibilities of effective noise abatement be pursued vigorously.

One of the more complicating factors involved in this field is the fact that no one really knows either how noisy jet aircraft are or how seriously harmful to human beings high noise levels can be. It is impossible, therefore, to make completely reliable judgments when adequate scientific information is not yet available. Fortunately, the FAA and the National Aeronautics and Space Administration have jointly sponsored current studies of these two related questions, and the results of these studies should be extremely valuable in carrying on the investigation proposed by this resolution.

Mr. Speaker, we have no time to spare in obtaining more useful knowledge of aircraft noise and its impact on persons. In the absence of this knowledge and of the kind of noise standards which this knowledge would make possible, decisions are now being made about airport location, airport design, and the use of jet aircraft at airports in heavily populated areas. These decisions will, in effect, lock in the development of air transportation for the next generation. They should not be made in the dark, but rather in the full light of all the information our scientists and our aviation experts can give us.

This is why I welcome the prospect of a full and complete congressional investigation of this extremely important subject.

Mr. BONNER. Mr. Speaker, will the gentlewomen from New York yield to me for a question?

Mrs. ST. GEORGE. I yield to the gentleman from North Carolina.

Mr. BONNER. Mr. Speaker, I think the resolution is timely, of course; but in the study will there be any effort made to set up a plan of compensation to individuals' homes and business houses that are damaged by the breaking of the sound barrier by military planes in areas distant from airports?

Mrs. ST. GEORGE. I would say to the gentleman that that is not included in the resolution, but we certainly hope that when the report comes in they will pinpoint these things and show us what should be done. Certainly, as the gentleman probably well knows, our military aircraft in England and in various countries in Europe do have to pay for damage done.

Mr. BONNER. In my home town in Washington, N.C., there was a widow lady's home damaged. Neither of the adjacent homes was damaged, when this sound barrier shot was felt on this one building. The military agencies denied that there was any plane of their type in the area, so this person was unable to recover anything whatsoever.

Mrs. ST. GEORGE. I think that is the very thing that will be corrected if this resolution is passed, and if such an all-embracing study is made of these cases.

Mr. BONNER. And then I understand that this investigation will cover the breaking of the sound barrier and the destruction of property in areas not adjacent to airports?

Mrs. ST. GEORGE. I would certainly hope so.

Mr. BONNER. I do hope so, myself.

Mrs. ST. GEORGE. I think it could well be done.

Mr. DELANEY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. JOHNSON].

Mr. JOHNSON of Maryland. Mr. Speaker, I rise in support of House Resolution 420 which would authorize the investigation of the effect of aircraft noises on persons and property.

For a long period of time, my district has been subjected to sonic booms which have caused considerable damage to property and disturbed our people. Time and time again, in response to the innumerable complaints from my district, I have vigorously protested to the Department of Defense. After each vigorous protest, reports from the district indicated a marked lessening of sonic booms. Shortly thereafter, sonic booms would be resumed, accompanied by another rash of complaints of damage in my district.

Colleagues, I recognize that our Nation's defense posture requires that the men who man our jet aircraft be trained to the fullest extent. But it seems to me that the supersonic flights from a military installation adjacent to our area could be achieved just as readily over the Atlantic Ocean as over the Delmarva Peninsula.

Each and every constituent that has filed a claim for damage, and there have been many, has had difficulty adjudicating their claim. In an effort to end months of waiting to settle claims, many of my constituents have reluctantly settled for one-third the actual property damage.

I say an investigation into sonic booms damage is long overdue. In the interest of the people and property of the First Congressional District of Maryland I heartily endorse and support this resolution.

Mr. DELANEY. Mr. Speaker, I yield such time as he may require to the gentleman from New Jersey [Mr. ADDONIZIO].

Mr. ADDONIZIO. Mr. Speaker, I am pleased to support House Resolution 420 which deals with a subject of ever increasing importance to our major urban areas. Progress in any field brings with it many problems that must be overcome, and this is particularly true of advances in aviation. All of us are aware of the invaluable contribution of the aircraft industry to the economic strength and well being of the country, and all of us recognize the need for a healthy national system that will meet our national and local needs. It is incumbent upon us, however, to direct attention, as proposed by the resolution, to "the problems involved in, and measures to minimize or eliminate, aircraft noise nuisances and hazards to persons and property on the ground." The residents of our densely populated metropolitan areas are quite naturally concerned about aircraft noise and other hazards, and it is in the public interest that these questions be thoroughly explored as proposed in the pending resolution. In view of the programs designed to facilitate more orderly development of urban areas and to achieve socially desirable and economically stable communities, we need accurate and comprehensive data on the problems attendant to providing

adequate air service for those communities.

I know that the distinguished members of the Interstate and Foreign Commerce Committee will conduct a most useful and thorough study and investigation of this vitally important subject, and I urge the passage of House Resolution 420.

Mrs. ST. GEORGE. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Speaker, I too, rise in support of this resolution. In my opinion a congressional investigation will provide us with very valuable information in connection with two serious problems, namely: noise in connection with aircraft and the hazards to both persons and property as the result of the operation of aircraft.

As has been said by a number of others here today there are many problems involved in an investigation of this kind. I, myself, feel confident that the Committee on Interstate and Foreign Commerce will be ideally qualified to make a full and complete investigation, and I trust that adequate funds will be provided to do just that.

The gentleman from New York [Mr. ADDABBO] pointed out that the Port of New York Authority has already spent $650,000 with respect to a survey giving their conclusions and recommendations as to a suitable site for a fourth major airport in the New York-New Jersey metropolitan area. I am not sure how much this billion-dollar agency has spent, but they have been unsparing in their efforts to prove their point.

It so happens that their primary recommendation would result, if they could secure legislative approval in the construction of an airport in Morris County, my own congressional district. That they cannot secure such approval is evident from the fact that the New Jersey State Legislature has strongly rejected the suggestion of a Morris County site. Likewise the Governor must give his approval and both the Republican candidate, James Mitchell and his Democratic opponent have expressed their disapproval. None of this has deterred the port authority.

We have had a lot of discussion here today about the serious disadvantages which arise from the operation of existing airports, and particularly from the expansion of existing airports. These inconveniences and difficulties are nothing in compairson to the damaging effects on residents of an area which actually has had no such major air facility. Locating a wholly new major jet airport obviously requires the most careful consideration of such factors as noise and safety. I might point out that the site proposed by the Port of New York Authority has within a 7-mile radius approximately 200,000 persons whose interests would be very directly and adversely affected. There are not only many residential areas, but many fine educational institutions, research laboratories and the like.

As the gentlewoman from New York [Mrs. ST. GEORGE] has pointed out, an investigation of this kind, no matter how thorough and how complete, will only scratch the surface of a very serious problem. I, myself, feel as part of a program to reduce the hazards and to do something about the nuisances from the noise of such aircraft that we should consider the possibility of enacting some specific legislation in this area.

As an example, I feel, that we should investigate the possibility of increasing Federal responsibility in helping in the determination of suitable locations for airports of this character. In my opinion, the Port of New York Authority has proved beyond any doubt its inability to provide a suitable spot for the location of a fourth major airport, if indeed one is needed the New York-New Jersey metropolitan area. It seems to me that the Federal Government might have its hands strengthened in this area. At the very least we should know more than we now do about the real hazards of major air facilities and what we can do about them.

In any event, Mr. Speaker, I feel that a resolution of this character, authorizing a full-fledged investigation of the problems in connection with both existing and projected airports, would be invaluable. It can provide a basis for further legislation and for such appropriate action as other levels of government may take.

Mrs. ST. GEORGE. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. YOUNGER].

Mr. YOUNGER. Mr. Speaker, this problem is not new to many Members of the House who happen to have an international airport in their district. In our case, where we have the San Francisco International Airport, we have had this problem ever since we have had DC-6's. Since the jets we have had a noise abatement committee composed of the airport officials, the city officials from each of the towns surrounding the airport, also from the city of San Francisco, and the industry. They have been studying the problem, and their results will certainly be available to this committee. I think one of the results that might be achieved by this investigation is to focus attention on the various elements involved in this whole aviation problem. For instance, we have the airport aid bill. Now, are we going to put Federal airport aid into these new airports or are we going to say that we do not put aid into any airport where there is any surrounding territory occupied by people? That is a problem we are going to have to solve. If it is the will of the House that we should not put money into any airport where there is a slight chance of people occupying the surrounding territory, then we ought to have instructions on that point.

I am glad from our committee's standpoint to take the responsibility of an investigation which may clear the air. Our investigation especially in our own territory has resulted only in two things: First, that we have to have longer runways so that the planes can achieve a sufficient height so as not to disturb the inhabitants around the airport, and second, as long as we have jets we have to live with an increased amount of noise. As a member of the committee, I am perfectly willing to take the responsibility and see what we can do with the problem.

Mr. CLEM MILLER. Mr. Speaker, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from California.

Mr. CLEM MILLER. I understand from the gentleman from New York, who introduced the resolution, that the real estate problem surrounding the airport was not within the scope of the resolution and would not be considered. Of course, it is my opinion that this is a matter which most desperately needs looking into, but he suggested this might appropriately be considered by another committee.

To that end, I intend to introduce such a resolution. Is it the understanding of the gentleman from California that this would be within the scope of the investigation of the present resolution?

Mr. YOUNGER. I think the noise and the effect on the surrounding territory would be a part of the investigation. I do not think it is within the province of the committee to say that the U.S. Government is going to be responsible for the purchase of all of the real estate around the airports that may claim some type of damage.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mrs. ST. GEORGE. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, when I read this resolution, I noted there was no money in it and my hopes went up. My hopes seemed to be confirmed for a minute by the gentleman from New York [Mr. DELANEY]. Then the gentleman from Arkansas [Mr. HARRIS] took the floor and the balloon really went up and the price tag, if I heard correctly, is about one-quarter of a million dollars. So I guess we will not get an investigation of this problem, and I am sure it is a serious problem—I guess we do not get an investigation of this without a very substantial additional appropriation.

I notice in lines 22 and 23 that the committee investigators can go outside the United States. The bill says "within or without the United States." I hope they do not have to investigate noise levels in Tokyo, Paris, London and so forth and so on. I hope they can hold this expenditure for this purpose to something less than one-quarter of a million dollars.

Mrs. ST. GEORGE. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. GEORGE P. MILLER].

Mr. GEORGE P. MILLER. Mr. Speaker, I thank my colleague, [Mrs. ST. GEORGE] the distinguished gentlewoman from New York, for yielding me this time. As one who has lived in a community, and not too large a community, in which is located one of the largest air stations in the United States, the matter of air noise is not new to me. I think it is fine to make this investigation, but I would like to point out both to the House and the Committee on Interstate and Foreign Commerce that a great deal of work has been done in this

field, first, by NACA, the old National Advisory Committee on Aeronautics, and its successor, NASA, the National Aeronautics and Space Aministration which is empowered to do this very thing. Now I do not know how you are going to get away from the noise of airplanes, and yet enjoy the comforts of fast air travel. You can get rid of the noise of airplanes and weaken our defenses. At the NAS at Alameda, three times a day the four P2V planes that have very powerful and noisy engines take off. They spell one another around the clock. They are part of the early warning system the security fence across the Pacific. When they rev up the motors of those planes they shake our town and rattle the windows of our homes. Generally around 4 o'clock in the morning and the noise awakens many. I have not received too many letters recently, but once my mail protesting this noise was very heavy, I used to answer writers by telling the people who complained about the noise that I sympathized with them because I had lived with this noise and I knew what it was, but I also told them every time the noise of those planes woke me up, I thanked God that brave men in those planes were sacrificing themselves and taking a chance to go out to protect us. I used to be on the Committee on Armed Services. I could name a dozen airfields where this problem exists. At Lowry Airfield near Denver, Colo., you have a lot of this. They put the airport way out in the country, and the people came out to where the airport was and built around the airport at its new location.

Then there is Moffett Field at Sunnyvale, Calif., which was built on what was formerly a swamp. It brought in lots of employees and it brought people there, and these people flocked in around the area. And, we had to build an expensive new field in the Lemoore area in the San Joaquin Valley to relieve the danger and the noise from this area. And, that is being built up. Now, along with all of these inconveniences, we have the convenience of fast, modern air travel of which we are all proud. I am happy to cross the continent and get home in 5 hours, and I am also glad to accept the inconveniences that go along with it. If you have ever lived in a mountain town where a railroad runs you hear the noise reverberating back and forth on the mountain walls as the freight trains go over steep grades, as they do in the Sierra, you will know what noise is; or live in a small town where the truck transportation, so essential to our economy, goes back and forth. You will find there are just as many of these inconveniences there, and as many dangers. We have to adjust our living to be able to take a little noise along with the conveniences of modern living. We cannot have our cake and eat it, too.

Mrs. ST. GEORGE. Mr. Speaker, I yield 5 minutes to the gentleman from Colorado [Mr. DOMINICK].

Mr. DOMINICK. Mr. Speaker and fellow colleagues, I want to express my appreciation for the sentiments which the gentleman from California [Mr. MILLER] has just expressed in the well of the House. I am a fledgling member of the Committee on Interstate and Foreign Commerce, but I have some 27 years' knowledge and experience in aviation matters. And, I think from that I have some experience with the problems which are expressed in this resolution.

Now, if you look at the terms of the resolution itself, it says:

> To minimize or eliminate aircraft noise nuisances and hazards to persons and property on the ground.

Well, obviously we can do that by prohibiting any aircraft from flying. That is about the only way that it can be done at the present moment. And, I am sure there is not a Member of this House that wants to do that.

The question then is how to minimize it. We cannot now eliminate it, but how do we minimize it? Well, at the present moment there are at least five agencies which are conducting experiments on noise levels in connection with engines, including aircraft engines. The Federal Aviation Agency itself is conducting an extensive investigation into this subject at this time. The various manufacturers of aircraft are doing it because they are attempting to find a product that they can put on the market which will make less noise and which will create less expense in the prevention of noise. The NASA is doing it. The FAA has required installation of certain devices to reduce the noise level that occurs.

Now, there are other things which I think we ought to consider. If the Committee on Interstate and Foreign Commerce is given the power and the authority to go ahead under this resolution, it is obvious that they are going to need funds to conduct the investigation, and, in my opinion, it is going to be more expensive than the amount mentioned by the gentleman from Arkansas [Mr. HARRIS]. It is my guess if we are going to go into this thoroughly, we will have to go into various technical problems throughout the entire industry.

Mr. DELANEY. Mr. Speaker, will the gentleman yield?

Mr. DOMINICK. I yield to the gentleman from New York.

Mr. DELANEY. There are many ways that recommendations can be made: One is the load of the airplane. If the committee sees fit, they can reduce the load. Another one is the direction of the airlanes. Another one is the time.

I see that the gentleman from New York recommended that the airports be closed from midnight on to some extent. These jets can be timed to take off before the sleeping hours, maybe at 4, 5, or 6 o'clock in the afternoon when most people are not in bed. They can be timed to arrive not at midnight or 2 or 3 o'clock in the morning, but some time during the day. There are many many ways in which they can be helpful as far as the employment of these new sound-quenching devices are concerned; they can minimize the tremendous noise of the jets, they can use mufflers. These are matters the committee can go into. They should go into all phases of noise-making and noise relief and then make their recommendations.

Mr. DOMINICK. I appreciate the contribution the gentleman has made in the resolution but the problems are not easy to solve. Mufflers have already been suggested as well as a number of devices, but for one reason or another they did not operate efficiently or they reduced power to the extent that it makes it unsafe to the people aboard the plane for the machine to land or take off. These are but two of the problems. Secondly, there have been two special committees at work, one specifically in connection with traffic rules in airports all over the country, methods of getting from one airport to another; and there has been another investigation specifically in connection with all kinds of radar control. There have been a number of studies done on these and other questions.

In my opinion the FAA, the aircraft manufacturers, the local airport control authorities and many interested civic groups have done and are doing an excellent job in trying to minimize noise levels in congested areas and in requiring necessary safety devices so that both military and commercial aircraft will be at least reasonably safe. But consider the difficulties with which they are faced. In the short space of 10 years speed of air travel has at least doubled and in some cases trebled. In order to get this speed there must be more power and up-to-date more power has involved more noise. Development of aircraft at the present moment involves still more speed and it is probable that this in turn will involve more noise level.

It strikes me that one phase of the investigation of the committee, if the resolution should pass, which would be extremely fruitful is the possible use of airports now proposed to be abandoned for both commercial and private aviation travel. This, of course, is particularly applicable to military fields which in many instances are already sufficiently large to accommodate jet operations and which in many instances have adequate facilities to take care of private aviation. It seems an incredible waste of money to be constantly building new airports while at the same time we are abandoning airports in the same general areas which might be extremely useful not only in the furtherance of aviation but in the furtherance of the economic activities in the areas involved.

In our metropolitan areas we find the greatest complaint about noise levels of aircraft and yet it is the metropolitan areas which demand from commercial carriers the greatest service, and therefore the largest number of aircraft. By virtue of rapid communications the economic level of these areas is increased, thereby creating a further increase in population and a further increase in air travel. In like manner, as metropolitan areas grow, there is a corresponding increase in the necessity of protecting them from enemy attack and this in turn requires extensive use of military aircraft.

In an effort to summarize the points I am making, there are now in existence many groups, both private and governmental, which are conducting active research on methods by which aircraft noise can be minimized. To the best of

my knowledge no one has propounded even a theory as to how it can be eliminated unless we revert to free balloons and gliders. As long as there is an aircraft in flight under the law of gravity it must sooner or later come down, and hence, there is always a hazard to persons and property on the ground. If we have aircraft we will have such hazards but the safety regulations imposed by reason of years of intensive study by hazard experts has minimized the dangers and further efforts are presently in process to take additional corrective action in order to relieve congestion near airports and thus further reduce potential danger. At the President's request two committees of aviation experts are now completing their reports on this very subject. It seems to me that if the Interstate Committee is given the responsibility to make a study of the kind contemplated by this resolution, it will comprise a compilation of existing studies or a takeover of a large portion of the responsibility previously delegated by this Congress to the FAA, NASA, CAB and other governmental agencies and will require a budget far in excess of any that is now contemplated or that has been mentioned on the floor of the House.

The SPEAKER pro tempore. The time of the gentleman from Colorado has expired.

Mrs. ST. GEORGE. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. BECKER].

Mr. BECKER. Mr. Speaker, I would like to say at this time that to the gentlemen from New York, Mr. DELANEY, Mr. DEROUNIAN, Mr. ADDABBO, and myself, this has continued through the years; this is not a 1-, 2-, or 3-year proposition, but it goes back 5 years. People in this great area of New York for years have been suffering the consequences of the noise of these airplanes taking off and landing. We know there have been studies made by groups regarding the use of mufflers, noise suppressors, and so forth, and even the suggestion to prohibit the operation of the airports from 11 o'clock at night to 7 in the morning. This may sound trifling or unique, but the fact remains that they had to do this at the London Airport and have done it for a long time because the noise was so great the people of the city could not sleep at night.

I challenge any Member of the House to come up to this area and see whether he can sleep at night. I have this problem in my own home on Long Island. I am quite aware of it just as are the other citizens of this area of Kings, Queens, and Nassau Counties.

They have been experimenting; they have planes taking off in different directions; they have increased the length of the runways and done other things, but the fact still remains that people cannot sleep in this area at night. It is so bad that even services in churches and synagogues are halted during certain hours of the morning and evening. They cannot conduct services; no one can speak during these hours, for they cannot be heard. When that happens in an area, Mr. Speaker, I submit that living is not worthwhile.

The statement has been made that the people have built around the airports. I am not so much concerned with people who have built homes and moved into homes adjacent to airports, but I am deeply concerned with situations where the airport has encroached upon established residential communities, such as was the case in Queens and Nassau Counties.

I congratulate the Rules Committee and my good friend from New York, JIM DELANEY, for having brought out this resolution. I hope something will be done and that it can be done expeditiously. Do it now. This is not something that should come in 1 or 2 years or wait for technical changes. The time to do something to give some relief to these people is now. We all like to enjoy our homes; we all realize, too, we must progress, that commercial aviation is here to stay.

ON HOUSE RESOLUTION 420

Mr. HALPERN. Mr. Speaker, I enthusiastically support this resolution. It hits the nail right on the head; it leaves no question that the House of Representatives means business in meeting the problems of aircraft noise and safety.

The gentleman from New York, my distinguished colleague from Queens, [Mr. DELANEY], is to be heartily commended for taking the bull by the horns and coming up with a resolution that not only covers every phase of the problem, but provides the most effective machinery to meet it. This is a resolution that all the Members of this House can accept; it provides the tools right within the framework of an existing committee; it gives the unquestioned authority to the Interstate and Foreign Commerce Committee it needs to proceed full speed ahead.

This is what we Long Islanders have been wanting for a long time. The Long Island congressional delegation has been working closely together—all with the same objective—to curb the nerve-shattering, earsplitting noise of roaring, earthshaking planes. We have all introduced bills or called for executive action in a determined, collective effort to reach a solution. I, for one, have offered proposals to establish Federal jurisdiction over noise of planes warming up, taking off, and landing; to provide tougher penalties for violations of FAA rules, and to establish criminal penalties for repeated violations, to close airports to jet traffic from 10 p.m. to 7 a.m., and to institute new noise abatement and safety measures at airports. Other colleagues have offered bills of their own, all commendable, and all with the same goals. We have called for conferences with all parties concerned to resolve this problem, but without effective outcome. We have demanded inquiries and full-scale probes.

Despite repeated assurance for years from the Federal Aviation Agency that every possible step is being undertaken to correct the noise menace, I am convinced more than ever that its promises and assurance are meaningless—that we will continue to get nothing but a lot of hot air. The only answer is action by Congress. Only the enactment of a resolution such as the one before us can bring about the kind of results which are needed to meet this problem.

The Rules Committee in its wisdom recognized this fact. Convinced the situation had to be met head on, the committee acted quickly and favorably on H.R. 420, the proposal of its able member from our great Borough of Queens.

With the overwhelming approval of this resolution by this House, I am certain the Interstate and Foreign Commerce Committee will sense a determined call for action and will fully evaluate all the proposals I mentioned earlier—my own, and those of all our colleagues on this and related subjects. I am confident that the committee will welcome all suggestions and recommendations from all sources. I am certain, too, that it will lose no time in carrying out the directives of the resolution and will leave no stones unturned in coming up with the right answers. The speed with which this resolution is being acted upon is a splendid beginning.

I fervently appeal to all our colleagues on both sides of the aisle to vote for this resolution, and, in so doing, take a long step forward toward resolving one of the major problems faced by millions of persons who live in "jitter" alleys—the name we in Queens call the areas suffering from this deafening uproar.

Mr. Speaker, this is a bipartisan issue. It is an acute one that affects all of us. I trust each Member of this House will vote a resounding "aye." Let us pass this resolution unanimously.

Mr. DELANEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. WALTER). The question is on the resolution.

The resolution was agreed to, and a motion to reconsider was laid on the table.

MINOW STILL MAKES A MOCKERY OF JUSTICE

Mr. MICHEL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD, and include a speech.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MICHEL. Mr. Speaker, on July 27 I made a speech on the floor entitled "Minow Makes a Mockery of Justice." In that speech I stated:

> It, therefore, seems incredible to me that the Commission, after outlining definite standards and policies on June 28, 1961, in the Suburban case, would, on that very same day, propose to grant channel 8 to the Moline Television Corp., the only one of five applicants which made no effort to determine local programs needs.

The Commission's intentional neglect of the program criteria in the Moline case was the main point of my remarks. I felt there had to be an answer for the Commission's action, reversing the hearing examiner, and I felt it proper to

point up the political ties between Richard Stengel, one of the principals of the Moline TV Corp., and Mr. Minow and President Kennedy. In Mr. Minow's statement to the press regarding my speech, he admitted that he had "worked for" Stengel. But Mr. Minow also tried to create the impression in his press release that he was impartial because he did not vote.

In my speech of July 27, I did not say that Mr. Minow had voted. I do feel that if Mr. Minow had been sincere in wanting to remain impartial, he would have disqualified himself as did Commissioner T. A. M. Craven. Mr. Minow participated in the oral arguments while Craven got out from the very beginning because of a conflict of interest. Mr. Minow at one moment states that he did not influence or play favorites in the Moline case and then on August 3, 1961, in a speech at the Northwestern University School of Law states:

> But if Northwestern is interested in a television channel, or a stake in the world communications satellite, I wish you'd let me know.

Later on in that same speech Mr. Minow said:

> Some of you will recall first in its July 1960 programing statement, the commission stressed that licensees must make a good faith effort to find and fulfill the programing needs of their service areas. We mean just that.

Mr. Speaker, Mr. Minow goes right on emphasizing the importance of programing, but I guess this criteria holds true in every situation but the Moline case, and, therefore, it is no wonder that an examiner with 8 years of experience was overruled. It is my understanding that every case, in which an examiner has been reversed, has ended in either congressional or judicial review, so there certainly is precedent for my actions.

Moreover, at the National Symposium on Freedom and Responsibility in Broadcasting, which was the site of the Minow speech of August 3, it is understandable that W. Theodore Pierson, member of the law firm of Pierson, Ball & Dowd, Washington, D.C., would bitterly attack Mr. Minow particularly with respect to his actions in the programing area. Mr. Pierson is to be admired because he felt so strongly on these issues that he made his criticisms, knowing that one of his law partners, Mr. Dowd, was representing the Moline TV Corp. What is more interesting is that Mr. Dowd, yesterday, in a telephone conversation with a member of my staff, discussed Mr. Pierson's comments and indicated that he endorsed Pierson's speech 100 percent.

Mr. Speaker, under unanimous consent, I insert at this point in the body of the RECORD Mr. Pierson's speech, which very eloquently points out that Minow still makes a mockery of justice:

COMMENTS OF W. THEODORE PIERSON, NATIONAL SYMPOSIUM ON FREEDOM AND RESPONSIBILITY IN BROADCASTING, NORTHWESTERN UNIVERSITY SCHOOL OF LAW, CHICAGO, ILL., AUGUST 3–4, 1961

I commend Dean Barrow on the very excellent paper he has just presented. It capsules the current criticism of television programing, the alleged causes and the postulated cures. I will not cavil over the criticisms and causes, not only because I believe them to be substantially correct, but because my principal disagreement is with the cures he postulated. Indeed, I believe that the greatest threat to television's achievement of its proper role in our free society is the restrictions and restraints that the censors and controllers have placed and would place upon the medium, most of whom appear to have the complete support of Dean Barrow.

Perhaps my disagreement with Dean Barrow is really a threshold one, i.e., the role that mass media can properly play in a free society, which in turn may stem from lack of agreement on the principles upon which our society was built. To avoid needless capering in the leaves and branches of the controversy, perhaps I should state my understanding of the roots and trunk of the matter.

The principle of freedom upon which our society was built, as I understand it, starts with the premise that man is imperfect, whatever his station in life, and holds that he will become a more perfect moral and social creature through liberty, and that attempts to coerce cultural or political perfection through governmental or other concentrated power merely conforms the subject to the imperfections of the central power.

Such conformity destroys new ideas at gestation, prevents reexamination of the standards and rules by which we live, perpetuate the mistakes of those in power, reduces political intelligence and degrades human dignity. Media of communication, being manned by imperfect beings, are bound to be imperfect, but in a free society the value of their service is proportional to the degree to which they can resist conformity to centralized control.

Contrast this to the Marxist-Leninist ideology with which we are now locked in a deadly and terminal combat. Our antagonist starts as we do with the premise that man is imperfect but, contrary to our beliefs, holds that he cannot be allowed freedom until he has been recast, remolded and reconditioned by the Communist apparatus, which is presumed to be perfect, to the end that the individual has no will to do anything other than what the state requires. Under Marxism-Leninism, media of communication are presumed to be perfect because they are dictated by a perfect authority. New ideas, reexamination of standards, correction of mistakes, political intelligence and the dignity allowable to individuals can originate only at the top of this monolithic society. Under this ideological concept, mass media are valued in proportion to their conformity to centralized control.

If this layman's analysis of one important part of the ideological conflict between ourselves and the Communist world is substantially wrong, in Dean Barrow's view, then argumentation between us on the efficacy of the various proposals to improve television would avail little, since we are headed in opposite directions. But I will assume substantial agreement by him, if for no other reason than to serve my exhibitionist impulse to say more. It is your misfortune that a lawyer rarely stops talking when he is given time to say more.

Dean Barrow's paper, in summary, pointed out what's wrong and why and what to do about it. He emphasized throughout the great capacity of television for good or evil, with which I agree.

He alleged that television, as now practiced is an imperfect instrument for the political, cultural and educational improvement of our American society. With this, also, I agree. I will go further than he. It will always be unless we develop a perfect machine that requires no imperfect human being to perform tasks or make judgments. The pall of imperfection that is cast on commercial television shrouds all human activity, including above all, governmental action. We are constantly deluged with exposures by our intellectual elite of imperfections in education, politics, economics, government, the arts and the sciences.

Where Dean Barrow and I disagree is that he seems to believe that we will come nearer to perfection if we centralize program control in a rather closely knit combination of seven members of the FCC, the Board of Directors of NAB and a small select advisory group of outstanding citizens. He heads toward more centralization of control over programing. I would go the other way. He seeks conformity of television program schedules to centralized ideas of balance. I would seek balance in the total output of the industry through maximizing the diversified imbalance of individual licensees. I believe that a balanced fare from the industry as a whole can ultimately be accomplished, without the censorship or centralized control that Dean Barrow postulates, by the proliferation of television stations under conditions that permit any station to unbalance the types of programs they broadcast at will and with abandon. The sum of such specialized program formats would result in overall balance in the industry output.

I cannot disagree with the Barrow assignment of the principal cause for the present caliber of television fare. Since, except for the noncommercial or educational stations, we have a free enterprise television system, which by definition is motivated by profit, it ought to, and does, follow that considerations of profit will substantially influence the programs broadcast. To expect otherwise is to ignore the natural and inevitable consequences of our choice of a system.

Every medium of communication that operates under a free enterprise system is influenced in overwhelming degree by the profit motive. That the objective of profit substantially influences its product can be demonstrated conclusively with respect to any commercial medium one desires to name—newspapers, magazines, books, motion pictures or theater. And they have their Comstocks too—Comstocks who are every bit as critical as any that television has.

Wherever free enterprise operates, its product or service is substantially influenced by the profit motive. The styling of clothes, automobiles and household appliances are thus governed. The architecture and construction of homes, factories and office buildings feel the ever-present influence of the profit motive. Indeed, it is not unusual for the eggheads and intellectuals to seek opportunity to conform their output to the necessities of the profit potential. If the profit motive is evil, it is a virulent and contagious one, because it infects many of its loudest and most snobbish critics.

While I appreciate that, in Washington, to investigate is the thing, I really do not think we needed the costly Barrow investigation to establish that the profit motive influences television programing. This was and is one of the most open and notorious facts within my knowledge.

The investigation went farther than this, however. It sought to determine where the control of programing lay. It found no single or concentrated repository. Rather, as Dean Barrow has just pointed out, it found that control was dispersed among many advertisers and their agents, three competing networks and their hundreds of competing affiliates and a few talent agencies. Compared to centralized control in the Commission, the NAB and an elite advisory council, as Dean Barrow postulates, this is a tremendous fragmentation of control.

But it does not seem to be a principal Barrow complaint that too few private enterprisers were in the act. It is that they are all possessed by the same motives—to earn a profit. And that all too frequently the profit goal is better served by catering to mass audiences. It is this parallelism among enterprisers that seems to gall him most. Could he have been surprised to learn that a mass medium supported by the suppliers of mass consumption seeks a mass audience a great deal of the time?

What did he postulate as means of curtailing this appeal to mass tastes? First, greater self-regulation through the NAB, which he did not believe would suffice because, being an industry organization, in spite of the enlightened leadership of Governor Collins, it might be quite contaminated with the profit motive.

Second, more extensive and intensive program policing by the Commission, which solution he seems to adore most.

Third, an advisory committee "composed of eminent Americans" to advise the Commission in its police work. This would nationalize in a truly effective fashion the method used by Comstocks in many communities to employ the police power to restrain books, periodicals and motion pictures in unabashed cultural censorship.

Whatever success these measures might have in reforming television to meet the tastes of Dean Barrow, Chairman Minow, Governor Collins, and their admirers, I care not to argue. I would pray they would fail, because it is a complete formula for centralized cultural censorship and control.

Dean Barrow said that it was not his purpose to discuss the censorship issue raised by his paper. He professed no real concern with the problem. Well, I do have concern and I am constrained to discuss it.

In the past Commission efforts at program control and censorship have been quite submerged and, while always lurking in the deep, they have been hard to surface and catch. To change the metaphor, Chairman Minow's program of action, announced first before the NAB and publicly many times since, offers a rare opportunity to grapple with more than a ghost. To demonstrate the nature of Dean Barrow's proposals, I wish to turn to the program of Chairman Minow.

Chairman Minow in his NAB speech bluntly told the broadcasting licensees that he had no confidence in their product. This, of course, after observing the amenities expected of a guest by telling them that they were nice chaps. He was very specific about the types of programs that he thought should not be broadcast or should be broadcast less frequently. He said, "The old complacent, unbalanced fare of action-adventure, and situation-comedies is simply not good enough." He further observed that next season will be little better because "of 73½ hours of prime evening time, the networks have tentatively scheduled 59 hours to categories of action-adventure, situation-comedy, variety, quiz, and movies."

He also was specific in certain areas as to the types of programs that should be broadcast. He declared quite specifically the format and purpose of children's shows and implied the time that they should be broadcast. He named his favorite shows by specific title. Mr. Minow exhibited impatience with the imperfect tastes of the masses and the broadcaster's imperfect response to public tastes.

Mr. Minow's description of what he approves and disapproves was sufficiently explicit to enable any normally intelligent broadcaster to choose and select programs that will satisfy Mr. Minow's standards. The message was loud and clear. The broadcaster can throw out some programs completely, change the formats of others and get some new ones that fit the Minow specifications. No problem.

Thus far, on the basis of my summation, Mr. Minow's NAB speech could be characterized as just an example of clarity in the exercise of freedom of speech, albeit somewhat less restrained than normal for regulatory officials. It, after all, is nothing more than has been said by many television columnists, critics and viewers.

But Chairman Minow went further. He said:

1. That the broadcaster owes to the public the type of programing that he, Minow specified.

2. That he intends in his official capacity to see that the broadcaster pays the debts he, Minow, stated.

3. And that he intends to accomplish this through the licensing power of the Commission.

Here he is not playing the role of citizen Minow, but the dispenser of the privilege to live or die as a broadcaster.

Now it seems to me that, considering these vigorous words, the chairman simply said to the broadcaster, "Unless you broadcast or propose to broadcast what I favor and have specified, you will not be permitted by our Commission to broadcast anything." This, in my opinion, is a prior restraint upon broadcast communications, it is censorship and it violates the first amendment.

In the same speech that he said the things I have just described, he disavowed censorship in these words: "I am unalterably opposed to governmental censorship. There will be no suppression of programing which does not meet with bureaucratic tastes. Censorship strikes at the tap roots of our free society." He has been reported as having repeated this disclaimer many times since.

But, in the speech, what did he say he would do but suppress programing which does not meet with bureaucratic tastes? If you are a bureaucrat and you tell a broadcaster that he may operate if he broadcasts what you favor and may not operate unless he suppresses what you disfavor, what are you doing but requiring broadcasters to conform to your taste?

Did Chairman Minow mean that refusing to permit applicants to broadcast is not a suppression of what they propose to broadcast? Did he mean that in his few months as Chairman he had been able to discern what no one else has ever known or been able to define—public interest in programing? Or is this some kind of exotic philosophy that reconciles logical irreconcilables by the mere assertion that they are reconcilable?

Perhaps it could be said that the Chairman did not intend to cause broadcasters to conform to his taste. But his speech had no professed or discernible purpose but to reform television programing after his pattern. I understand he has received several thousand letters commending him on his efforts in this regard, i.e., the use of his powers as a Government dispenser of licenses to suppress some programs that he and his correspondents dislike and to engender others that he and they like. The widespread changes in television programing that will result from his efforts must surely have been intended by him. His perspicacity is demonstrably too great to conclude otherwise.

I am proceeding, therefore, not only on the basis that he intended to use governmental power to change television programing, but that he will—the other members of the Commission and the courts willing—be eminently successful in obtaining widespread conformity with his expressed ideas on programing. The trade press, since the Minow polemic, has depicted frantic activity among producers, networks, syndicators and station licensees to conform as quickly as possible to Minow's program format. Make no mistake about it—if you tell any businessman that you can and will put him out of business unless he conforms his product to your standards, few will commit business suicide—most will conform.

I submit that, if the Commission pursues the Minow plan for program reform, it will be the direct cause of the suppression of many programs and the release of many others that would not otherwise have reached your television screen, all tending to be stereotyped after the Minow pattern. Whether each of us would like the Minow format better than what we now have is a matter of personal taste for each individual. I personally would like it better than present fare. But what price do I pay for receiving the Minow format for the period that he holds sway?

It seems to me that the price is my concession that the Chairman and his fellow members at any time have the right and the power to set and enforce the format and structure of television program schedules—what they do to please me today can be undone tomorrow. They can prohibit violence today and editorials tomorrow—as they have prohibited editorials in the past.

More bluntly, the price I pay is acceptance of a high degree of centralized governmental control of television fare. Still more bluntly, it is censorship.

Constitutionally, it must violate the first amendment; otherwise, that supposed protection against control over speech and press by Government is inapplicable to the most effective means of communication yet devised by man.

It would mean that free speech and press are only for the less efficient and most ineffective modes—books, newspapers, magazines, handbills, and movies. It would mean admitting that technological advance inevitably and progressively takes its price in loss of liberty.

Would it not be better to prohibit radio and television absolutely than to embrace it at the cost of liberty? If not, should we not be more honest with ourselves and cast off the facade of freedom and accept the governmental control of communications that has been so effectively and efficiently used by the ideology we despise but the power and success of which we cannot gainsay?

I say, Mr. Minow cannot have it both ways—brilliant, articulate and sincere person that he is—he cannot free us from our own imperfect tastes by binding us to his imperfect tastes without denying the principle of freedom upon which our society was built, that is, diversity and liberty instead of conformity and restraint.

Any real and impending danger that lies in present television programing, much as I personally dislike much of it, is, in my opinion, of insufficient magnitude to justify Mr. Minow substituting his imperfect personal tastes through governmental coercion for the imperfect tastes of the public or the imperfect responses of the broadcaster. The success of his endeavors would bring governmentally induced conformity, not the diversity which is the intended goal of liberty and competitive enterprise. There are glaring imperfections in our present efforts, but to substitute governmentally induced conformity (to borrow a phrase from Mr. Justice Frankfurter) "is to burn the house to roast the pig." Hence, I believe the course upon which he has embarked is illegal, unconstitutional and violates basic principles upon which our American society has been built.

I wish to be very precise about the area in which I believe Chairman Minow's proposed course of conduct offends against liberty of speech and press because, in many other areas, I not only agree with the chairman, but have nothing but admiration for his intelligent and vigorous approach.

I believe freedom is abridged whenever a licensee broadcasts a program or a series of programs, or fails to broadcast a program or a series of programs, not because in his judgment his public is thus served, but because unless he does so, the Commission can and will put him out of business.

Congress took great care to lodge program control in the only place it can be lodged in a really free society—outside of Government. Control was to be dispersed among the large number of licensees competing for public patronage. The natural forces of the marketplace—not Government—were to determine the program fare, just as in every other medium of communication.

Congress could not have hoped that its efforts would uniformly yield a perfect product any more than freedom and competition had done so in the other media. No perfect human institution or system exists, but the free system was chosen as the best of the alternatives.

Congress sought to insure service to the public by limiting licenses to those who the Commission found qualified and of good character. The Commission can deny licensees when the licensee lacks the qualifications of a public trustee, and a determination of those qualifications does not require the Commission to review or restrict his judgment as to programs. It can require the trustee to be financed, equipped, organized, and disposed to make an informed judgment of the public's needs and desires. I have no quarrel with the Commission refusing a license where the licensee does not demonstrate that he will make reasonable efforts to inform himself on the needs and tastes of his public, in order that his judgment is an informed one.

But I do quarrel with the Commission's attempt to substitute its judgment for that of the licensee. It was the wide variety of judgments by competing licensees, not stereotyped formats from Government, that was to determine program fare. It is precisely because Mr. Minow seeks to impose his judgment as to program structure upon the licensees that I doubt the legality of his course—however subtly this is done and no matter how many times he denies that he is doing it.

There have been numerous justifications and excuses offered for Commission intrusions into broadcast programing. They range from denials that what the Commission does constitutes program interference to implied admissions that it does interfere, but that the interference necessarily results from the Commission's performance of its statutory functions. Mr. Minow did not invent these contentions; most of them are old and hackneyed. But he has resurrected and repeated most all of them at one time or another during the short period that he has been Chairman. In spite of the added endorsement of Mr. Minow, I am still convinced that they are nothing more than euphemisms for censorship.

It is contended that the Commission in its program investigations and review does not censor because it only examines and weighs "overall programing." This is one of those phrases, the utterance of which seems to invoke some mystical power that changes restraint to liberty. An official accused of censoring needs only to utter these words and the evil spirit of censorship is supposedly exorcised. An otherwise impure act by this incantation becomes pure and holy.

But mysticism to one side, how in logic can one consider total programing without considering its parts? This is an esoteric rite that I have always wanted to witness but never have been so privileged.

Mr. Minow's talk before the NAB was no revelation of the secret. He dealt with specific types of programs of which he approved and disapproved. With his speech as a guide, one could examine the whole program spectrum and easily classify the favored and unfavored—which I believe was his intention. For him to have classified all programs by title would have been redundant and wholly unnecessary to his purpose of reforming television programing.

Moreover, I defy anyone to find one meaningful discussion of "overall programing" in any Commission decision that did not deal with specific programs or specific categories of programs.

If the Commission restrains or requires a whole category, is that acceptable, whereas to condemn or approve only one in a category is unacceptable? I cannot understand why it is censorship to require a station to broadcast a single eductional program, for example, but it is not censorship to require several. Or why it would be censorship to interdict one program of violence but not censorship to silence many.

Nor, in weighing a station's overall programing, have I ever understood how small are the parts into which it can be broken before it ceases to be mere consideration of "overall programing" and becomes consideration of particular programing. What is the location and size of the barrier erected by section 326 and the first amendment? I cannot believe that the barrier against infringement of speech and press is a small corral for a single program that disappears as if by witchcraft when it is joined with one or several others. I refuse to believe that our sacred rights to liberty can be destroyed by such sorcery.

I submit that the area of Commission consideration of overall programing is but a vast wasteland of withered liberties that should not be preferred over the "vast wasteland" Mr. Minow found in one long boring day and night before his television screen.

Closely associated with the overall programing alibi for Commission interference with programing is the term "balanced programing." Balance would seem, on the surface, to refer to some proper mixture of program types—entertainment, religious, educational, agriculture, public affairs, discussion, live, etc.

In actual practice it has been used to coerce licensees into carrying types of programs the Commission favors at the expense of programs that it disfavors or favors less. For example, I have never heard of a station being challenged for having too much educational, public affairs or discussion programs and too little entertainment, even though its performance of the favored shows exceeded its promise. If the mixture is the thing—then imbalance in one category should be as bad as any other. A performance of 10 percent educational against a promise of 5 percent would seem as much a broken promise as a similar variance in entertainment.

The fact is that the balanced programing concept, where it has been applied, has generally been used to coerce stations into carrying relatively unpopular programs at the expense of the relatively popular ones. It has been used to protect so-called minority tastes—never majority tastes.

Now I am willing to concede that broadcasting fails as an effective democratic instrument if it serves only majority tastes. The question is: Can a wide variety of program types be obtained only by the Commission requiring conformity to its stereotyped formats? If so, perhaps it is better that television remain ineffectual than make this concession to censorship and conformity. Moreover, if station formats are going to be stereotyped through conformance to Commission formulas, why do we need a great multiplicity of stations to merely repeat the same formulated fare on a variety of channels? Frequencies are too scarce for this waste.

There is a way established and intended by the act that tends to diversity rather than conformity and does so without endangering our liberties. With a multiplicity of stations competing with each other, each must constantly search out unsatisfied wants. The more stations there are, the more assiduously each must search. With a relatively few stations competing, the majority tastes constitute a large and rewarding market that tends to satisfy the few competitors. As stations increase, the majority audience must be shared by more stations and the point is ultimately reached where a station's small share of a majority audience can be less rewarding than a large share of a minority audience. Hence, some competitors forsake mass tastes and specialize in some unrequited minority desire. As more stations specialize, more special tastes are satisfied. This is not mere theory—it is demonstrated by a glance at the radio fare in many of our markets—which has resulted wholly from the proliferation of radio stations in the last decade and a half.

I submit that the balanced programing guideline is but an instrument of conformity and censorship; freedom to specialize as competition in the market dictates is the opposite. The choice is between conformity through censorship and diversity through liberty.

Of course, we have not as yet in most television markets reached the point in television growth where stations are forced by economic imperatives to look far beyond the majority tastes. But television is further advanced on this road now than radio was at the same age. We will arrive at this goal of diversity and total accommodation of tastes if the Commission and the industry work together to increase the economic support, the program sources and the available channels for television. However tough some of these problems may be, the hope of success is not so dismal that we should accept censorship and conformity as a substitute.

Perhaps the most false and yet high-sounding excuse that the Commission has given for interference in programing has been that it is only seeking to require the licensee to perform what he has promised. The supporting contention that makes this sound so fair and proper to the uninitiated is that, if a licensee voluntarily promises something to get his license, he ought not to complain when the Commission exacts performance. There are two things wrong with this contention: first, the applicant has not made and cannot make a promise; second, his program representations were not in any real sense voluntary.

The form that requests him to submit a breakdown of his expected programing as to type and source states as follows: "It is not expected that licensee will or can adhere inflexibly in day-to-day operation to the representation here made." It goes on to state that it should "reflect accurately applicant's responsible judgment of his proposed program policy." Program representations under this caveat simply do not rise to the dignity of a promise to specifically perform as represented.

And the caveat was not just soft-heartedness on the part of the Commission; it was rather a recognition of the reality that it is beyond human prescience to predict program performance 3 years in advance without casting the licensee in an inflexible mold that itself would prevent him from serving his public.

The type of programs one broadcasts results from a judgment of the public needs and tastes at the moment and an attempt to implement that judgment from the programs available at that moment. The only predictable certainty about public needs and tastes is that they are eternally and constantly changing. Program sources, likewise, are constantly opening and closing.

A commitment over 3 years to an inflexible mixture of types and sources of programs is not only a commitment that would be impossible to perform, but, if possible, would commit the licensee to ignoring the changing needs and tastes of his public. Thus, the promise versus performance dictum places the licensee in the hopeless dilemma of embracing inflexibility which, per se, should disqualify him as a licensee.

Nor, in view of Mr. Minow's threats to deny applications where the program structures do not conform to his specifications, can it be said that the program representations in an application are uncoerced and voluntary. A quixotic few might propose program structures that Mr. Minow has said he will suppress by denying the license, but most will take the expedient and practical approach and conform to his format. Thus, the Commission coerces a promise and then demands performance of the promise it has coerced. This mode of getting the programing the Commission wants is not sufficiently devious, under analysis, to conceal its true nature—it is an instrument of censorship.

I do not wish to imply that under all circumstances it would be improper for the Commission to weigh program representations versus performance. Where the Commission seeks to determine whether the licensee willfully and fraudulently misrepresented his intentions and therefore has character defects, I believe the Commission can properly consider his performance as evidence of an intent not to perform what he represented at the time he filed the application. This has nothing to do with whether his programs were good or bad or what programs he proposes for the future; the only question is whether he intentionally deceived the Commission.

If the evidence establishes that he did, then the Commission must weigh this along with other evidence on character, to determine whether he is a qualified licensee. In considering the character issue, it is irrelevant that he is now willing to make a new representation or to upgrade his programs. If his character is found to be bad, what good are new promises? If his character is found to be good, in spite of the misrepresentation to the Commission, that ends the inquiry, for it adds nothing to his character for him to make a new promise or to say that he will upgrade his programs.

But the Commission has not used the promise-versus-performance standard as a mere test of character; it has been used principally to force a licensee to change his program proposals. The recent Kord case (*Kord, Inc.*, docket 140003, July 12, 1961) is an example.

In 1960 Kord filed an application for renewal of license and proposed a program structure that contained no educational, discussion, talk, or local live programs. The application disclosed that this was essentially its past performance.

The Commission wrote a so-called McFarland letter indicating that a hearing would be required because a 1957 application had proposed a program structure that included programs in the categories that were not carried. Kord amended its application to propose programs in the favored categories and reduce its entertainment and recorded programs. The Commission designated the application for hearing, but upon petition for reconsideration, granted the application without a hearing.

The decision contains no real discussion of the character issue and relies heavily upon Kord's new promises to upgrade its programs by adding the favored categories. That the Commission is directly responsible for many programs that Kord will broadcast in the next 3 years and for the absence of others that, but for the Commission restraint, it would have broadcast cannot be in doubt. Kord is merely an example; many similar cases can be found. In fact, in the Kord decision the Commission boasted that it had been doing this since 1946.

Other justifications for Commission interference with programing are that it must interfere because broadcasters use the public domain and operate pursuant to a license. These justifications stand up under neither analysis nor analogy.

I had always understood that one of the primary purposes of public facilities was to promote commerce and communication among our people. I have never understood that our liberties depended upon our avoiding use of the public domain.

If use of public domain deprives a communication medium of its right to be free from Government censorship, then what medium today has the right to be free? All use the publicly owned postal system; many besides broadcasting use radio frequencies; all to a greater or lesser degree use public highways, streets, and airways; all do this under Government regulation and many pursuant to licenses.

With the explosion of electronic and space satellite developments, it is not too far-fetched to suggest that in a few years no substantial communications medium will be able to function without using the public's radio frequencies to a substantial degree.

I never have understood that, where Government uses the licensing mode as its instrument of regulation, its power in areas circumscribed by the Constitution is increased. The printed media operates in large measure pursuant to a permit to use second-class mails. City streets, parks, and halls in many cities cannot be used for meetings or speeches without licenses from the city authorities. In a number of States and cities, motion pictures cannot be exhibited except pursuant to government license.

Under no precedent that I can find has the fact that they were licensed been used as a justification to whittle away their rights under the first amendment. As a matter of fact, in nearly all of the cases, the very fact that the licensing mode of regulation was used, which by definition is a prior restraint, has caused the courts to be extraordinarily diligent in making certain that the instrument was not used to abridge liberty of press, speech, or religion. If communication media cannot use the public domain pursuant to a license and still maintain their freedom from Government dictation of the things they communicate then, we have to say that the first amendment died at the beginning of the radio and space age; that these liberties were intended only for the days when communication was infrequent, difficult and relatively ineffective; that such liberties cannot be indulged in this modern world of technology. If we believe these things to be true, it seems to me that we have accepted a major element of the philosophy of Marx and Lenin.

The foregoing reasons for Commission interference in programing have been legally justified by the contention that the Commission has judicial approval for what it has done and is doing. I have to concede that it has the better of it in the precedents. The Federal Radio Commission's power to deny renewals of licenses because it disapproved of past program performance was approved by the court of appeals in two cases, now 30 years old.[1]

In one case Dr. Brinkley used his radio as a business adjunct and to prescribe for his patients. In the other case a Reverend Shuler used the facilities to obstruct justice and make defamatory attacks. Mr. Shuler had a newspaper counterpart, by the name of Near, who had been doing about the same thing at about the same time in Minnesota, but through a newspaper instead of a radio station. A year before the Shuler case was decided by the court of appeals, the Supreme Court denied, as unconstitutional, an injunction against Near's continued publication of the newspaper[2] and this decision was cited in the Shuler briefs and cited in the court's decision. What Minnesota did was held by the Supreme Court to be a prior restraint, but what the Commission did was held by the court of appeals not to be a prior restraint.

I cannot reconcile Near and Shuler except on the grounds that the first amendment applied to newspapers but not to broadcasting. At that time this belief was quite generally held. Not until 1948 did the Supreme Court unequivocally state that broadcasting was within the protection of the first amendment.[3]

Both of the applications, Brinkley and Shuler, could have been denied on grounds that would have raised no question of censorship.

In other court of appeals cases, the court has upheld the Commission's right to use its evaluation of programing proposed in comparative applications as one of the deciding factors.[4] But the questions have never been squarely presented to the Supreme Court, although there is dictum to support my contention and other Court expressions which can be interpreted contrary to my position.

I do not believe that, in the light of the first amendment cases decided in the last score of years, the precedents upon which my opponents rely are trustworthy. That is to say that, if broadcasting is protected by the first amendment, as the Supreme Court says it is, then by analogy to cases in other media, the Commission cannot use its licensing power to previously restrain broadcast communications in the manner that the Commission has been doing and proposes to do. I believe the Court would so hold in a case squarely presenting the issue upon a complete record.

Moreover, I believe that attempts to achieve standardization of public tastes and broadcaster's response through centralized control by the NAB is only somewhat better than censorship by the Commission. Each seeks the concentration of control over programing and the standardization of tastes that is an anathema to diversity and liberty. NAB is more acceptable because it lacks the coercive power of Government, and there is always the probability that there will be some nonconformists in the industry.

It should be apparent to all at this point that I am not speaking for the industry. Indeed, many in the industry probably find censorship and control a more comfortable way of life than being constantly confronted with competitors who just do not conform to the standard pattern.

These are only my opinions—ill-qualified ones at that, compared to the qualifications of some of those who hold contrary views. But, at a time when we are locked in a life-and-death struggle with the Communist world, when that external threat is going to require many sacrifices, including the loss of many of our peacetime liberties, should we concede that the enemy's creed of cultural censorship and control must at long last replace our historic and yet-to-be-perfected liberties of speech and press? If these American liberties are thus to be blithely discarded, what is there left to fight for except narrow, selfish, materialistic, and nationalistic ambitions?

---

[1] *KFKB Broadcasting Assn., Inc.* v. *F.R.C.* (47 F. 2d 670 (1931)); *Trinity Methodist Church South* v. *F.R.C.* (62 F. 2d 850 (1932)).

[2] *Near* v. *State of Minnesota* (283 U.S. 697 (1931)).

[3] *U.S.* v. *Paramount Pictures, Inc.* (68 S. Ct. 915, 938 (1948)).

[4] *Johnston Broadcasting Co.* v. *F.C.C.* (175 F. 2d 351 (1949)).

PERMITTING FARMERS TO PLANT BARLEY ON LAND TAKEN OUT OF WHEAT PRODUCTION

Mr. BREEDING. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. BREEDING. Mr. Speaker, I am today introducing legislation which is urgently needed in areas such as I represent where considerable wheat acreage will be removed from production if farmers approve, as expected, the new program in a referendum on Thursday. In brief, the bill would permit farmers to plant barley on the land taken out of wheat production this fall, and to take a corresponding number of acres out of grain sorghum plantings next year.

Barley is one of the few crops which can be planted on the idled acres, most of which under the farming practices used in western Kansas have been in summer fallow. Yet, under the law farmers cannot plant barley on the land unless they have a barley acreage allotment.

Unless this summer fallow land is covered, preferably by a growing crop, it will be threatened by serious wind erosion. This land could be severely damaged.

To solve the problem, I have proposed that farmers be permitted to plant barley, whether they have an allotment or not, provided they take the same number of acres out of grain sorghum or feed grain production. This will maintain total acres in feed grains at the level provided under the feed grain program. It will permit farmers to follow sound conservation practices without any interruption to any program.

This particular provision was included in the omnibus farm bill passed by the House. Unfortunately, it was not included in the Senate bill, nor was it included in the conference report. Corrective measures cannot be taken by administrative action. Legislation is the only possible way of correcting what could be a very bad situation.

I hope the bill will receive early attention by the House Agriculture Committee. I do not believe it will be controversial.

For the information of Members interested in this problem, I am including the text of the bill in my remarks at this point:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (d) of section 16 of the Soil Conservation and Domestic Allotment Act, as amended, is further amended by adding the following at the end of paragraph (1): "Notwithstanding any other provision of law, a producer shall be deemed to have participated in the feed grain program for corn, grain sorghum, and barley, if the sum of the acreages of corn, grain sorghum, and barley, excepting malting barley, on the farm in 1962 does not exceed 80 per centum of the average acreage devoted on the farm to these three crops, excepting malting barley, in the crop years 1959 and 1960."

DISTRICT OF COLUMBIA JUVENILE COURT BILL

Mr. COHELAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COHELAN. Mr. Speaker, I would like to call my colleague's attention to a very important bill which was reported out of the District of Columbia Committee today and which will come before the House on next District Day.

This bill, H.R. 6747, would make several major changes in the existing organization, jurisdiction, and procedures of the juvenile court for the District of Columbia. It would convert the juvenile court into a branch of the municipal court for the District of Columbia, with judges of the later court sitting regularly in juvenile cases. It would reduce the maximum age for juvenile offenders coming before the juvenile court from 18 to 16 and lower the minimum age from 16 to 15 for discretionary waiver of juvenile court jurisdiction.

Furthermore, H.R. 6747 would relax the present restrictions on publicizing records and proceedings in juvenile offender cases. It would transfer the final decision whether to institute juvenile court proceedings in a particular case from the juvenile court's director of social work to the corporation counsel. It would remove from juvenile court jurisdiction all cases involving the paternity and support of children born out of wedlock.

Mr. Speaker, the Attorney General's Office, in a letter to the distinguished chairman of the House Committee on the District of Columbia, and the Secretary of the Department of Health, Education, and Welfare, in a letter to me, have stated their strong objections to this bill. At the same time they enthusiastically support H.R. 5988, which would provide for the appointment of two additional judges for the juvenile court. Unfortunately, the committee has not seen fit to hold or schedule hearings on this bill.

The objections to H.R. 6747 by the Attorney General's Office and the Department of Health, Education, and Welfare cannot be taken lightly, for they are based on the firsthand knowledge of men and women who are intimately familiar with the workings of our juvenile courts. I believe that these objections must be recognized, and at the appropriate time I plan to introduce an appropriate substitute proposal for H.R. 6747.

Mr. Speaker, I urge my colleagues to give the following letters from the Deputy Attorney General and the Secretary of the Department of Health, Education, and Welfare their thoughtful attention as we prepare to act on this legislation:

MAY 24, 1961.

Hon. JOHN L. MCMILLAN,
Chairman, Committee on the District of Columbia, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice concerning H.R. 5988, "To provide for the appointment of two additional judges for the juvenile court of the District of Columbia" and H.R. 6747, "To amend the Juvenile Court Act of the District of Columbia."

The Department strongly favors the central purpose of H.R. 5988 and supports the legislation, with minor changes. The bill supplies a deficiency that has long been a serious one in the District of Columbia and is more serious now—the numerical deficiency of judges of the juvenile court. The one judge now sitting on that court has been unable, by himself, to hear and dispose of the cases coming before that court. The backlog of cases to be heard was, on March 31 of this year, 2,256. This situation produces long delays in the disposition of juvenile complaints, often a lapse of weeks between a juvenile's arrest and his appearance in court. In some instances, juveniles remain at large in a community for as long as 6 or 8 months until their cases can be reached on the court calendar. Thus, those who should be committed without delays for institutional treatment are not treated in timely fashion. Moreover, juveniles awaiting adjudication not infrequently become involved in new and more serious delinquencies.

The principal feature of the bill that recommends itself is the provision for two additional judges. Additional judge-power was recommended as long ago as the Ellison committee's report, January 14, 1954. That committee stated in the strongest terms its criticism of a caseload as high as 5,000 per year per judge. In comparison, the judge of the juvenile court heard 7,512 cases in the fiscal year ending June 30, 1960. There is an urgent community need for the services of two additional judges, and the Department supports the early enactment of this legislation.

The Department favors omitting from the bill the new language amending section 19(b) of the Juvenile Court Act of 1938. The new section 19(b) spells out in some detail three conditions for eligibility for appointment to the juvenile court. The detail is considerably more elaborate than that now contained in title 11, section 920 of the District of Columbia Code. The Department believes that it would be more desirable for the precise qualifications of the juvenile court judges to be left to the appointing power, and that the three conditions stated in the bill are too pointed and too personalized to allow the appointive power the desirable freedom of selection. It is to be assumed that the President will select qualified persons for the juvenile court, and that the appointments will reflect the emphasis that the President places upon particular qualifications. The efficacy of the appointive power is much reduced if the field is narrowly restricted by legislation, and if the President is not free to appoint qualified persons in whom he has confidence.

H.R. 6747 would transfer the functions of the juvenile court of the District of Columbia to the municipal court as a separate juvenile court branch, and would lower the age limit of juveniles falling within the mandatory jurisdiction of that branch from present age 18 to age 16. The bill would also provide that the juvenile jurisdiction of the branch may be waived, and the juvenile charged as an adult in any misdemeanor or felony case involving a juvenile of from 15 to 16 years.

The Department believes that there are serious reasons why it should oppose the enactment of H.R. 6747. The reasons are set forth below:

1. Section 1 of the bill creates a juvenile court branch in the municipal court for the District of Columbia, and provides that the chief judge of the municipal court may assign judges of the juvenile court branch to serve elsewhere in the municipal court and

that he may assign judges from other branches of the court to serve in the juvenile court branch. The Department does not believe that juvenile court judges and judges serving in the municipal court hearing adult offenders should be treated as interchangeable in the court structure. The experience of many of the larger cities has indicated that juvenile court judges should have specialized training and qualifications in the problems of juvenile delinquency and methods of rehabilitation of juvenile offenders. Familiarity with these matters and with desirable hearing procedures for juvenile offenders is not normally a qualification of the judges of the municipal court. Nor is a juvenile court judge likely to be better qualified for the work of the municipal court than a judge of that court is for the work of a juvenile court judge.

For this reason the Department believes that the chief judge of the municipal court would rarely be able to make the findings called for in section 1(b) of the bill, that "the work in the juvenile court branch will not be adversely affected" by the assignment of a juvenile court judge to perform the duties of a municipal court judge or that "the work of the juvenile court branch requires * * * assignment" of a municipal court judge "to serve temporarily in the juvenile court branch." The Department is convinced that the juvenile court and the municipal court for adult offenders should be kept entirely separate in personnel and function.

2. Section 4 of the bill applies the jurisdiction of the proposed juvenile court branch of the municipal court to "any person under the age of 16 years * * *" who falls into the enumerated categories and defines the word "child" as a person under 16 and the word "adult" as a person 16 years or older. The present law brings within the jurisdiction of the juvenile court any person under the age of 18 years, leaving it to the juvenile court judge to waive his jurisdiction over persons in the range 16 to 18 years of age. The bill thus removes his jurisdiction in every case in which there is now discretion in the juvenile court judge. In addition, the bill would permit the judge of the juvenile court to waive jurisdiction of a child of 15 to 16 years. The Department doubts that a discriminating and careful effort toward rehabilitation of juvenile offenders in the 16- to 18-year category can be accomplished by throwing every such case into the adult criminal courts. Rather, it is believed that a more probable consequence would be to make hardened criminals of juvenile first offenders who, in some cases, might be rehabilitated if retained within the jurisdiction of the juvenile court.

As a consequence of section 4 of the bill, all juveniles of 16 years or more, involved in a felony offense, would fall within the criminal jurisdiction of the U.S. District Court for the District of Columbia. In fiscal 1960, 105 juveniles were waived to the U.S. district court by the judge of the juvenile court. Section 4 of the bill would raise this figure to approximately 575 [1] cases per year. Chief Judge Pine of the U.S. district court advised the Judicial Conference of the District of Columbia Circuit, on May 11, 1961, that this transfer of criminal jurisdiction would require two additional district judges. It would also require an increase of at least two attorneys on the staff of the office of the U.S. attorney for the District of Columbia, whose office has the prospective jurisdiction in that court. In addition, section 4 of the bill would shift approximately 400 cases per year to the municipal court, with an attendant increase in the need for judges and prosecutors there. The Department is convinced that such a wholesale change of method and treatment of juvenile offenders is not in the best interests of the administration of justice or of successfully combating juvenile delinquency, and that a preferable course would be to increase the existing juvenile court by two additional judges and to permit the discretion of that court to govern the waiver of jurisdiction over any offender under 18 years of age, on a case-by-case basis.

Accordingly, the Department favors the enactment of H.R. 5988 subject to the comments made above with regard to the qualifications of the judges to be appointed.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

BYRON R. WHITE,
Deputy Attorney General.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
June 26, 1961.

Hon. JEFFERY COHELAN,
House of Representatives,
Washington, D.C.

DEAR MR. COHELAN: In response to your letter of June 14, we welcome the opportunity of expressing our views on H.R. 6747, now pending before the Committee on the District of Columbia.

This bill would, as you say, "drastically alter the existing organization, jurisdiction, and procedure of the juvenile court for the District of Columbia." Not only would these changes, if enacted, turn back the clock in this important field in the District of Columbia but, because they would be an act of Congress, they might have an influence on action throughout the country altogether disproportionate to its character as local legislation. Enactment of this bill could, moreover, be construed as a disavowal of certain standards developed and supported for many years by our Children's Bureau in cooperation with the National Probation and Parole Association, the National Council of Juvenile Court Judges, and others, and rather recently reiterated in the Standard Family Court Act enclosed herewith.

We associate ourselves fully with the excellent report of the Department of Justice of May 24 to the committee, in which that Department (a) recommends, with certain amendments, enactment of H.R. 5988, which would provide for the appointment of two additional judges for the juvenile court, and (b) strongly opposes the provisions of H.R. 6747 that would transfer the functions of the juvenile court to the municipal court as a separate juvenile court branch and would completely exclude children between 16 and 18 from the juvenile court branch's jurisdiction. Besides these provisions of H.R. 6747, there are other provisions mentioned in your letter, as well as some noticed by us in the bill, on which we should like to comment briefly. We shall not, however, comment here on those provisions of the present law that are in need of improvement but are carried intact into H.R. 6747.

1. INTERCHANGEABILITY OF JUDGES IN CHILDREN'S AND GENERAL ADULTS' CASES

H.R. 6747 would add 2 judges to the present 16 judges of the municipal court, transfer the functions of the present juvenile court of the District to a juvenile court branch established by the bill in the municipal court, require that two judges of the municipal court serve as judges of the juvenile court branch, "during their tenure of office" (one of them would be the present juvenile court judge during the remainder of his term), authorize the chief judge of the municipal court to assign additional judges of the court temporarily to the juvenile court branch as the work of the branch may require, and, on the other hand, authorize him to assign judges of the juvenile court branch temporarily to other judicial duties in the municipal court if he finds that the work of the juvenile court branch will not be adversely affected thereby. This would, in large measure, make judges in the juvenile court branch and other judges of the municipal court interchangeable in the court's work, with the consequent risk that both aspects of the court's work will suffer.

What is needed in view of the heavy caseload of the present judge of juvenile court is the appointment of additional judges for that court, who are especially qualified in that work. The present law (District of Columbia Code sec. 11-920) requires the judge of the juvenile court to "have a knowledge of social problems and procedure and an understanding of child psychology." While, even without this specification, additional appointments to that court, if authorized by law, could be expected to meet the essential qualifications for judges of that court, the arrangement provided for in this bill would give no such assurance. As stated in the Justice Department's report:

"The experience of many of the larger cities has indicated that juvenile court judges should have specialized training and qualifications in the problems of juvenile delinquency and methods of rehabilitation of juvenile offenders. Familiarity with these matters and with desirable hearing procedures for juvenile offenders is not normally a qualification of the judges of the municipal court. Nor is a juvenile court judge likely to be better qualified for the work of the municipal court than a judge of that court is for the work of a juvenile court judge."

2. JURISDICTIONAL AGE LIMIT

The present law confers jurisdiction on the juvenile court of the District where the child is under 18 years of age, or where he is charged with having violated a law, or an ordinance or regulation of the District, prior to having become 18 and at the time of coming before the court is under 21. H.R. 6747, on the other hand, would define a 16-year-old person as an adult. It would give the juvenile court branch jurisdiction only where the individual is under 16, or where he is charged with having committed a violation of law, ordinance, or regulation prior to age 16 and is under 17 when he comes before the court.

Again, the present act permits the juvenile court to waive its jurisdiction and order a child held for criminal trial as an adult if the child is 16 years of age or older and is charged with an offense which would amount to a felony in the case of an adult (or is a child charged with a capital offense). H.R. 6747 would permit the court to waive jurisdiction if the child is 15 years of age and charged with an act which in the case of an adult would be either a misdemeanor or a felony (or is a child charged with a capital offense).

These provisions, if enacted, would reverse much of the progress made in the juvenile court field since the enactment of the first juvenile court law in 1899.

It is generally accepted today, and it is the underlying philosophy of the juvenile court approach, that a child—even an adolescent child—is different from an adult and should not be dealt with as such or marked as a criminal; that not being mature, a child who has gone wrong is often in need of care and is likely to be more responsive to treatment and rehabilitation than an adult, though even as to the latter rehabilitation should be attempted where possible; that if institutionalized, the child should not be housed with adult offenders; and that this specialized approach to the problems of children and juvenile delin-

---

[1] This figure is the number of felony offenses coming before the juvenile court in fiscal 1960.

quency must, in order to be successful, be administered by specialized courts administered by judges especially interested in and qualified for such work and assisted by trained professional staff. This approach can be fully coupled with the protection of society.

The real question is not as to the validity of these premises but, rather, as to where the age line is properly drawn between "child" and "adult" insofar as criminal responsibility is concerned. There is, of course, no scientific answer applicable to all individuals. There are those who are still not mature at 20, and those who mature, physically and socially, unusually early. Hence, the District Act and most juvenile court laws in the country, while fixing a mandatory maximum jurisdictional age limit, vest authority in the court to waive its jurisdiction in individual cases involving serious offenses in an age range in which there is a substantial problem in this regard. The District Act, following the prevailing pattern in the country, fixes the maximum age limit at 18, and permits the judge to waive the court's jurisdiction, after full investigation, in individual cases where the child is between 16 and 18 and is charged with an act that would be a felony in an adult. (The District Act also permits waiver at any age in capital cases.) Long experience and study on the part of the Children's Bureau and other experts in the field supports this choice as the most reasonable one. The age of 18, rather than 16, is also the age limit in the Federal Juvenile Delinquency Act, 18 U.S.C. 5031–5037.

In the light of the extensive studies of the Children's Bureau and our own observation, moreover, we do not believe that it is sound to treat a person who is between 16 and 18 years of age mandatorily as an adult, as H.R. 6747 would do. In general, these youths have not matured to a degree which makes them unamenable to the kind of treatment for which the juvenile court system is designed. As said by the Justice Department, a likely consequence of the enactment of this reduction in the juvenile court age "would be to make hardened criminals of juvenile first offenders who, in some cases, might be rehabilitated if retained within the jurisdiction of the juvenile court." In fact, we believe this would be true in most cases. Even more objectionable is the provision which would permit the court, in noncapital cases, in fact even in misdemeanor cases, to turn a child of 15 years of age over for trial to the regular criminal courts.

3. The proposed section 11 of the Juvenile Court Act in the bill would authorize the court, in its discretion, to admit the general public to the hearing in cases involving a child "charged with an offense which would amount to a felony in the case of an adult, if such child was 14 years of age or older at the time of commission of such offense."

We believe that it would be a serious mistake to make this kind of exception to the present rule of the Juvenile Court Act, which requires exclusion of the general public in all cases. As you know, the present act is already broader than most juvenile court laws in this respect, in that it permits the presence not only of persons having a direct interest in the case and their representatives, but also permits the judge, by rule of court or special order to admit such other persons as he deems to have a legitimate interest in the case and the work of the court. This is broad enough to permit the court to admit to such hearings persons having a genuine concern with the work of the court, such as students of the subject or even representatives of the press under proper safeguards, while excluding the merely curious. To admit the general public would destroy the informal, conference type of hearing that should be used in these cases and would give these cases the atmosphere of a criminal trial. This is not to deny the seriousness of a deliberate act committed by a 14-year-old child which would be a felony if committed by an adult, but the methods of hearing used in juvenile courts at this time for impressing upon the child the seriousness of the situation are fully adequate to the purpose.

4. An analogous provision in the bill is the proposed section 20(e), which has no counterpart in the present law and which provides that, notwithstanding any other provision of this section, all of the records of a case (including the social records) involving a child charged with an offense which would amount to a felony in the case of an adult, may in the court's discretion be opened to public inspection if the child was 14 years or older at the time of commission of the offense.

We can see no sound reason for permitting this exception to the imperative rule of confidentiality of juvenile court proceedings and records. The social records of the juvenile court may, under existing law, be made available by rule or special order to persons or agencies having a legitimate interest in the protection, welfare, treatment, and rehabilitation of the child and to any court before which any such child may appear.

5. The bill would further strengthen the control of the corporation counsel over the initiation of juvenile court proceedings by requiring him or his assistant to pass at the threshold on whether a petition "can be filed" on the basis of information submitted. It would, moreover, retain the present power of the corporation counsel or his assistant to authorize the filing of a petition despite the negative determination of the court's director of social work. It would seem that only the juvenile court judge should have such overriding power.

6. As your letter points out, the bill would remove from juvenile court jurisdiction, and vest in the municipal court (rather than the proposed juvenile court branch) jurisdiction over all cases involving the paternity and support of children born out of wedlock. It would seem, moreover, that other types of adult cases of which the juvenile court has jurisdiction would, under this bill be brought within the juridiction of the municipal court generally rather than the proposed juvenile court branch. We have not had time to explore sufficiently this aspect of the bill, but it may be said at this time that we believe that paternity cases and those involving the support of children born out of wedlock and other cases involving family relationships should come within the jurisdiction of a family court if not a juvenile court.

We appreciate the opportunity you have given us to state our views on this bill.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ABE RIBICOFF, *Secretary*.

NEW PRODUCTION REACTOR AT HANFORD, WASH.

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. LESINSKI. Mr. Speaker, recently, the House of Representatives rejected the proposal to appropriate $95 million for the construction of an electric generator to use the heat generated from the new production reactor at Hanford, Wash.

I have had occasion to discuss that project with an engineer who lives in my congressional district and I should like to pass along his opinions because I feel he brings forth some points that are well worth contemplating.

His background qualifies him very well to comment on the subject. Ever since graduating from engineering college 13 years ago, he has worked in the field of energy production—first in the oil and natural gas industry, then in the electric power industry and now in the nuclear power field. In the nuclear power field, he has worked for 2 years at one of the national laboratories on advanced reactor technology and for the past 5 years he has been associated with the Enrico Fermi fast breeder reactor project located near Monroe, Mich. In addition to the research and design activities associated with the Fermi reactor project, he has engaged in research activities related to other advanced-type reactors and has done a great deal of work studying the economics of nuclear power.

He said that his principal objections to the Hanford project are its technical backwardness, its unfavorable economics, and its political undertones.

He claims that technically the project is a step backward because of its poor efficiency which is due to the relatively low operating temperature, that to convert the heat from the NPR to electricity will require the construction of inefficient turbogenerators that were antiquated 20 years ago in this country. He says that support of the project as expressed in the terms that it will contribute to the technology of large, low-efficiency machines would be equally appropriate if it had been directed to the construction of an aircraft carrier that used sails instead of modern powerplants.

Commenting on the argument that it would be a waste of a valuable resource to dump the new production reactor's heat into the Columbia River, my engineer constituent said that while the position of not wanting to waste a resource is a popular one, in this case it is grossly misleading to the majority of the people. He claims that the generating facilities would extract less than 25 percent of the energy from the NPR and the balance will go into the Columbia River. If the NPR continues to operate beyond the time when it ceases to be a dual purpose—that is, it operates for power only—a valuable national source of energy will be consumed in large quantities over a period of more than 30 years by fissioning uranium in a type of atomic reactor that is only 25 percent efficient. If the same quantity of uranium were to be utilized in the currently available boiling water reactors, pressurized water reactors, or sodium cooled reactors, the uranium consumed would produce from 25 to 50 percent more electric power than it will produce in the NPR. In the face of that, he says he is appalled at the prospect of our country expending an additional $90 million on a project that is both technically primitive and also wasteful of a natural resource.

The second major objection on the NPR project relates to its economics, which he claims are unsound. He stated that after a succession of unfavorable

economic reports made by various organizations under the direction of the Joint Committee on Atomic Energy, a set of ground rules finally was fabricated that resulted in a preconceived, favorable report; that in evaluating the economics of electric power production from the NPR, a long list of subsidies and advantages peculiar only to Government-sponsored projects was taken advantage of. These include the usual low cost of money due to either Government financing or backing; no franchise or property taxes because it is exempt from these by being a Government project; no research and development costs because these are buried in the budgets of national laboratories; no cost of planning and setting up the enterprise because these are being provided by established governmental agencies out of current budget authorizations. He called these unfair and unnecessary advantages bestowed upon Federal and other governmental projects and said they were painful and galling to many citizens who are being called upon by the President to make greater sacrifices for our country and who at the same time pay utility bills of which 20 to 25 percent of the gross is taxes imposed by governments.

He objected most strenuously to the exclusion from the economic studies the $25 million that was appropriated last year and is already committed to conversion of the NPR to electric power production. Justification for the exclusion on the grounds that the money is already spent and cannot be recovered he called economic gymnastics. He finds frustrating the fact that the economic studies for the NPR are cloaked in the secrecy of weapons materiel production and this is used as a convenient cover behind which true costs are hidden from open review and discussion.

His third major objection to the project relate to what he terms its political origins and its continued political overtones. Following is the manner in which he has expressed his concern:

> The merits of the project are being argued primarily by elected officials without technical background or experience. Very little advice or consultation has been solicited on the technical merits of the project. * * * From reports appearing in recent issues of the New York Times, the Atomic Industrial Forum Monthly; Nucleonomics Weekly; and in Nucleonomics magazine the project has become nothing more than a political football. The * * * amendment to the authorization bill that would authorize $5 million in nuclear studies on coal is a patent attempt to placate the Congressmen from the coal-producing States and the coal lobby. It has nothing to do with the best interests of the United States. Members of Congress have threatened to block the Stanford linear accelerator project unless the NPR authorization wins approval. This again is a bold-faced attempt to whip the scientific community into line, and it too has no relationship to the national good. There are threats to revive the old Gore bill for Government-built nuclear powerplants if the NPR bill is defeated. Apparently this is to bring the private utilities into line. This threat, too, is unrelated to objective, technical progress. There are reports of threats to Southern California Edison that efforts to obtain use of part of the Camp Pendleton site for a nuclear powerplant will be obstructed unless that company cooperates in with the Federal Government and the Bonneville Power Authority on certain transmission facilities. The stark reality of the power politics being used to push this NPR project through the Congress is frightening; and the statesmen in their efforts to gain approval lead me to ponder this Nation's future with increasing anxiety.

Mr. Speaker, I am directing the foregoing to the attention of my colleagues because I know that they, like myself, are interested in learning of the true grassroots feelings on matters of legislation, especially from constituents who are experienced and knowledgeable on the subject under discussion.

REVISION OF COMMITTEE RULES

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. WALTER], may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. WALTER. Mr. Speaker, since the last printing of the Rules of Procedure of the Committee on Un-American Activities in July 1953, this committee has made a continuing study and appraisal of its Rules of Procedure. One must bear in mind that practices and refinements often adapted in the light of experience for particular situations are not always aptly reflected in formal and general rules. In the early part of this year, the committee gave thought to the desirability of undertaking a study to determine the necessity for any revision of the written rules so that upon reprinting they might be made available in revised form. For that purpose I appointed a subcommittee consisting of Mr. DOYLE, of California, as chairman, together with Mr. TUCK, of Virginia, and Mr. JOHANSEN, of Michigan.

The subcommittee has completed its work. The revised Rules of Procedure are now being distributed to Members of the House and are available to other interested persons. I want to commend the subcommittee for its effort. This has been no small task. The subcommittee has not only drawn upon its own vast experience in the work of this committee and in the Congress, but has invited suggestions from Members of the House. Indeed, it has been the practice of the committee to welcome constructive comment at all times from whatever source it may come.

However, we could not lose sight of the fact that the rules are rules for an investigative and legislative committee, and not for adversary or trial proceedings. These rules relate fundamentally and principally to the investigative function, which is a fact-gathering or informing process. While like the courts, we are constantly seeking to improve our practices and procedures as experience dictates, yet it must be remembered that we are not preparing rules for court, although some of our uninformed critics outside the House misconceive our purpose to the contrary. Also Communists diligently promote the notion that we are a court—the better to enmesh us in the web of judicial complexities. Just as at other times, to advance their program of committee abolition, they foster the idea that we are a prosecutive agency assuming the functions of the Federal Bureau of Investigation in the executive branch. For if the Government has an FBI, why then have the committee? In accordance with the basic constitutional doctrine of separation of powers, therefore, the revision submitted by the subcommittee reflects practices long adopted which might now aptly be incorporated into a written body of rules for a committee of Congress pursuing a legislative function and mandate.

As long ago as February 25, 1952, a subcommittee of the American Bar Association made a study of the proceedings of this committee, and in its report to the Association included this language:

> We are satisfied that the witnesses called to testify before the committee are being treated fairly and properly in all respects and we also feel satisfied that each witness is accorded full protection so far as his constitutional or other legal rights are involved; moreover, the confidential communications between attorneys and clients have been fully respected.

In fact, it may be interesting to note, that when the committee announced its purpose of considering a revision of its rules and Mr. DOYLE invited comments from Members of the House, we were pleased to receive several letters and expressions from Members and from the public generally who, rather than finding occasion for making specific suggestions, took the opportunity to express approval of the conduct of our work. One of the Members of the House wrote to Mr. DOYLE as follows:

> I have no criticism of the rules of the House Un-American Activities Committee. Indeed, I think the members are to be complimented on the manner in which they have taken the abuse that has been heaped upon them and the committee.

We have been greatly heartened by letters of support, and commendation.

We have even been flattered by the fact that the editorial staff of the Washington Post, despite its running attack upon this committee, has seen fit to offer no suggestion for procedural rules improvement. In their editorial for April 17, 1961, titled "Golden Rule," the editorial conceded, "procedure that would insure a fair trial would cripple the normal and proper investigating functions of the committee."

Of course, the Washington Post perhaps desires to settle the question of rules by abolishing the work of the entire committee—an aim shared in a parallel fashion with the Communist Party, U.S.A.—but did agree that they could think of no procedural rule that would be necessary to improve the investigative function. They mentioned only the Golden Rule. I have read that Satan frequently quotes scriptures for his own purposes. We will adhere to the Golden Rule, but I am sorry to state that we cannot accede—in these perilous days—to any suggestion of the Washington Post that such a rule re-

quires that we discontinue questioning Communists.

Although a general invitation was extended by Mr. DOYLE to all Members of the House, the committee received suggestions from Mr. COHELAN and Mr. ROOSEVELT, of California, only. None were received from other sources. Mr. COHELAN had the assistance of a group from the University of California Law School who submitted a proposed set of rules which the committee very carefully examined. I shall not describe them in detail except to say that several were already substantially incorporated in our previously printed rules or followed in prior practice. Several of Mr. ROOSEVELT's suggestions involved policy matters and, in one instance, a request that would involve statutory change. These suggestions were all seriously considered.

Curiously, although several witnesses identified as Communists in the course of our hearings have demanded—albeit hypocritically—the right of cross-examination and confrontation, we received no communication that there be a provision for such privileges in the rules of this committee. Nevertheless, we have again, on our own motion, reconsidered the applicability of these trial techniques to investigative procedures. Experience of all congressional committees has hitherto proved their inclusion as fixed rules to be impracticable. Although we again reject their inclusion as fixed rules, in actual practice we have reasonably preserved our investigative hearings from oppression of the person or contamination of the evidence—which indeed the common-law trial techniques of confrontation and cross-examination seek to assure in prosecutions. We have accomplished this by the depth of committee inquiries, actual confrontation in certain instances, cross-examination by committee members, the balance of executive against public hearings, and the discreet conduct of the investigative process by outstanding members experienced in the public business, several of whom are distinguished lawyers, and all having a keen respect for constitutional processes.

In the last analysis, if we are not seriously to impair or to frustrate the basic committee functions and its informing process, the problems involved in confrontation and cross-examination must be dealt with on an ad hoc basis rather than by fixed rule. This is an area, familiar to those versed in the general administration of law, where the discipline of men complements certain fixed rules and should be accepted practically as a reasonable guarantee for practices that conform to the spirit of our institutions and such as find expression in the concept of due process. The disturbance to the individual must yield to the broader interests of the informing and legislative function in aid of a vital national purpose. We are not unmindful of the libertarian concepts of our society. But, on the other hand, liberty is not license and, as the late Chief Justice Vinson pointed out in *Dennis* v. *United States*, 341 U.S. 494, at page 509, "if a society cannot protect its very structure from armed internal attack, it must follow that no subordinate interest can be protected."

We take pride in the committee rules hitherto promulgated and now revised, and note that this committee was the first to adopt written rules of procedure, the substance of which were in fact, some years ago, incorporated within rule XI of the House. Of course, it will be understood that no set of rules can cover every conceivable situation that might arise in the course of the many and varied investigations undertaken by this committee. The rules which we publish today in a sense form a constitutional framework within which we can effectively pursue our work. A disciplined judgment, applied within the framework of these rules, will be the safeguard for the rights and interests of those who may become involved in this necessary work. I want to express my appreciation to the subcommittee for the thorough and excellent results accomplished.

THE COMMUNISTS ARE ACTING WHILE WE WAIT FOR THE WEST GERMAN ELECTIONS

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. KOWALSKI], may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. KOWALSKI. Mr. Speaker, today's headlines are more ominous than ever.

Communist East Germany, by its latest act of restricting the movement of people from West to East Berlin to one crossing point, has now revealed its true intentions—relentless, step-by-step strangulation of West Berlin.

This move, along with the throwing up of barbed wire and concrete barriers along the dividing line between East and West in Berlin, has violated the four-power agreements providing for freedom of movement in that city.

Our Government has protested these moves and boosted West Berlin and West Germany by a psychological show of force.

Words and gestures, necessary as they are, are not enough. We must meet the challenge to our rights now with positive diplomatic and legal moves. We cannot wait, whatever the political implications in West Germany, for the elections there September 17. The East Germans are not waiting. They are taking advantage of our inaction to push us closer and closer to the brink where we will have no alternative but to fight or surrender over our rights in Berlin.

We do not have to wait to be pushed into a war. We have alternatives.

Our cause is just. The trouble is that there are others, and I mean in the neutralist camp, who are not convinced of this.

An Associated Press story today said that Nehru indicated he believes the Communists have the right to control movements between West Berlin and East Berlin and between West Germany and Berlin.

As the situation becomes more critical, the pressure for U.N. action on Berlin is going to become irresistible. At this point it is not certain that we could obtain solid backing in the U.N. for our position.

President Kennedy said on July 25 that if anyone doubts our right to be in Berlin, we are prepared to submit the question to international adjudication. On July 31, I introduced a resolution in the House urging that the President with all reasonable speed, submit to the International Court of Justice at The Hague the question of the legal rights of the United States and Soviet Union in Berlin, and the Soviet Union should be invited to join in this legal proceeding.

Action on this resolution now by the Congress would give the President the backing he needs to proceed boldly.

If the Soviet Union refuses to join in a legal proceeding before the Court, it will expose its contempt for the rule of law.

A judgment by the International Court of Justice would show that the Communists are in fact violating existing treaties.

We may have to fight in the end, but we will not be acting wisely as a peaceful nation if we do not take all possible diplomatic, legal, and economic measures first.

FILMS ABOUT COMMUNISM

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. HÉBERT], may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HÉBERT. Mr. Speaker, for a long, long time I have had something on my chest that I wanted to get off and I am going to get it off now.

Let me make it crystal clear that what I have to say on this subject has absolutely nothing to do with the controversy raging in the Senate on the same subject between two distinguished Members of that body.

I started to worry about this situation long before this controversy flared out into the open in the other body. I tried to do something about it then. I asked the Secretary of the Navy to tell me why certain films about communism were taken off the "legitimate" list. I got back a most unsatisfactory reply which added up to a lot of words. I direct your attention to my letter and to the reply:

MARCH 21, 1961.

Hon. JOHN B. CONNALLY, Jr.,
Secretary of the Navy,
Department of the Navy,
Washington, D.C.

DEAR MR. SECRETARY: I hope that the information which has just come to my attention is not accurate, and I hasten to seek the truth from you.

I have been advised that senior naval officers stationed in the New Orleans area have been instructed by the Department of the Navy and the Department of Defense

that they are not to give any lectures or talks on the subject of communism.

I am further informed that letters have been written to various civic clubs in the New Orleans area to the effect that senior naval officers cannot speak on the subject of communism nor can any motion picture films, such as "Communism on the March," "Communism on the Map," and "Operation Abolition," be shown at naval establishments in the New Orleans area.

It is unbelieveable to me that the Navy Department should issue such an order. The Navy, particularly in New Orleans under the command of Admiral Schindler, now retired, pioneered the way and did an excellent job of spreading Americanism throughout his district by preaching anticommunism. The Navy League also has a special program on this subject.

My God, what have we come to?

I respectfully await your reply.

Sincerely yours,

F. EDWARD HÉBERT.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., April 14, 1961.

Hon. F. EDWARD HÉBERT,
House of Representatives,
Washington, D.C.

MY DEAR MR. CONGRESSMAN: This is in reply to your letter of March 21 and April 11, 1961, concerning an alleged ban on anticommunism talks by naval officers. I deeply regret the delay in this reply.

Last September a new film went into production in the Department of Defense covering the tactics employed by Communists seeking to manipulate youth. This film is being produced within the framework of material set forth in the House Committee on Un-American Activities print entitled "Communism Target—Youth," a report by J. Edgar Hoover, Director of the Federal Bureau of Investigation. This film will more accurately present the Department's views on this subject than "Operation Abolition," and for that reason Defense has requested that activities retain "Operation Abolition" in their film libraries on an "on-call" basis for those requesting to view it, but not to prescribe it in the training of personnel, until the new one is issued. (Incidentally, there are already a good number of effective training aids for anti-Communist presentations available from normal defense information and education channels.)

"Communism on the Map," a filmstrip prepared by Harding College for the national education program, has been used in military anti-Communist presentations and has received a good deal of criticism, pro and con, from civilian audiences. When the strip was reviewed here in Washington, it was found that the film contains criticism of various actions of recent administrations and implications as to the degree of Communist infiltration into governments friendly to the United States and into political parties in allied nations. It was determined that these allegations should not be endorsed by the Armed Forces of the United States, and those holding this filmstrip have been asked not to show it pending further review by the Defense Department.

Aside from the directive regarding "Operation Abolition" and "Communism on the Map," and the well-publicized Department of Defense directive which forbids military personnel from speaking on foreign policy, there have been no directives regarding communism or anticommunism issued by the Department of Defense or the Department of the Navy.

I appreciate your concern in this vital matter, and hope the foregoing information will be of value.

Sincerely,

PAUL B. FAY, Jr.,
Under Secretary of the Navy.

I submitted these letters to the Committee on Un-American Activities. I do not know of what action taken by that aggressive and effective group but I do know that lips are sealed tighter than ever in the Navy. Talking about communism and the common enemy is verboten. It is now heresy for an officer in the Navy to speak out against communism

My cup was filled when my attention was drawn to a directive issued by the Department of Defense July 10, 1961. That is why I am speaking these words today.

This directive is remarkable for two reasons: for what it said and for what it did not say. The directive is No. 5122.5 but I daresay it will go down in history as "The Gag Rule of A.D. 1961."

Among other things, the gag rule assigns to the Assistant Secretary of Defense the functions of providing, and I quote:

> Policy guidance to the Department of Defense on public affairs matters and approve public affairs aspects of actions which have national or international significance in the fields of public information and community relations.

Translated bluntly this means if you in the Armed Forces are going to talk publicly about communism, then we, the Department of Defense, will tell you what you may say and what you may not say; that is, if we allow you to say anything at all.

That is what it says. What it does not say I shall come to shortly.

The gag rule also defines another function: "Provide for review of official speeches, press releases, photographs, films, and other information" and so on. This means in part, the films "Operation Abolition" and "Communism on the Map" are out. Do not show them.

I shudder at the import of the gag rule directive. Of its impact, I will say that indignation is but the least of my reactions and of the reactions of millions of Americans who believe in their Nation and its heritage. Incredulity is another reaction. Is it possible, we ask, that we are gagging those in the best position to raise the alarm, to alert our Nation? It is unthinkable, but it happened.

Everyone knows who the enemy is. Even the children at play say, "We'll be the good guys and you be the Communists."

What in the world motivates the authors of such a directive. Do they not realize that since 1958 at the direction of the National Security Council an informational program by the armed services has been aimed at communism?

A glowing example was that enlightened program hammered home with vigor and intelligence in the 8th Naval District Headquarters in New Orleans. I considered it, and do consider it, a major contribution by dedicated men of the military to the preservation of the United States.

To think these dedicated men have been silenced is incredible. And the manner of gagging is still another cause for alarm. To be gagged by directive is one thing. But to be gagged by "the word" is something else.

Yes, "the word" is out. It has gone down to the officers in the field and they have been made to understand that they will not speak out against this ideology that would destroy us. What the directive did not say, "the word" did.

I refuse to speculate as to motivation. It is a nightmarish puzzle that leads nowhere. It is as unexplainable as it is shocking. In a moment of peril we have put the wraps on our biggest guns. History, no doubt, will one day provide the solution but future historians will wonder at the folly of a nation that failed to prosecute a war of survival with every means at its command.

THE ATTORNEY GENERAL'S RULING ON THE AMERICAN NAZI PARTY

Mr. LINDSAY. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. BECKER], may extend his remarks at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BECKER. Mr. Speaker, since May 27, 1960, I have been in correspondence with the Attorney General of the United States for the purpose of having the American Nazi Party and George Lincoln Rockwell investigated and then recommended to be listed as a subversive organization. I further ask that the investigation disclose the source of finances of this organization.

I was assured last year that an investigation would be made, but up until the end of 1960 I was not assured of any results of such an investigation. I continued my correspondence with the present Attorney General, Robert F. Kennedy, receiving various letters from his Department. More recently, I received a letter from the Attorney General himself which is expressed in the editorial I am herewith inserting. This editorial was printed in the American Examiner which has served the American Jewish community in the United States for the past 82 years. This editorial entitled "The Attorney General's Ruling" expresses my feelings in a very forthright manner and it is difficult to understand how the Attorney General arrived at such a conclusion. I am certain anyone reading this editorial must agree with the position taken, in that an investigation should be completed and have this organization placed on the subversive organization list.

The editorial follows:

THE ATTORNEY GENERAL'S RULING

We must confess that Mr. Kennedy the Younger left us mired in perplexity with his statement last week that to brand Rockwell's gang as subversive is not desirable because it would give them "free publicity"—a public forum to spend their "obnoxious doctrines." If this "logic" were applied to other public enemies and malefactors our prisons would be the most comfortable resorts in the country.

One instant reaction to this "ruling" was a Rockwell picket line in front of the Department of Justice Building in the Capital, with the Nazi thugs foghorning their brazen slogan, "Clear us—don't smear us." The Rockwell pug-uglies have mastered, among

other techniques, the use of the "big chutzpah."

The Attorney General of the United States could learn a lesson in this matter from the Attorney General of New York State. "We dare not ignore these peddlers of Nazi filth," Mr. Lefkowitz told Mr. Kennedy in a statement forwarded to him last week. "They breed in the darkness of official complacency and inaction." On our part, we would remind Mr. Kennedy that his is not a public-relations department but a law-enforcement agency; we would remind him, too, that we are far more troubled by the publicity Rockwell currently snares than what he would get as a branded subversive; nor do we fear any "martyrdom" that might accrue to him. a "martyr" in jail is a jailbird; a subversive at large is an actively savage and destructive force.

And as a parting shot: How anything that calls itself by the accursed name American Nazi Party can be deemed anything but abrasively subversive is a harrowing puzzle that only a dubious type of mentality can explain.

ESTABLISHMENT OF A NATIONAL MONUMENT IN THE AREA OF THE INDIANA DUNES

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Indiana [Mr. ROUSH] is recognized for 15 minutes.

Mr. ROUSH. Mr. Speaker, I introduced last week a bill to provide for the establishment of a national monument in the area of the Indiana Dunes.

The State of Indiana has a shoreline on Lake Michigan which is but 36 miles long. The western half of this shoreline is developed as a great industrial complex and contains the site of future industrial development. Just to the east of this area reserved for industrial expansion lie the Indiana Dunes.

The scenic beauty and the geological significance of the Indiana Dunes formations is immense. Interest in the area has grown as the scientific wonder of the geology of the dunes has become more appreciated and as the need for additional recreational facilities has developed.

The bill which I introduced would create a national preserve of up to 5,000 acres, incorporating the finest of the dunes formations and the most suitable area of the region for development as a park site. Included in the tract which is presented by the bill for the selection by the Secretary of the Interior is the 2,000-acre Indiana Dunes State Park, a fully developed recreation and conservation area. It would be available to the Government as a contribution from the State of Indiana to the further development of this area. Its inclusion would unquestionably add stature and beauty to the national monument.

The bill which I introduced is a statement of the position of the bipartisan leadership of Indiana. For years, the leaders of my State have taken the position that the industrial development of the Lake Michigan shoreline can be compatible to, and can coexist with the conservation of the natural beauty and the scientific wonderment of the Indiana Dunes.

This bill is a companion bill to one introduced recently by the distinguished junior Senator from Indiana, VANCE HARTKE. The position it offers regarding the park site and its location with reference to the proposed Indiana port is supported by the State of Indiana. It is a matter which has been discussed with the leadership of Indiana, its conservation authorities and its port development commission.

The Indiana Dunes are indeed a true national treasure. The dunes formations are not unique, of course. There is legislation passed or pending before this Congress to establish national preserves in the area of the beautiful Cape Cod seashore, the scenic area of Padre Island, the wonderful Oregon Dunes on the Pacific coast, and other significant areas of similar geological features.

The location of the Indiana Dunes is quite significant, however. They are situated in the very heartland of America, within easy access to millions of our citizens in the expanding Midwest. It offers the unusual advantages found usually only on the oceans' shores to those who live in the center of our great land mass.

This area of the dunes is not in my district. It lies some 90 miles to the northwest, in the Second Congressional District of Indiana, so ably represented here by the distinguished minority leader. My constituents will benefit from the development of this facility. They will benefit as will other millions of people in the great Midwest from the preservation of the scenic beauty and natural coastal dunes. Scientists would also benefit from the conservation of the geological features.

The Secretary of the Interior recently visited the Indiana dunes and he was greatly impressed by them and he was greatly enthused at the potential they offer as a prospective addition to our national park system. His impressions are, I know, not unusual ones. I am certain that if any of my colleagues were to visit the Indiana dunes they too would marvel at their beauty and they would seek to join me in asking that these wonders of our Nation be included in the national park system.

In my discussion with the Secretary of the Interior, we noted that, in that greatly developed exurban area from Cleveland to Milwaukee, there is no conveniently located national park of any consequence. The Indiana dunes offers the last remaining area for development of such a park site in the heavily populated Midwest. The Secretary is quite enthused about the potential of this area, and I feel confident that his Department will report favorably on the development of this area as a national park site.

As I said earlier, Indiana has a very short coastline. In their wisdom, the past leaders of my State have devoted a portion to conservation and preserved there the natural environment. Also they have dreamed of the development there of a public port site. With the construction of the St. Lawrence Seaway, this dream took on greater value since an Indiana port would connect the people of my State and its neighboring State with the great ports of the world.

Under the leadership of our dynamic Governor, Matthew Welsh, the State of Indiana has taken steps to turn this age-old dream into reality. An Indiana Port Commission has been created and it is actively engaged in the preliminary work of developing an ocean port in Indiana. I would like to insert, at this point, a letter from the chairman of the Indiana Port Commission, James Fleming, which describes the visionary planning which is going forward for the development of our port and the emphasis which the port authorities place on the compatible development of the park site:

AUGUST 10, 1961.

Hon. EDWARD ROUSH,
Congressman from Indiana,
House Office Building,
Washington, D.C.

DEAR MR. ROUSH: I understand that you contemplate introducing, within the next few days, a bill in Congress with provisions similar to the one recently introduced by Senator VANCE HARTKE in the Senate in relation to the creation of a national park along the shores of Lake Michigan in a location which will not interfere with the building of a seaport in the Burns Ditch area, which will provide one of the most modern and flexible public port facilities on the Great Lakes.

I appreciate very much your great interest and assistance in behalf of the promotion of a seaport for Indiana which will add greatly to the growth, progress and prosperity of our entire State.

The story of human progress has been a story of the sea. Nations with good harbors have prospered; those without them have withered, for water transportation, when available, is the cheapest form of transportation, and the States bordering upon the Great Lakes have well understood this, all, apparently, except Indiana which is the only State on the Great Lakes at present without an accessible public deepwater port.

For more than a quarter of a century both the Republican and Democratic Parties in Indiana have joined together in a bipartisan effort to bring to Indiana a public seaport. Now by the completion of the St. Lawrence Seaway, we have an opportunity to make the products and natural resources of Indiana accessible to the commerce of the world.

The location and practicability of such a port has been under study by the Army Corps of Engineers for the past several years, and they have selected the Burns Ditch location as the most practical and economical location to be found along the shores of Lake Michigan extending from the eastern line of the State of Illinois to the western line of the State of Michigan.

The last session of the Indiana Legislature created a Port of Indiana Commission with broad powers and also approved buying the necessary land in the Burns Ditch area and appropriated funds for this purpose. This land is now being rapidly procured and purchased by the port commission.

The following is the official estimate by the Indiana Department of Commerce and Industry as to what the building of this seaport will mean to the adjacent area around the seaport to say nothing of the tremendous value which it will be to the entire State of Indiana. The following is the official estimate: 7,000 3-year jobs for the building trade; 15,000 direct permanent jobs in industry; 25,000 jobs in the service, allied industries, in transportation and in miscellaneous occupations; also an estimated $2 billion worth in home and industry construction, all of which will bring additional important tax revenue for schools and other important public uses.

The building of this port will add billions of wealth to our tax base in Indiana, and instead of being a burden upon our taxpayers will add greatly in easing our burdens of taxation. Also by opening new markets for our products, this will add greatly to the prosperity of our farmers, our manufacturers, and all other types of business and industry throughout our entire State. At last this seaport is very close to reality, and through the completion of the St. Lawrence Seaway the seaports of the world have literally been brought to our doorstep.

It has been claimed that the land selected for the harbor location by the commission should be utilized for recreational purposes, but we say that a project that will provide more than 50,000 additional jobs in an area where many thousands are now unemployed should not be tossed aside. This is particularly true when more than seven miles and many thousands of acres of dunes area, now undeveloped, is awaiting development for use as recreational facilities.

The commission favors the creation and development of a great national park in the area east of the property of the Northern Indiana Public Service Co., which would provide more lake front and recreational space than is now being provided by the city of Chicago along its entire lake front.

The commission also feels very strongly that the property west of that owned by the Northern Indiana Public Service Co. to the Burns Ditch should be utilized for the building of the seaport and for general industrial use, and thus industry and the operation of the seaport would provide many thousands of needed jobs in this area, and the recreational facilities provided by the development of park facilities not only for the entire State of Indiana, but for Illinois and the city of Chicago and its environs as well.

The State of Indiana now owns and operates more than 2,000 acres of lake front land which is now being utilized as the Indiana Dunes State Park and comprises the most scenic portion of that entire area. With the cooperation of the State of Indiana, which it will freely give, recreational and park facilities could be provided in this area which would be most adequate and sufficient for that purpose for many years to come.

By doing this we could provide a great seaport for Indiana, a great industrial area around the seaport, a model city and large airport adjacent thereto, as well as a great National-State park of which the entire State of Indiana could be justly proud.

This great middle western area, in which the seaport would be located, is the heartland of America. It is now only beginning to develop. This port would be located outside the congested area of Chicago. In the next 25 years it will become one of the great seaports of the world and Indiana, and its citizens are most fortunate in having the opportunity to make this great contribution to the commercial activities, not only of Indiana, but of America and of the entire world.

The commission feels that in the introduction of this bill and in your active and enthusiastic support of the same that you would be performing a tremendous service not only for your own district but for the entire State of Indiana as well.

Again thanking you for your great interest in this project, and with kindest personal regards and best wishes, I am,

Most cordially,

JAMES R. FLEMING.

There is another plan offered for the development of the Indiana Dunes. It is offered by some members of the Illinois delegation. Their interest in the Indiana Dunes is understandable, since the park site, as defined in my bill, lies some 38 miles from the center of Chicago. The Indiana Dunes State Park has long provided a major site for recreation for the residents of the Greater Chicago land area.

We, of Indiana, welcome the interests of the legislators of Illinois, just as we have for years welcomed their constituents to the recreational facilities our State has maintained and subsidized.

The plan which they offer, however, is not acceptable to the leadership nor to the people of my State. Their plan has, inadvertently, I am certain, included lands which are vital to the future development of the area around the proposed public harbor as an industrial complex.

The area which they offer is contained in five separate and noncontiguous parcels of land. Development of an adequate park site would be greatly hampered by the already existing, developed industrial and residential areas between the proposed parcels. Instead of the preferred plan of one large, continuous park site, the plan submitted by the Illinois legislators is for five separate park sites joined only by a common name. My plan remedies this glaring error in the Illinois plan.

The Illinois plan would seriously impair the development of the industrial complex which is envisioned by the people of Indiana. Their plan would render unfeasible the development of the Indiana port.

As an indication of the determined support of the Indiana communities of the area in support of the port development, I would like to insert at this point in the RECORD a resolution of Northern Indiana Mayors Roundtable of June 21, 1961:

Whereas, on the 10th day of May 1961 the following mayors went on record approving the selection of the Burns Ditch area in Porter County, as the proper site of establishment of a deepwater port on Lake Michigan: Mayor Ernest Bixel, Plymouth, Ind.; Mayor Don Will, Valparaiso, Ind.; Mayor Francis Fedder, Michigan City, Ind.; Mayor Ray Myers, Rochester, Ind.; Mayor Frank Bruggner, South Bend, Ind.; Mayor Joseph M. Canfield, Mishawaka, Ind.; Mayor Frank Parmater, Elkhart, Ind.; Mayor J. M. Clouse, Nappanee, Ind.; Mayor Roy L. Eichstaedt, Knox, Ind.; Mayor Ray B. Messick, Goshen, Ind.; H. C. Clausen, town board president, North Judson, Ind.; and Mayor Everett A. Koomler, La Porte, Ind.; and

Whereas said Northern Indiana Mayors' Roundtable met again on the 21st day of June 1961 and the following mayors confirmed the prior action taken by said Northern Indiana Mayors' Roundtable: Mayor Ernest Bixel, Plymouth, Ind.; Mayor Don Will, Valparaiso, Ind.; Mayor Francis Fedder, Michigan City, Ind.; Mayor Ray Mers, Rochester, Ind.; Mayor Frank Bruggner, South Bend, Ind.; Mayor Joseph M. Canfield, Mishawaka, Ind.; Mayor Frank Parmater, Elkhart, Ind.; Mayor J. M. Clouse, Nappanee, Ind.; Mayor Roy L. Eichstaedt, Knox, Ind.; Mayor Ray B. Messick, Goshen, Ind.; H. C. Clausen, town board president, North Judson, Ind.; and Mayor Everett A. Koomler, La Porte, Ind.; and

Whereas the affirmation of their action of the 10th day of May 1961 was effected on said 21st day of June 1961 because of certain position taken by the mayors of Lake County, proposing another site; and

Whereas said mayors listed above believe that the site heretofore approved by the State of Indiana, and accepted by said Northern Indiana Mayors' Roundtable, is the best site for a deepwater port: Now, therefore, be it

Resolved, That the Burns Ditch area be selected as the deepwater port in the State of Indiana, for the following reasons:

(1) The Burns Ditch area has available an unlimited amount of unimproved and undeveloped land which will enable the Commission to plan and develop the port unhampered by existing developments and vested interests.

(2) The area is amply served by land transportation facilities for the receiving and discharging of all kinds of waterborne freight and cargo.

(3) That it is the natural center of a rapidly growing industrial and commercial development which will be able to adapt itself most favorably to the needs of a great port by the establishment of supplementing industries and services.

(4) Years of study by many agencies, including the Corps of Army Engineers, show the Burns Ditch area to be the most economically feasible area in Indiana for a port on Lake Michigan.

(5) That the citizens of Porter County, as well as the citizens of Valparaiso, agree to said site and accept the location, and that further, they have advocated said location of a port for more than thirty (30) years, that this position is most important in the proceeding to establish said port effectively and without remonstrance; be it further

Resolved, That a copy of this resolution be directed to Matthew E. Welsh, Governor of the State of Indiana, Indiana Port Commission, Vance Hartke and Homer Capehart, Senators of the State of Indiana, all Congressmen of the State of Indiana, and all mayors of the cities of the State of Indiana.

ROY L. EICHSTAEDT, *Chairman.*
ERNEST BIXEL, *Vice Chairman.*

Attest:

RAY B. MESSICK,
Secretary-Treasurer.

I am certain that the Illinois plan has been developed in good faith, but, not being natives of our State, nor in the confidence of its leadership, they have erred in their selection of a park site. I am certain that they are not using the "save the dunes" theme, which we Hoosiers use in a sincere conservation effort, as a protectionist measure to insure the future prosperity of the State interests which they represent. I am sure that they realize the Indiana port would be far superior to the one which has been developed in the Calumet area, but they are not envious of our superior facilities. I am sure that they realize that the industrial development of the area around the port will provide jobs and goods and taxes which they would like to see attracted to their State, but they are not envious of the superior potential of our shoreline for industrial expansion.

Their plan has been developed by people who are not as familiar with our Indiana plans. It has been developed by outsiders without consultation with the leadership of the area involved, so it is bound to have these shortsighted errors. I am certain that in the consideration of these plans, the committee will recognize this and will properly evaluate the plans in this light.

The Indiana Dunes are a treasure which the people of the State of Indiana sincerely wish to conserve, protect, and develop. The bill which I offer submits to the Congress my State's plan for its proper development in compatibility with other development in the area.

I ask prompt and favorable consideration of this bill.

PROTECTING RIGHTS, BENEFITS, ETC., FOR RECALLED RESERVISTS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New Jersey [Mr. GALLAGHER], is recognized for 30 minutes.

Mr. GALLAGHER. Mr. Speaker, in the coming months, as the United States strengthens its Armed Forces to more effectively counter the threats of communism, there will be called to active duty a large number of young men, and some not so young, who are members of the Reserve forces.

I am certain the country is heartened and grateful for the spirit in which those recruits who have been advised of possible recall have responded. Aware of the personal hardships that will be worked upon them, they have not sought to evade their duty.

In addition to those members of the Reserve forces who will be called the enlistments of many individuals on active duty will be extended as will the duty tours of many officers.

We should be mindful that many of the reservist will be coming to active duty for the second time in their lifetime and for some it will be the third tour of active duty, men who served in World War II and during the Korean war.

I need not remind the Congress of the hardships that were worked in so many thousands of cases in the hurried callup for Korea. The great financial stress that resulted in many cases. The thousands of men who had to abandon successful commercial ventures and good paying positions in business and industry.

I am mindful, still, of my own expenses over having to give up a budding law practice for my second call to active duty during the Korean conflict. I remind you of these instances, caused in large measure by the unpreparedness of the military departments for a partial mobilization, not because there is the least reluctance on the part of ready reservists to respond in this or any emergency, but to assure that the Congress and the appropriate agencies of the Federal Government will act promptly to see that hardships are held to a minimum in the current partial mobilization.

We recognize that a citizen who is in the Ready Reserve is there either because under the law he has a military obligation or because he desires to serve as a citizen-soldier, knowing full well that he is liable to orders for active duty in such emergencies as presently exist. Nonetheless, his country owes him the consideration to which he is so well entitled.

We should be mindful, also, that the sacrifice which the President calls for in this fight to secure our liberty is not intended, in spirit or in fact, to rest upon the shoulders of a few. It will, of course, rest heavier upon some, as is always the case, but it must rest in some measure upon us all.

While the numbers advised of possible orders for active duty is relatively small, it may well be necessary to increase these numbers, and I am not so certain that we should not already be doing so, before this crisis has been surmounted.

I have asked the appropriate committee chairman to call for a review of existing laws which are designed to protect veterans of active service and to benefit them for service rendered. I know that there have been introduced several new pieces of legislation and I am currently drafting bills to provide certain benefits and protection to which I feel reservists, especially those being called upon for the second or third time, are entitled.

I submit that the Congress should take steps now to provide for specific financial aid to be available to assist persons being called to active duty upon the completion of that duty. These should include business loans, similar to those available to veterans of the Korean war and new type guaranteed loans for reservists who, because of recall, will be required to liquidate a business. I would also extend to those reservists called up in this instance the same educational benefits granted World War II and Korean veterans.

Since many reservists, especially those with large families, will be forced to live during these tours of active duty in higher rental quarters than they would otherwise acquire and will during this period of service incur other than normal family living expenses, and will in all probability leave the service either with increased debts or with limited funds to tide them over in the period necessary to establish themselves and their families in civilian life, I urge that mustering out payments be made to ease the financial hardships.

Steps should be taken to extend job protection to these veterans who may have already served the 4 years of active duty by making job protection under the law applicable for a reasonable period following the termination of the latest period of active duty of a reservist.

Furthermore the Federal Government should do more to assure that these reservists have full knowledge of all benefits and protections available under the law.

I feel that these and other steps to protect the interests of those called are the least we can do for those dedicated Americans who are being asked to make a far greater sacrifice than are the vastly greater number of our citizens.

SUMMARY OF VARIOUS BENEFITS TO WHICH MEMBERS WHO ARE INVOLUNTARILY ORDERED TO ACTIVE DUTY WITH THE ARMED FORCES WILL BE ENTITLED

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, after the enactment of August 1, 1961, of Public Law 87-117, a request was made to the Department of Defense for a summary of the various benefits to which members who are involuntarily ordered to active duty with the Armed Forces under that act will be entitled.

The information in the following letter from Mr. Frank A. Bartimo, Assistant General Counsel of the Department of Defense, together with the summary of benefits, should prove interesting and informative in view of the thousands to be affected by Public Law 87-117.

The letter and summary follow:

DEPARTMENT OF DEFENSE,
OFFICE OF GENERAL COUNSEL,
Washington, D.C., August 17, 1961.

Hon. JAMES E. VAN ZANDT,
House of Representatives.

DEAR MR. VAN ZANDT: This is in reply to your request of August 12 for a summary of the various benefits to which members who are involuntarily ordered to active duty under the act of August 1, 1961, Public Law 87-117 (75 Stat. 242), will be entitled.

Members ordered to active duty under the act of August 1, 1961, will be entitled to the same benefits as other members serving on active duty. The benefits referred to here include basic pay, allowances, leave, commissary and post-exchange privileges, transportation for himself and his dependents and his household goods and effects, medical care, specialized training in various fields, career opportunities, promotion, extensive travel at Government expense both here in this country and abroad, the chance to meet far more individuals than normally encountered in civilian life, guarantee of premiums on commercial life insurance not exceeding $10,000 in any individual case and 6 months death gratuity.

In some instances, the extent of the benefit may depend on the period for which the member is ordered to active duty; for example, a member who is ordered to active duty for 30 days or less would not be entitled to medical care for his dependents. However, his dependents would be entitled to medical care if he is ordered to active duty for more than 30 days—10 U.S.C. 1076. Similarly, a member who is ordered to active duty for 30 days or less is entitled to physical disability benefits (severance pay or retirement, depending on the circumstances) if he incurs a disability resulting from an injury—10 U.S.C 1204, 1206. On the other hand, a member who is ordered to active duty for more than 30 days is entitled to physical disability benefits if he incurs a disability resulting from an injury or disease—10 U.S.C. 1201, 1203.

The Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 U.S.C. App. 501 et seq.), affords a different type of benefit in that it relieves members of the military service from worry over their inability to meet their civil obligations by temporarily suspending enforcement of certain of their civil liabilities if their ability to meet their obligations has been impaired by reason of their military service. The act does not free a serviceman from his obligations or impose any automatic moratorium thereon. It does, however, contain provisions designed to afford protection to those in military service with regard, among other things, to debts, leases, evictions, interest rates, income taxes, personal property taxes, real estate taxes, installment purchases, conditional sales, repossessions, foreclosures, mortgages, suits, judgments, attachments, executions, garnishments, penalties, and statutes of limitations. Protection is also provided under certain circumstances and in certain cases for dependents, sureties, endorsers, and persons jointly obligated with servicemen.

With respect to the extensive benefits to which a member may be entitled upon his

release from active duty, or as an incident of that release, I am enclosing a comprehensive chart, listing those benefits, that was prepared by the Military Affairs Division, Office of the Judge Advocate General of the Army. This chart will serve to identify the various benefits to which members may be entitled depending, of course, on the circumstances of their particular cases.

In summary, there are many and varying benefits, both present and prospective, for the young men who will soon enter the Armed Forces. But perhaps even more important than these practical considerations is the fact that military service can be a rich and rewarding experience generally for the individual who will make it such.

Sincerely yours,

FRANK A. BARTIMO,
Assistant General Counsel (Manpower).

Incidents of discharge

	Honorable	Genera.	Undesirable [1]	Discharge [2] (under other than honorable conditions)	Bad-conduct discharge		Dishonorable	Resignation for the good of the service, AR 635-89 (officers), homosexuality, in lieu of courts-martial	Authorization for benefit
Authority for discharge	AR 635-200 (e.m.), AR 635-5 (officers)	AR 635-200 (e.m.), AR 635-5 (officers)	AR 635-200 (e.m.)	AR 635-5 (officers)	Sentence of a special court-martial	Sentence of a general court-martial	Sentence of a general court-martial (Dismissal by sentence of general court-martial is equivalent to dishonorable discharge)	AR 635-120 (officers), AR 635-5 (officers) (The provisions of AR 635-5 apply to all officers of the Army; AR 140-175 provide that Reserve officers being separated will be furnished discharge certificates in accordance with AR 635-5)	
Conditions under which issued.	Convenience of the Government; expiration of enlistment; minority; resignation; dependency or hardship; disability; revocation or termination of appointment; discharge to accept appointment	Convenience of the Government; disability, disloyal or subversive; expiration of enlistment; minority; resignation, unsuitability; homosexuality	Misconduct; homosexuality; qualified resignation, unfitness; disloyal and subversive; a.w.o.l. or desertion	Conviction of felony by civil authorities; security violation					
BENEFITS ADMINISTERED BY THE ARMY [3]									
Death gratuity	Eligible	Eligible	Eligible [4]	Eligible [4]	Eligible [4]	Not eligible	Not eligible	Not eligible	10 U.S.C. 1475 et seq.
Headstone marker	do	do	Not eligible	Not eligible	Not eligible	do	do	do	Sec. 1, act of July 1, 1948 (62 Stat. 1215), as amended (24 U.S.C. 279a).
Mustering-out payments	do	do	do	do	do	do	do	do	38 U.S.C. 2101 et seq.
Payment for accrued leave	do	do	do	do	do	do	do	do	Armed Forces Leave Act of 1946 (60 Stat. 963), as amended (37 U.S.C. 32 et seq.).
Retirement pay for non-Regular service.	do	do	Eligible	Eligible	Eligible	Eligible	Eligible	Eligible	10 U.S.C. 1331 et seq.
Transportation allowance for dependents and shipment of household goods.	do	do	Not eligible	Not eligible	Not eligible	Not eligible	Not eligible	Not eligible	Pars. 7011-5, 8009-4, Joint Travel Regulations.
Transportation in kind	do	do	Eligible	Eligible	Eligible	Eligible	Eligible	Eligible	Par. 5300 et seq., Joint Travel Regulations.
Burial in national cemetery	do	do	Not eligible	Not eligible	Not eligible	Not eligible	Not eligible	Not eligible	Sec. 1, act of May 14, 1948 (62 Stat. 234; 24 U.S.C. 281).
Use of wartime title; wear of uniform of wartime grade when authorized by Presidential regulations.	do	do	do	do	do	do	do	do	10 U.S.C. 772(e).
Admission to Soldiers' Home. [5]									
BENEFITS ADMINISTERED BY THE VETERANS' ADMINISTRATION [6]									
Dependency and indemnity compensation.	do	do	Eligible [4]	Eligible [4]	Eligible [4]	do	do	do	38 U.S.C. 410 et seq.
Pension for service-connected disability.	do	do	do.[4]	do.[4]	do.[4]	do	do	do	38 U.S.C. 301 et seq.
Pension for non-service-connected disability.	do	do	do.[4]	do.[4]	do.[4]	do	do	do	38 U.S.C. 501 et seq.
Vocational rehabilitation	do	do	do.[4]	do.[4]	do.[4]	do	do	do	38 U.S.C. 1501 et seq.
Education and training	do	do	do.[4]	do.[4]	do.[4]	do	do	do	38 U.S.C. 1601 et seq.
Loans	do	do	do.[4]	do.[4]	do.[4]	do	do	do	38 U.S.C. 1801 et seq.
Unemployment compensation.	do	do	do.[4]	do.[4]	do.[4]	do	do	do	38 U.S.C. 2001 et seq.
Special housing	do	do	do.[4]	do.[4]	do.[4]	do	do	do	38 U.S.C. 801 et seq.
Hospitalization	do	do	do.[4]	do.[4]	do.[4]	do	do	do	38 U.S.C. 601 et seq.
Domiciliary care	do	do	do.[4]	do.[4]	do.[4]	do	do	do	38 U.S.C. 601 et seq.
Outpatient medical treatment.	do	do	do.[4]	do.[4]	do.[4]	do	do	do	38 U.S.C. 601 et seq.
Outpatient dental treatment.	do	do	do.[4]	do.[4]	do.[4]	do	do	do	38 U.S.C. 601 et seq.
Prosthetic appliances	do	do	do.[4]	do.[4]	do.[4]	do	do	do	38 U.S.C. 613.
Seeing-eye dogs and mechanical electronic equipment.	(7)	(7)	(7)	(7)	(7)	do	do	do	38 U.S.C. 614.
Automobiles	(8)	(8)	(8)	(8)	(8)	do	do	do	38 U.S.C. 1901 et seq.
Compensation for service-connected death.	Eligible	Eligible	Eligible [4]	Eligible [4]	Eligible [4]	do	do	do	38 U.S.C. 1301 et seq.
Compensation for non-service-connected death.	do	do	do.[4]	do.[4]	do.[4]	do	do	do	38 U.S.C. 501 et seq.
Burial expenses	do	do	do.[4]	do.[4]	do.[4]	do	do	do	38 U.S.C. 902 et seq.
Burial flags	do	do	do.[4]	do.[4]	do.[4]	do	do	do	38 U.S.C. 901.

See footnotes at end of table.

Incidents of discharge—Continued

	Honorable	General	Undesirable [1]	Discharge [2] (under other than honorable conditions)	Bad-conduct discharge		Dishonorable	Resignation for the good of the service, AR 635-89 (officers), homosexuality, in lieu of courts-martial	Authorization for benefit
Authority for discharge	AR 635-200 (e.m.), AR 635-5 (officers)	AR 635-200 (e.m.), AR 635-5 (officers)	AR 635-200 (e.m.)	AR 635-5 (officers)	Sentence of a special court-martial	Sentence of a general court-martial	Sentence of a general court-martial (Dismissal by sentence of general court-martial is equivalent to dishonorable discharge)	AR 635-120 (officers), AR 635-5 (officers) (The provisions of AR 635-5 apply to all officers of the Army; AR 140-175 provide that Reserve officers being separated will be furnished discharge certificates in accordance with AR 635-5)	
Conditions under which issued.	Convenience of the Government; expiration of enlistment; minority; resignation; dependency or hardship; disability; revocation or termination of appointment; discharge to accept appointment	Convenience of the Government; disability, disloyal or subversive; expiration of enlistment; minority; resignation, unsuitability; homosexuality	Misconduct; homosexuality; qualified resignation, unfitness; disloyal and subversive; a.w.o.l. or desertion	Conviction of felony by civil authorities; security violation					
BENEFITS ADMINISTERED BY OTHER FEDERAL AGENCIES									
Farm loans and preference for such loans (Department of Agriculture).	Eligible	Eligible	Eligible	Eligible	Eligible	Eligible	Not eligible	Eligible	Bankhead-Jones Farm Tenant Act (50 Stat. 522), as amended (7 U.S.C. 1001 et seq.).
Preference for farm housing loans (Department of Agriculture).	do	do	do	do	do	do	do	do	Sec. 507, Housing Act of 1949 (63 Stat. 436), as amended (42 U.S.C. 1477).
Homestead preference (Department of Interior).	do	do	Not eligible	Not eligible	Not eligible	Not eligible	do	Not eligible	Sec. 1, act of Mar. 1, 1921 (41 Stat. 1202), as amended (43 U.S.C. 238); sec. 1, act of Sept. 27, 1944 (c. 421, 58 Stat. 747), as amended (43 U.S.C. 279).
Desert land preference (Department of Interior).	do	do	do	do	do	do	do	do	Sec. 1, act of Mar. 1, 1921 (41 Stat. 1202), as amended (43 U.S.C. 238); sec. 2, act of Dec. 15, 1921 (42 Stat. 348; 43 U.S.C. 331).
Civil service preference (Civil Service Commission).	do	do	do	do	do	do	do	do	Sec. 2, Veterans' Preference Act of 1944 (58 Stat. 387), as amended (5 U.S.C. 851).
Reemployment benefits, Federal or private (Civil Service Commission or Department of Labor).	do	do	do	do	do	do	do	do	Sec. 9, Universal Military Training and Service Act (62 Stat. 614), as amended (50 U.S.C. App. 459); pt. 35, Civil Service Commission Regulations.
Job counseling and employment placement (Department of Labor).	do	do	Eligible [4]	Eligible [4]	Eligible [4]	do	do	do	38 U.S.C. 2010 et seq.
Unemployment compensation, veterans of service after June 26, 1950 (Department of Labor).	do	do	do [4]	do [4]	do [4]	do	do	do	38 U.S.C. 2001 et seq.
Naturalization benefits (Department of Justice).	do	do	Not eligible	Not eligible	Not eligible	do	do	do	Sec. 329, Immigration and Nationality Act (66 Stat. 250), as amended (8 U.S.C. 1440).
Social security (Social Security Administration).	do	do	Eligible [4]	Eligible [4]	Eligible [4]	do	do	do	Sec. 217, Social Security Act, as added by sec. 105, Social Security Act Amendments of 1950 (64 Stat. 512) as amended (42 U.S.C. 417); title IV, act of Aug. 1, 1956 (Public Law 881, 84th Cong., 70 Stat. 869 et seq.).

[1] Title 10, United States Code, secs. 1161 and 6408, provides for the dropping from the rolls of an officer absent without leave more than 3 months or who has been convicted by civilian authorities and sentenced to confinement in a Federal or State penitentiary or correctional institution. This office has previously stated that such separation will usually be characterized as under other than honorable conditions.

[2] Resignations for the good of the service are normally accepted as under other than honorable conditions and a discharge (under other than honorable conditions) is issued. Subpar. 4d, Army Regulations 635-120, dated Nov. 25, 1955, provides, however, that if the Department of the Army determines that the resignation be accepted under honorable conditions, an honorable or general discharge may be be furnished. As a matter of policy if it is determined that the resignation is under honorable conditions it is no longer considered a resignation for the good of the service but as a resignation under honorable conditions.

[3] Paid by the Army; determination of conditions of discharge by the Veterans' Administration.

[4] Subject to a review of the facts surrounding the discharge by the agency administering the benefit except in the case of death gratuities by the Administrator of Veterans' Affairs.

[5] Sec. 4821, Revised Statutes (24 U.S.C. 49), provides that certain soldiers with service in the Army of the United States are eligible for admission to the Soldiers' Home. Sec. 4822, Revised Statutes (24 U.S.C. 50), provides "the benefits of the Soldiers' Home shall not be extended to any soldier in the Regular or volunteer service convicted of felony or other disgraceful or infamous crimes of a civil nature after his admission into the service of the United States; nor shall anyone who has been a deserter, mutineer, or habitual drunkard be received without such evidence of subsequent service, good conduct, and reformation of character as is satisfactory to the commissioners."

[6] 38 U.S.C. 3103 provides in substance that discharge or dismissal by reason of sentence of GCM and other discharges and dismissals specified shall bar all rights based upon the period of service from which discharged or dismissed, under any laws administered by the Veterans' Administration.

[7] Eligibility dependent upon entitlement to disability compensation.

[8] Eligibility dependent upon entitlement to disability compensation for 1 of specified disabilities.

NOTE.—State benefits: The States provide a varying number of veterans' benefits which include bonuses, burial rights, employment preferences, and tax benefits. No general rule can be stated as to eligibility requirements for such benefits. Some States require an honorable discharge; others require discharge under conditions other than dishonorable, service with honor, or satisfactory service.

Source: Prepared in the Military Affairs Division, Office of the Judge Advocate General of the Army (revised Oct. 1, 1960).

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WIDNALL, for August 23, 1961, on account of death in family.

Mr. ELLSWORTH (at the request of Mr. ARENDS), for 2 days, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GALLAGHER (at the request of Mr. ROBERTS), for 30 minutes, today to revise and extend his remarks and include extraneous matter.

Mr. VAN ZANDT (at the request of Mr. LINDSAY), for 30 minutes, on August 28.

Mr. BRAY (at the request of Mr. LINDSAY), for 30 minutes, on August 30.

Mr. ROGERS of Texas, for 1 hour, on August 29.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. FASCELL.

Mr. WHARTON.

(The following Members (at the request of Mr. EDMONDSON) and to include extraneous matter:)

Mr. FOGARTY.

Mr. MCDOWELL.

(The following Members (at the request of Mr. LINDSAY) and to include extraneous matter:)

Mr. VAN ZANDT.

Mr. FINO.

Mr. WIDNALL.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

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

S. 242. An act for the relief of Mary Dawn Polson (Emmy Lou Kim) and Joseph King Polson (Sung Sang Moon);

S. 333. An act for the relief of Godofredo M. Herzog;

S. 606. An act to provide for the construction of a shellfisheries research center at Milford, Conn.;

S. 650. An act to amend the Watershed Protection and Flood Prevention Act to permit certain new organizations to sponsor works of improvement thereunder;

S. 702. An act to authorize the Secretary of Agriculture to exchange certain lands in the State of Wyoming with the town of Afton, Wyo.;

S. 705. An act for the relief of Norman T. Burgett, Lawrence S. Foote, Richard E. Forsgren, James R. Hart, Ordeen A. Jallen, James M. Lane, David E. Smith, Jack K. Warren, and Anne W. Welsh;

S. 731. An act for the relief of Charles F. Tjaden;

S. 841. An act to amend the Defense Department Overseas Teachers Pay and Personnel Practices Act, and for other purposes;

S. 848. An act to authorize the Secretary of Agriculture to convey a certain parcel of land to the town of Tellico Plains, Tenn.;

S. 883. An act to extend the application of the Federal Boating Act of 1958 to the Commonwealth of Puerto Rico, the Virgin Islands, and Guam;

S. 1054. An act for the relief of Huan-pin Tso;

S. 1100. An act for the relief of Sang Man Han;

S. 1179. An act for the relief of Alicja Zakrezewska Gawkowski;

S. 1205. An act for the relief of Roger Chong Yeun Dunne;

S. 1222. An act relating to documentation and inspection of vessels of the United States;

S. 1289. An act to amend sections 337 and 4200 of the Revised Statutes of the United States so as to eliminate the oath requirement with respect to certain export manifests;

S. 1335. An act for the relief of W. B. J. Martin;

S. 1347. An act for the relief of Georgia Ellen Thomason;

S. 1443. An act for the relief of Mrs. Tyra Fenner Tynes;

S. 1450. An act for the relief of Shim Dong Nyu (Kim Christine May);

S. 1492. An act to amend the act of March 24, 1948, which establishes special requirements governing the selection of superintendents of national cemeteries;

S. 1527. An act for the relief of James D. Jalili;

S. 1622. An act to amend the Atomic Energy Community Act of 1955;

S. 1697. An act to approve the amendatory repayment contract negotiated with the Huntley Project Irrigation District, Montana, to authorize its execution, and for other purposes;

S. 1873. An act to amend the act entitled "An act to authorize the Commodity Credit Corporation to donate dairy products and other agricultural commodities for use in home economics courses", approved September 13, 1960 (74 Stat. 899), in order to permit the use of donated foods under certain circumstances for training college students;

S. 2034. An act to amend the Communications Act of 1934, as amended, in order to expedite and improve the administrative process by authorizing the Federal Communications Commission to delegate functions in adjudicatory cases, repealing the review staff provisions, and revising related provisions;

S. 2079. An act to retrocede to North Carolina jurisdiction over the southern eastbound lanes of North Carolina Highway 24, and the eastern, northbound lanes of U.S. Highway 17, as these highways traverse and parallel Camp Lejeune, N.C.;

S. 2187. An act to implement the provisions of the International Convention for the Prevention of the Pollution of the Sea by Oil, 1954;

S. 2245. An act to amend the act granting the consent of Congress to the negotiation of certain compacts by the States of Nebraska, Wyoming, and South Dakota in order to extend the time for such negotiation; and

S.J. Res. 76. Joint resolution authorizing the Secretary of the Interior during the calendar year 1962 to continue to deliver water to lands in certain irrigation districts in the State of Washington.

BILLS PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did, on August 22, 1961, present to the President, for his approval, bills of the House of the following titles:

H.R. 1290. An act for the relief of Ernest Morris;

H.R. 1612. An act for the relief of Mr. Ernest Hay, Wamego, Kans.;

H.R. 2656. An act for the relief of Capt. Leon B. Ketchum;

H.R. 3227. An act to amend section 1732 (b) of title 28, United States Code, to permit the photographic reproduction of business records held in a custodial or fiduciary capacity and the introduction of the same in evidence;

H.R. 4030. An act for the relief of Robert A. St. Onge;

H.R. 4640. An act for the relief of the estate of Charles H. Biederman;

H.R. 4659. An act to establish a National Armed Forces Museum Advisory Board of the Smithsonian Institution, to authorize expansion of the Smithsonian Institution's facilities for portraying the contributions of the Armed Forces of the United States, and for other purposes;

H.R. 4660. An act to authorize modification of the project Mississippi River between Missouri River and Minneapolis, Minn., damage to levee and drainage districts, with particular reference to the Kings Lake Drainage District, Missouri;

H.R. 6835. An act to simplify the payment of certain miscellaneous judgments and the payment of certain compromise settlements;

H.R. 7038. An act to eliminate the right of appeal from the Supreme Court of Puerto Rico to the Court of Appeals for the First Circuit;

H.R. 7610. An act for the relief of Joe Kawakami;

H.R. 7724. An act to provide for advances of pay to members of the armed services in cases of emergency evacuation of military dependents from oversea areas and for other purposes; and

H.R. 7864. An act to dissolve Federal Facilities Corporation, and for other purposes.

ADJOURNMENT

Mr. EDMONDSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p.m.), the House adjourned until tomorrow, Thursday, August 24, 1961, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1253. A letter from the Assistant Comptroller General of the United States, transmitting a report on review of management practices regarding utilization of engines on stored aircraft in the Department of the Navy to the Committee on Government Operations.

1254. A letter from the Chairman, U.S. Civil Service Commission, transmitting a draft of a proposed bill entitled "A bill to amend section 7 of the Administrative Expenses Act of 1946, as amended"; to the Committee on Government Operations.

1255. A letter from the Deputy Administrator, National Aeronautics and Space Administration, transmitting a draft of a proposed bill entitled "A bill for the relief of Harry A. Sebert"; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. LANE: Committee on the Judiciary. S. 935. An act for the relief of certain members of the Army National Guard of the United States and the Air National Guard of the United States; without amendment (Rept. No. 1013). Referred to the Committee of the Whole House on the State of the Union.

Mr. LANE: Committee on the Judiciary. H.R. 6535. A bill to validate the salary overpayments made to certain officers and employees incident to the salary adjustment provisions of the Federal Employees Salary Increase Act of 1955, and for other purpose with an amendment (Rept. No. 1014). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Joint Committee on the Disposition of Executive Papers. House Report No. 1015. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 8490. A bill to amend the act of September 2, 1958, establishing a Commission and Advisory Commitee on International Rules of Judicial Procedure, as amended; without amendment (Rept. No. 1016). Referred to the Committee of the Whole House on the State of the Union.

Mr. LANE: Committee on the Judiciary. Senate Joint Resolution 98. Joint resolution to provide for the observance of the centennial of the enactment of the Homestead Act; without amendment (Rept. No. 1017). Referred to the House Calendar.

Mrs. KELLY: Committee on Foreign Affairs. H.R. 4441. A bill to authorize the appropriation of $3,063,500 as an ex gratia payment to the city of New York to assist in defraying the extraordinary and unprecedented expenses incurred during the 15th General Assembly of the United Nations; without amendment (Rept. No. 1020). Referred to the Committee of the Whole House on the State of the Union.

Mr. BENNETT of Florida: Committee on Armed Services. H.R. 7932. A bill to amend the act of July 2, 1948, so as to repeal portions thereof relating to residual rights in certain land on Santa Rosa Island, Fla.; with amendment (Rept. No. 1021). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. S. 561. An act to amend the act relating to the small claims and conciliation branch of the municipal court of the District of Columbia, and for other purposes; without amendment (Rept. No. 1023). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 8181. A bill to authorize the Secretary of the Interior to construct a National Fisheries Center and Aquarium in the District of Columbia; without amendment (Rept. No. 1024). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. S. 2239. An act to amend the act entitled "An act to incorporate the National Society of the Sons of the American Revolution," approved June 9, 1906 (34 Stat. 227), in order to remove the statutory limitation on the amount of property such society may receive, purchase, hold, sell, and convey at any one time; without amendment (Rept. No. 1025). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 403. Resolution creating a select committee to conduct an investigation and study of the administration, operation, and enforcement of the Export Control Act of 1949, and related acts, without amendment (Rept. No. 1027). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 428. Resolution for consideration of H.R. 6242, a bill to amend section 508 of title 28, United States Code, relating to attorneys' salaries; without amendment (Rept. No. 1028). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONNER: Committee on Merchant Marine and Fisheries. S. 513. An act to authorize and direct the Secretary of the Treasury to cause the vessel *Acadia*, owned by Robert J. Davis of Port Clyde, Maine, to be documented as a vessel of the United States with coastwise privileges; without amendment (Rept. No. 1018). Referred to the Committee of the Whole House.

Mr. BONNER: Committee on Merchant Marine and Fisheries. H.R. 3840. A bill to provide for the conveyance of certain real property of the United States to the Carolina Power & Light Co.; with amendment (Rept. No. 1019). Referred to the Committee of the Whole House.

Mr. LIBONATI: Committee on the Judiciary. H.R. 4795. A bill for the relief of Walter J. Johnson; without amendment (Rept. No. 1022). Referred to the Committee of the Whole House.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 8466. A bill to authorize the construction of a railroad siding in the vicinity of Taylor Street NE., District of Columbia; without amendment (Rept. No. 1026). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOW:

H.R. 8863. A bill to help maintain the financial solvency of the Federal Government by reducing nonessential expenditures through reduction in personnel in various agencies of the Federal Government by attrition, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BREEDING:

H.R. 8864. A bill to amend subsection (d) of section 16 of the Soil Conservation and Domestic Allotment Act, as amended; to the Committee on Agriculture.

By Mr. CHENOWETH:

H.R. 8865. A bill to suspend the imposition of domestic sugar quotas and allotments during the calendar years 1961 and 1962; to the Committee on Agriculture.

By Mr. EDMONDSON:

H.R. 8866. A bill to prohibit the shipment in interstate or foreign commerce of articles imported into the United States from Cuba, to provide penalties for such shipment, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GARLAND:

H.R. 8867. A bill to amend section 304 of the Tariff Act of 1930 to strengthen the requirement that imported articles be marked with the names of their countries of origin, so as to make certain that the ultimate users of such articles will be informed as to their origin in all possible cases; to the Committee on Ways and Means.

By Mr. McDOWELL:

H.R. 8868. A bill to amend the Internal Revenue Code of 1954 to provide for the tax treatment of stock of the General Motors Corp. distributed pursuant to an antitrust divestiture decree arising from *United States* v. *E. I. duPont de Nemours and Company*; to the Committee on Ways and Means.

By Mr. MORSE:

H.R. 8869. A bill to establish a U.S. Agency for World Peace and Security; to the Committee on Foreign Affairs.

By Mr. PATMAN:

H.R. 8870. A bill to amend the Small Business Investment Act of 1958, and for other purposes; to the Committee on Banking and Currency.

By Mr. PERKINS:

H.R. 8871. A bill to amend the Federal Employees' Compensation Act of 1960; to the Committee on Education and Labor.

By Mr. RYAN:

H.R. 8872. A bill to amend the U.S. Housing Act of 1937 to permit occupants of dwelling units in low-rent public housing projects to purchase such units; to the Committee on Banking and Currency.

H.R. 8873. A bill to amend the U.S. Housing Act of 1937 to authorize the construction of the full 810,000 units of low-rent public housing authorized under the Housing Act of 1949; to the Committee on Banking and Currency.

By Mr. SPENCE:

H.R. 8874. A bill to authorize certain banks to invest in corporations whose purpose is to provide clerical services for them, and for other purposes; to the Committee on Banking and Currency.

By Mr. VAN ZANDT:

H.R. 8875. A bill to protect the domestic economy, promote the national defense, and regulate the foreign commerce of the United States by adjusting conditions of competition between domestic industries and foreign industries, and for other purposes; to the Committee on Ways and Means.

By Mr. MILLS:

H.R. 8876. A bill to amend the Internal Revenue Code of 1954 to permit the use of identifying numbers; to the Committee on Ways and Means.

By Mr. MASON:

H.R. 8877. A bill to amend the Internal Revenue Code of 1954 to permit the use of identifying numbers; to the Committee on Ways and Means.

By Mr. FULTON:

H.R. 8878. A bill to amend the Internal Revenue Code of 1954 so as to provide that certain distributions of stock made pursuant to orders enforcing the antitrust laws shall not be treated as dividend distributions but shall be treated as a return of basis and result in gain only to the extent basis of the underlying stock is exceeded; and to further provide that the amount of a dividend in kind received by a corporation shall be its fair market value; to the Committee on Ways and Means.

By Mr. RYAN:

H.R. 8879. A bill to amend the Fair Labor Standards Act of 1938 to extend the child labor provisions thereof to certain children employed in agriculture, and for other purposes; to the Committee on Education and Labor.

H.R. 8880. A bill to provide financial assistance to the States to improve educational opportunities for migrant agricultural employees and their children; to the Committee on Education and Labor.

H.R. 8881. A bill to provide for the registration of contractors of migrant agricultural workers, and for other purposes; to the Committee on Education and Labor.

H.R. 8882. A bill to amend title III of the Public Health Service Act to authorize grants

for family clinics for domestic agricultural migratory workers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 8883. A bill to provide for the establishment of a Council to be known as the "National Advisory Council on Migratory Labor"; to the Committee on Education and Labor.

By Mr. LINDSAY:

H.J. Res. 539. Joint resolution to establish the Theodore Roosevelt Birthplace and Sagamore Hill National Historic Sites, N.Y., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BARRY:

H.J. Res. 540. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. DOMINICK:

H.J. Res. 541. Joint resolution to provide protection for the golden eagle; to the Committee on Merchant Marine and Fisheries.

By Mr. HALPERN:

H. Res. 427. Resolution creating a select committee to conduct an investigation and study of the powers, functions, and jurisdiction of the existing regulatory agencies in the field of aviation; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII private bills and resolutions were introduced and severally referred as follows:

By Mr. DERWINSKI:

H.R. 8884. A bill for the relief of Helena Maria Zielinski (formerly Helena Maria Neumann); to the Committee on the Judiciary.

By Mr. FOGARTY:

H.R. 8885. A bill for the relief of Elisabete Maria Fonseca; to the Committee on the Judiciary.

By Mr. HERLONG:

H.R. 8886. A bill for the relief of Thelma E. McClench; to the Committee on the Judiciary.

By Mr. MILLS:

H.R. 8887. A bill for the relief of Mrs. Lucien Abraham; to the Committee on the Judiciary.

By Mr. SANTANGELO:

H.R. 8888. A bill for the relief of Mr. and Mrs. Michele Del Re; to the Committee on the Judiciary.

By Mr. WALTER:

H.J. Res. 542. Joint resolution relating to the admission of certain adopted children; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

National Lottery of Israel

EXTENSION OF REMARKS

OF

HON. PAUL A. FINO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 23, 1961

Mr. FINO. Mr. Speaker, I should like to acquaint the Members of this House with the national lottery of Israel. The Israeli lottery operation is not particularly extensive, but it is nevertheless a quite significant achievement.

In 1960, the gross receipts of the Israeli national lottery came to some $14 million. The net income to the Government, earmarked solely for the construction of hospitals, policlinics and schools, exceeded $4 million.

The struggle to establish a national lottery in Israel was not easily won—the United States does not have a monopoly on hypocrites. We might perhaps learn a lesson from the words of the director of the Israeli lottery—from his comments on the fight for an Israeli lottery.

"The Israeli lottery exists somewhat less than 9 years. During the period between the two World Wars, it was the Jewish population in Europe which, due to its insecure economic position, was the major buyer of lottery tickets there. In spite of this fact, it took a few years after the declaration of the State of Israel, before the Government and public circles consented to the organization of a lottery in Israel. This reluctance was probably due to the fact that the British, who were the mandatory power in the country for 30 years, considered any lottery as being uneducational. Incidentally, it is worth remarking that even the British are now beginning to abandon these principles, this quite apart from horseracing and betting which have always been considered acceptable by the English. The latter institutions are certainly no more ethical than lotteries under government control, whether or not part of normal government activity."

With these words, spoken before the Third International Congress of National Lotteries held in Tel-Aviv in 1960, Israel's lottery director hit the nail on the head. Israel, like Britain and other nations, has overwhelmed the hypocrites, bluenoses and moralists. Is it not about time that we did the same—America needs a national lottery.

United States Against E. I. du Pont de Nemours & Co.

EXTENSION OF REMARKS

OF

HON. HARRIS B. McDOWELL, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 23, 1961

Mr. McDOWELL. Mr. Speaker, I wish to support my bill to amend the Internal Revenue Code of 1954 to provide for the tax treatment of stock of the General Motors Corp. to be distributed pursuant to an antitrust divestiture decree arising from United States against E. I. du Pont de Nemours & Co.

It is my deep and sincere conviction that my bill, H.R. 8868, will help resolve the problems facing the Du Pont stockholders who are immediately affected by a recent decision of the Supreme Court which requires that E. I. du Pont de Nemours & Co. dispose of all of its stock in the General Motors Corp.

Earlier this year, I introduced a bill, H.R. 7348, which was identical to a legislative measure on the Du Pont problem approved by the House Ways and Means Committee in 1959.

Upon the introduction of H.R. 7348, I said that:

> It is entirely possible that further action of the Ways and Means Committee, working with officials of the new Democratic administration in Washington, may be necessary to further perfect legislation dealing with the divestiture ordered by the Supreme Court.

I am convinced that it is neither necessary nor wise to try to solve all of the problems which may arise in all of the antitrust divestiture cases in the future before we provide a fair solution for those involved in the Du Pont case. It must not be allowed to drag on and on until everyone concerned loses hope of a just solution. This case must be concluded promptly and fairly. Substantial sums of money and a considerable segment of our population are involved so that I believe it would be in the public interest for Congress to devise the appropriate means of solution. Accordingly, my proposal will by its terms apply to the Du Pont decision and the particular Du Pont stockholders immediately and directly affected by the Supreme Court decision. In order to get the case disposed of promptly, my proposal will apply only if all of such divestiture is completed on or before January 1, 1964.

My proposal would provide for individual stockholders the same tax that would be paid under the bill, H.R. 8190, introduced by the gentleman from Illinois, Congressman MASON. In general, an addividual, for instance, who bought or inherited his Du Pont stock since 1949 would not pay any tax on the General Motors stock distributed to him because his basis in the Du Pont stock will be greater than the value of the General Motors stock he receives. Likewise, an individual who bought or inherited his Du Pont stock before 1949 would pay some tax at capital gains rates, the amount of the tax depending on how much the value of the General Motors stock exceeded the basis of his Du Pont stock.

Moreover, under H.R. 8868, the distribution of General Motors shares to individuals would reduce the basis of the Du Pont shares in an amount equal to the fair market value of the General Motors shares and any excess of the value of the General Motors shares over the basis of the Du Pont stock would be taxed at capital gains rates. Thus, assuming that the value of the General Motors shares distributed with respect to each share of Du Pont was $60, any shareholder with a basis of $60 or more in his Du Pont stock would receive the General Motors shares without paying any tax. The shareholder's basis in the Du Pont stock would be reduced $60. Any shareholder whose basis in his Du Pont stock was less than $60 would pay capital gains tax on the excess of the

$60 value of the General Motors shares distributed over his basis. His basis in the Du Pont stock would be zero and his basis in the General Motors stock would be its fair market value.

I have been disturbed by the application in the instant case of the provisions of existing law which permits a corporate shareholder receiving a distribution in property other than money to get the double benefit of the 85-percent dividends received deduction and permission to treat as gross income less than the fair market value of property received.

In the Mason bill, H.R. 8190, this problem is dealt with by introducing a change in permanent law embracing all dividends received in the form of property other than money by a corporation. This will have far-reaching implications. Using the instant situation to change long-standing rules of present law in unrelated situations can only result in slowing down legislative action on the immediate problem which is the relief of hundreds of thousands of innocent Du Pont and General Motors shareholders from an undeserved penalty.

My bill would provide relief to persons who receive General Motors stock from a corporation, such as Christiana Securities, for example, which holds Du Pont stock only if two conditions are met: First, the intermediate holding company must be required under the court decree to divest itself of such General Motors stock as it received from Du Pont; and second, the intermediate corporation must have elected to pay the higher tax under the special corporate provision which is similar in effect to section 2 of H.R. 8190.

The Mason bill changes the tax treatment of a corporation receiving as a dividend property other than cash in all cases whether or not there is any connection with an antitrust suit.

The McDowell bill says this treatment will apply only to a corporation affected by the Du Pont decision if the corporation elects this treatment in order that its own shareholders may qualify for the return of capital provided in this bill.

Under present law, General Motors stock that is distributed to Christiana Securities, for example, would be taxed at about 16 cents a share. And if the court requires them to distribute this to their own shareholders the value of such stock would be taxed like a dividend to the Christiana shareholders.

I include here the text of my bill, H.R. 8868, to provide for the tax treatment of stock of the General Motors Corp. distributed pursuant to an antitrust divestiture decree arising from United States against E. I. du Pont de Nemours & Co.:

H.R. 8868

To provide for the tax treatment of stock of the General Motors Corporation distributed pursuant to an antitrust divestiture decree arising from United States against E. I. du Pont de Nemours and Co.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provisions of subtitle A of the Internal Revenue Code of 1954, if a shareholder receives a distribution, before January 1, 1964, from a corporation pursuant to an order entered by the United States district court under the mandate of the Supreme Court of the United States in United States against E. I. du Pont de Nemours and Company, (366 U.S. 316), and if—

(1) such distribution consists solely of stock (including rights to fractional shares) of General Motors Corporation,

(2) section 301 of the Internal Revenue Code of 1954 would (but for this Act) apply to such distribution, and

(3) such distribution is part of a divestiture of such holdings of the General Motors Corporation stock required to be divested pursuant to such order,

then for purposes of subtitle A of the Internal Revenue Code of 1954, such distribution shall be treated as provided in section 2.

SEC. 2. (a) INDIVIDUAL SHAREHOLDERS.—In the case of an individual shareholder—

(1) the fair market value of the distributed stock shall be applied against and reduce the adjusted basis of the Du Pont stock with respect to which the distribution is made. That portion, if any, of the fair market value of the distribution which exceeds such adjusted basis shall be treated as gain from the sale or exchange of property;

(2) the basis of the stock received shall, in the distributee's hands, be its fair market value at the time of the distribution;

(3) the basis of the Du Pont stock with respect to which such distribution was made shall be its adjusted basis immediately before such distribution, reduced (but not below zero) by such fair market value; and

(4) the earnings and profits of the E. I. du Pont de Nemours and Company shall not be reduced by reason of such distribution. An individual who receives stock described in the first section of this Act on the basis of his holding of stock in a corporation other than E. I. du Pont de Nemours and Company shall apply paragraphs (1), (2), and (3) as though his holding was in such company but only if the distributor has elected to have subsection (b) apply.

(b) CORPORATE SHAREHOLDERS.—In the case of a corporate shareholder electing to have this treatment apply, the distribution shall be treated as provided by section 301 of the Internal Revenue Code of 1954, except that—

(1) the amount of the distribution shall be the fair market value of the stock received,

(2) the basis of the stock received shall, in the hands of the distributee corporation, be the fair market value of the property distributed, minus the deduction for dividends received, as provided for in sections 243, 244, 245, and 246, attributable to the distribution as determined under regulations prescribed by the Secretary of the Treasury or his delegate.

Reader's Digest Supports Cuban Refugee Emergency Appeal of the International Rescue Committee

EXTENSION OF REMARKS

OF

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 23, 1961

Mr. FASCELL. Mr. Speaker, one of the earliest and major contributors to the Cuban refugee relief program has been the well-known International Rescue Committee, Inc., with headquarters in New York.

The committee instituted its Caribbean program on July 13, 1960. Since that time, it has helped 20,000 Cuban refugees, some 12,000 in the Miami area and about 8,000 elsewhere, primarily New York, New Jersey, and southern Connecticut. One thousand four hundred were resettled from Miami, and more than 3,000 job opportunities were secured for refugees who turned to the committee for help. New registrations in Miami and New York average 250 a week, or almost 600 people if family members are included. Facing a caseload of 30,000 Cuban refugees by the end of the year, the committee is facing a grave financial crisis.

After the revolution in Hungary in 1956, more than 38,000 Hungarians entered this country. For this gigantic relief program, the committee received a total of $3 million with which it aided in resettling these refugees from oppression.

I point out that by the end of this year, we expect to have received on our shores more than 150,000 refugees from Communist-infected Cuba—more than three times the number of Hungarians. The total program for the Cuban refugees relief program for the year 1960-61 was financed by the committee with $350,000 raised by June 30 of this year. In comparison to the $3 million donated for the Hungarians, this is a meager figure indeed for the existing program of relief and assistance. Not less than a million dollars is needed now for IRC's share of emergency assistance, a stepped-up resettlement program, and intensive retraining.

Of substantial help to the committee in its efforts has been an appeal made by the Reader's Digest Foundation, which solicited the financial support of its readers and contributed a check of $10,000 to initiate a nationwide appeal. During this past month, an information program has been conducted throughout the country in support of the Reader's Digest appeal.

The International Rescue Committee brings 28 years of experience in aiding escapees from dictatorship. I trust all Americans will take an equal interest in its program of assistance so that it may effectively focus that experience on the needs of the 30,000 Cuban exiles in our midst and all those who will continue to find a haven here in our country from oppression and tyranny.

Statistics of Questionnaire Sent to New Jersey Constituents

EXTENSION OF REMARKS

OF

HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 23, 1961

Mr. WIDNALL. Mr. Speaker, recently I mailed a lengthy questionnaire to

60,000 constituents eliciting their views on important issues.

The response of over 12,000—over 20 percent—was remarkable, as it is well known that a 10-percent figure is a usual return.

On most questions asked, the views expressed were clear cut, the percentages weighing heavily in favor of or against a proposal. On a few the majorities in one column were less persuasive, but equally interesting.

The district which I have had the privilege of representing in the House of Representatives since 1950 offers a healthy cross section of American life, with rural, industrial, farm, and suburban areas, moderately large cities and tiny hamlets, regions of considerable wealth and low-income areas.

Because the Seventh District of New Jersey is so representative of the country as a whole in the backgrounds and occupations of its residents, I feel readers of the RECORD will find considerable interest in the statistics of this poll reproduced below:

	Percent		
	Yes	No	No opinion
1. Do you believe Communist China should be recognized by the United States?	20	76.25	3.75
2. Do you believe the competition of low cost Chinese made goods would provide jobs for Americans?	7.5	85	7.5
3. Do you approve direct Federal grants to States to assist school construction?	61.5	37.5	1
Should such aid be based on need? (Of those favoring aid for construction, 94 percent favor basing aid on need.)	57.5	15	27.5
4. Do you approve direct Federal grants to States for teachers' salaries?	25	73.5	1.5
5. Should there be Federal aid to parochial schools?	20.74	78.26	1
6. The hourly minimum wage is $1. Do you favor an increase, and if so, which do you favor?			
Percent			
$1.15 — 25.0			
$1.25 — 42.5			
Other — 15.0			
No increase — 17.5			
7. Do you favor trading butter and other surplus products to the Soviet bloc for strategic materials?	50	46.25	3.75
8. Do you favor continuance of the House Un-American Activities Committee?	81.25	15	3.75
9. Do you favor an increase in 1st-class postage rates?	42.5	55.75	1.75
10. Do you favor an increase in 2d- and 3d-class postage rates?	70	28.25	1.75
11. Should we give the President the right to accept or veto specific items in appropriation bills so that he might disapprove specific appropriations? (Now he has to accept all or nothing.)	67.5	27.5	5
12. Do you favor a Federal program of medical aid for the elderly?	72.5	21.25	6.25
Through Federal aid to States, each State to administer the program on the basis of need?	50.5	49.5	------
Through social security?	62.5	37.5	------
13. Should the United States establish a West Point type academy for diplomats?	77.75	20	2.25
14. Do you favor enactment of a Federal so-called "fair trade" law permitting manufacturers to set minimum prices throughout the country?	25	72.5	2.5
15. Do you believe we should agree to further land concessions to the Communist Chinese in the Straits of Formosa (Quemoy, Matsu)?	7.5	87.5	5
16. Do you favor competitive development of atomic energy by private enterprise for commercial purposes?	86.25	10	3.75
17. Should we continue the mutual security program of military and economic assistance to friendly nations?	81.25	15	3.75
18. Do you favor retaining the Connally amendment of 1946 (U.S. right to determine which issues are rightly the province of this country to settle and not subject therefore to the jurisdictions of the International Court)?	70	12.5	17.5
19. Do you favor lowering the voting age to 18?	23.25	75	1.75
20. Do you favor a peacetime veterans educational benefits program, similar to the postwar GI bill of rights?	41.25	57.5	1.25
21. Do you favor elimination of crop restrictions to permit a farmer to grow sufficient foodstuffs on his own farm for consumption by livestock being raised on the same farm?	87.5	6	6.5
Should feed grain be subsidized?	12	75	13
22. Should there be a reduction of Federal Government competition with privately owned business and industry?	77.5	18.75	3.75
23. Should we abolish the affidavit of nonmembership in subversive organizations (loyalty oath) from the National Defense Education Act?	12.5	82.5	5
24. Do you favor Federal aid to depressed areas?	85	12.5	2.5
Percent			
(a) By loans — 67.5			15
By grants — 17.5			
(b) To industrial areas?	73	10	17
(c) To rural areas?	71.25	10	18.75
25. Do you favor raising the $1,200 limit on earnings in order for one to be eligible for social security benefits?			
Percent			
To $1,800 — 25			
To $2,400 — 35			
No change — 13.75			
Unlimited — 8.75			
Others — 17.5			
26. Should the public housing program be continued and enlarged?	50	43.5	6.5
27. Do you believe in the proposed Peace Corps program?	55	37.5	7.5

The Impact of Imports and Exports on American Employment

EXTENSION OF REMARKS

OF

HON. J. ERNEST WHARTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 23, 1961

Mr. WHARTON. Mr. Speaker, under leave to extend my remarks, I should like to include a statement prepared for presentation to the Subcommittee on the Impact of Imports and Exports on American Employment on even date herewith:

Mr. Chairman, I am very pleased to have this opportunity to appear before the Subcommittee on the Impact of Imports and Exports on American Employment, and trust that I may thereby reflect the views of a substantial segment of my constituents. I think you have embarked upon a most commendable undertaking.

I have a peculiar habit of doing a part of the family shopping for the simple reason that I like to observe the fluctuations of the price index at first hand. I am not above seeking a bargain, but I draw the line on inferior imported merchandise and I do object to the 3 percent that is added on for trading stamps. They are like gambling, in that some people like to indulge and others don't, and I just do not want to be bothered with trading stamps—it's a personal matter. Now, imports, too, are deceptive and usually an inferior article and I have legislation pending to require that the manufacturer's name and address appear on all assembled merchandise, including the textiles. In the first place, a manufacturer is legally responsible for defects in his wares and the absence of a label suggests that somebody is ducking the issue and trying to hide his identity. More important even than that, and my first concern, is the American workman and I would like to see him employed full time. A normal person doesn't want to be unemployed and on a dole, and I for one only want to support him in that manner as a last resort. That is the problem that confronts us here today.

In my locality, textile and wearing apparel is a field of small operations where many family businesses and small plants of national firms predominate. As a result, the impact of low priced imports manufactured in countries with substandard wages and living conditions is widespread. During the past decade, there have been many instances reported where employment opportunities have dropped at an alarming rate. These people did not become unemployed as a result of automation, but because our markets, using words of those in the business, have been "glutted with imports" and merchandise of inferior quality.

Now, we already have the machinery to control imports—it is in the hands of the executive branch of the Government, and the time has arrived to use it. Today, we read that our automobile industry is in trouble and that is not difficult to understand when you look out in the street and observe the number of foreign cars on our highways. They are not superior to our cars, but they are cheap and buyers are demanding economy merchandise, not necessarily the lowest available price but the best buy for the long run.

In my opinion, this is a problem for the experts, and I have wired all of the responsible labor people of my own textile industry for an expression of their views. In closing, I should like to quote the reply of one of the outstanding union representatives in my district and submit that your committee extend serious consideration to the views expressed in the following telegram:

"Congressman J. ERNEST WHARTON,
"House of Representatives,
"Washington, D.C.:

"The impact of import on our industry, namely, men's shorts and suits, has had a

definite damaging effect. The union has proposed several remedies. We take exception to the fact that competitively it is impossible to compete with imports due to low wages and other subminimum conditions. Our manufacturers cannot even make the garments for what an imported garment sells for in this country. Unless definite steps are taken either to set quotas or raise the standard of living in these foreign countries, our workers will be without jobs. We must have reciprocal trade but we must see to it that our workers and manufacturers have competitively equal working conditions.

"MRS. RITA BAKER,
"Business Agent, Local 186, Amalgamated Clothing Workers of America, AFL–CIO."

Address by Hon. John E. Fogarty of Rhode Island, to the Rhode Island Optometric Association

EXTENSION OF REMARKS
OF
HON. JOHN E. FOGARTY
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, August 23, 1961

Mr. FOGARTY. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following address by me at the annual banquet of the Rhode Island Optometric Association:

REMARKS OF HON. JOHN E. FOGARTY, U.S. REPRESENTATIVE, SECOND CONGRESSIONAL DISTRICT OF RHODE ISLAND, AT ANNUAL BANQUET OF THE RHODE ISLAND OPTOMETRIC ASSOCIATION AT LINDSEY'S, LINCOLN, R.I., ON SATURDAY, JUNE 10, 1961

It is a great pleasure to be with you tonight and to have this opportunity to talk to you about eyes, aging, and our Nation's most important resource—healthy population.

I have long been impressed with the important supportive role played by the optometrist in the early detection of diseases of the eye. Into your offices come people with all kinds of visual defects, and you thus are key personnel in advising the patient when disease requires further treatment. This is a tremendous responsibility you have. There are only about 20,000 optometrists in the United States, and it has been estimated that almost 40 percent of the population has eye defects.

I am aware of your code of ethics which binds you to advise the patient whenever other professional care seems advisable, and of the fine work you have done through the "Optometry Annual," which for years has stimulated interest in the early detection of glaucoma by competent refraction of the eye. The discipline of optometry has earned the gratitude of all of us for its use of preventive and corrective measures to insure maximum vision and comfort for a considerable part of our population.

Spectacles have been in use since the 14th century, but the discipline of optometry is relatively new. Right here in New England, just 27 miles from Boston, Dr. Augustus Klein set up the Klein School of Optics, in 1896, where he delivered lectures in a pine grove on his estate. The following year the American Optometric Association was founded. While Dr. Klein was not one of its founders, clearly it is the pioneering work of men such as he that established the roots that have become the discipline of optometry.

Still, I am impressed by the small numbers of optometrists we have who have such an important role in dealing with eye conditions in our population, especially in that nearly 10 percent of our population age 65 or older.

You may be asking yourselves at this point—how do I qualify to speak to you on the subject of aging in the field of optometry, or aging in any field, for that matter? My answer is simply that in the course of my 20 years in Congress I have become deeply interested in and active on the Health Subcommittee on Appropriations. As chairman of that subcommittee for 9 years I have been privileged to take a leading part in the establishment of a broad forward-looking program of research in the medical and biological sciences. To keep abreast of developments it was necessary for me to learn as much as possible about these fields to qualify as a well-informed layman, while at the same time serving as your Representative, and, of course, as a citizen who has the same stake in medical progress as any other citizen.

Early this year the White House Conference on Aging was held in Washington. As some of you may be aware, I have a deep personal and official interest in the results of this, the first White House Conference on Aging. I am proud to have introduced H.R. 9822 calling on the President to hold such a conference. Officially, in my opinion, I performed no more important task while chairman of the Appropriations Committee of the House of Representatives.

The importance of your profession's contribution to this conference was recognized when Dr. Ralph Wick, chairman of the Committee on Vision Care of the American Optometric Association was named to its National Advisory Committee.

In addition to Dr. Wick, two other representatives from the association served as delegates as well as delegates from the American Optometric Foundation and the National Society for the Prevention of Blindness.

It was interesting to me to note in the Conference recommendations, the number of references to "optometry" and its significance in the total approach to meeting the challenge of aging.

I must share with you my deep concern about the results of the White House Conference. If you heard or read any of the many speeches I made preceding the Conference, and at the meeting itself, you know what stress I placed on action. The Conference was not intended to be the goal—but a beginning along the lines that 2,565 voting delegates decided in workshops and general sessions.

During the recent hearings on the appropriations of the Department of Health, Education, and Welfare, I was very critical of the report of the Conference because it was not the blueprint for action that had been promised. I ventured to add that this might well be the most expensive and least productive of the national conferences and could be a cruel hoax against our senior citizens who prayerfully waited patiently for positive action after the hundreds of gatherings that were held in preparation for the Washington meeting.

More than ever, I believe that favorable action should be taken on the bill I introduced in Congress on the opening day of the White House Conference. It calls for the creation of a Federal Commission on Aging that will provide the mechanism, prestige, and independence needed to keep the national program on aging vital and meaningful and not a leftover function or second best activity of any one department.

I have just heard of the formation of the Vision Institute of America and some of the plans for pilot projects in the field of aging. This is a most important development in the field of aging and its potential for the field of optometry is equally significant. We shall all be watching and encouraging you in this endeavor. It is almost the prophesy on the cover of "Vision of the Aging Patient" come true. It says: "Old age can well be the golden years of a human life. The optometric profession can help to make it that by the proper care of the most vital of the senses—vision."

It is my hope that Rhode Island will take a leadership role in this entire field of meeting the needs of the aging on all fronts. There are several unique factors affecting our State which are the basis for my expressing this objective.

At the present time, our older persons covered by medical insurance far exceed the national average.

Rhode Island welfare and medical programs are somewhat more liberal than in many other States. Only 8 percent of our population receives old-age assistance benefits, ranking 41st among the other States.

A State analysis shows 27 percent of the aged in Rhode Island to be handicapped by serious defects in vision, hearing, or mobility.

It is most encouraging to have Brown University included among the distinguished universities undertaking a part of the national research program.

At Brown, initially, the socioeconomic factors associated with aging will be studied and the relationship between these factors and the medical and biological aspects of aging and old age will be assessed. Five of the departments of the university will contribute to the project and the Rhode Island Hospital and community facilities will be used for clinical research purposes.

Other aging studies at Brown University are being supported by the Atomic Energy Commission, the Public Health Service, and the Ford Foundation.

Arrangements are underway to hold the second of the nine regional conferences—sponsored by the U.S. Office of Education with seven other educational groups at the University of Rhode Island in August. Again our State will play host to leaders from all of the New England States to develop the place of education in meeting the needs and desires of our elderly for lifelong learning and meaningful retirement.

It is my hope that the University of Rhode Island may become one of the Nation's centers on aging and preliminary steps have been taken toward that goal.

This is my concept of action. It has meaning for each of us in the job we are performing in our chosen fields and as citizens of the State and Nation.

To you, as optometrists numbering approximately 20,000 nationally and 150 within Rhode Island, there is a tremendous opportunity.

A few figures tell us of the task before you. Approximately 70 million Americans have eye ailments and need glasses; about 1 million persons have glaucoma without knowing they have it; 350,000 persons are considered legally blind, half of these are individuals 65 years of age or older.

It costs the United States approximately $500 million annually for the special benefits for the blind. There is no way to measure the cost to the individual, his family, friends, or the community.

Of this I am sure, that with the devotion to your profession that has been reflected in your growth and achievements, there is a brighter tomorrow for our Nation and for our senior adults who have had cause to doubt the value of their added years.

Now they can look forward to useful, healthful years lived with dignity and independence.

Much of this will be realized because you have kept faith with your own optometry's pledge:

"Next to life itself, God's most gracious gift is sight, and to the service of this great gift of sight we optometrists sincerely and faithfully dedicate our ministry."

Memories of the Critical Fuel Oil Crisis in World War II Should Serve as a Grim Reminder That the Distressing Situation Is Certain To Be Repeated in the Event of Another National Emergency

EXTENSION OF REMARKS

OF

HON. JAMES E. VAN ZANDT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 23, 1961

Mr. VAN ZANDT. Mr. Speaker, I should like to insert the following paragraph from a newspaper story:

> The Manufacturer's Building at 7 Beverly Street, which houses 30 small firms, many engaged in war work, will be closed today for lack of fuel oil, Miss Anna Bowman, superintendent, said yesterday.

For anyone who is not familiar with the critical fuel oil shortage that enveloped New England during World War II, I invite him to request the Library of Congress to provide copies of newspapers from Boston, Providence, New York, or other areas along the upper east coast for 1942 and/or the early months of 1943. He would find many items akin to that which I have just read from a February 1, 1943, edition. Here are just a few headlines:

"Lack of Oil Shuts Down Many Mills: War Work Halted as Thousands Lose Their Jobs," February 3, 1943.

"Hospital Is Ordered Closed by City To Save on Fuel Oil: Patients at Neponset Beach Institution for Children at Rockaway To Be Moved Today," January 4, 1943.

"End of Many Activities Held Imminent Under Cut in Oil: Churches, Schools, and Theaters Face Closing Unless Coal Users—Officials Expect No Early Relief," January 7, 1943.

"Bunker C Imports Into Rhode Island Short by 14,000 Barrels Daily," February 26, 1943.

"Exodus of Labor Threatens Mills in Fuel Oil Crisis," February 5, 1943.

Those are but a few of the headlines that you will see if you ask for the early 1943 issues. Go back a year, from the time that our tanker traffic from the Gulf of Mexico to the east coast first began to fall prey to enemy submarines and you will realize that the long fuel oil deficit was inevitable. You would not have to be many yards east of the beaches to read those headlines at night by the lights of the tragic fires that flamed into the skies as ship after ship exploded. Here is a May 27, 1942, headline:

"New England Told Not To Expect Oil: Ickes Says Worse Situation Is Coming and Asks Conversion to Using Coal."

June 5, 1942: "Hardship for Fuel Oil Users Protected by Fuel Industry Council."

Incidentally, the Council referred to was the Petroleum Industry War Council, and I dare say that anyone who advocates free access to American markets for foreign oil might do himself and his country a favor if he would review some of the Council's records for the World War II period. Better yet, place the front pages of this week's newspapers alongside those of 18 and 19 years ago, and then ask yourself this question: In view of the current crisis over Berlin, can a single American plant, factory, or generating station that would contribute in any way to a war effort be permitted to rely on a foreign source of energy?

The matter of the American coal industry's interest in restricting imports of residual oil has been in discussion for at least 12 years. I appealed to Congress as far back as 1950 to enact a quota restriction as a medium of protecting the jobs or our miners and railroaders. My friends from New England have made similar appeals on behalf of textile workers, fishermen, and miscellaneous other labor groups whose unemployment is directly attributable to excesses of imports.

It would be difficult for any human being to visit an area of chronic surplus labor and refrain from attacking the major causative of this condition. There is no question about why so many of our mines are closed, why so many of our railroad cars are idle on sidings. Many markets that once provided outlets for coal supply have simply turned their backs to our coal producers and opened the doors of their boilerrooms to tanker-borne fuel. The price differential is usually not pronounced, but it is always used as a lure. When a shipper of foreign oil agrees to sell his product at whatever level is necessary to get below the cost of coal, the consumer does not have to rely upon his calculating machine—whether it be Remington Rand, Olympia, or Olivetti—to determine which fuel is cheaper.

Eventually, of course, the company which chooses foreign oil is going to find that it has not taken the more economical course. When there are enough plants unable to convert back to coal, and when enough railroad tracks into others have been abandoned, the international oil crowd will be able to charge what it pleases. Historically, it is the practice of a monopoly to destroy competition and then boost prices at will.

These entreaties from the standpoint of the economy of coal regions have gone unanswered. Perhaps next year, when the Reciprocal Trade Agreement Act expires, some consideration will be demonstrated toward this problem, for it is evident that a growing number of industries and areas are suffering progressively more as a consequence of the Nation's illogical trade policy.

Of late my colleagues from Massachusetts have presented in the RECORD a large number of editorials on residual oil imports. It is my intention to attempt some measure of reciprocation by providing, from time to time, relevant material from earlier editions of newspapers from that section of the country. In deference to my friends who do not remember developments on the fuel front in the early war years, I shall request that complete news stories, rather than mere headlines such as I have inserted today, be included in the RECORD. Perhaps my friends from New England will wish to discuss further those dark days of 1942–43 as this material appears in the RECORD. I shall welcome their expressions.

Meanwhile the country must depend upon the mandatory oil import program for protecting domestic fuel industries from the destructive effects of unfair competition from foreign oil. The program is obviously far from satisfactory. Last year's record high volume of 230 million barrels of residual oil will easily be surpassed in 1961 unless the current crisis jolts the Department of Interior into reducing substantially the quota allocations. As of August 4, imports for this year were running at almost 6 million tons higher than for the equivalent period in 1960.

If the Secretary of Interior would take note of the headlines which I have presented here today, then check with the White House or Department of Defense on the world crisis, it is inconceivable that he will not order an immediate adjustment in allocations. Somewhere along the line communications between the Departments have apparently broken down. On the one hand the President soberly warns the Nation of the gravity of Khrushchev's threats. Congress is asked to provide astronomical increases in the defense budget. The draft pace is quickened. National Guardsmen are alerted. Civil defense alarms scream for shelters to guard civilians against fallout.

On the other hand, the Department of Interior goes blithely along its peaceful way, the Secretary so inspired with the beauty and magnificence of parks and monuments and rivers and dams and public power that he is unable to grasp the somber significance of barbed wire and armor that have encompassed Berlin and cast grim shadows over the entire world. Having arbitrarily increased residual oil imports by 100,000 barrels a day shortly after he took office, then in May having recklessly ordered an increase of another 44,000 barrels a day for the following 12 months, the Secretary has exhibited no signs of attempting to get in step with other Cabinet members who foresee the need for mobilization preparations.

I would suggest that the Secretary of Interior make a study of the problems that confronted his predecessor in 1942 and 1943. I would remind him that the tankers which now lie at the ocean floor off the beaches from Miami to Cape Hatteras to Atlantic City and points beyond were in coastwise traffic and not exposed to the added dangers to which ships from Venezuela and the Middle East would be subjected.

If we are ready to call the Kremlin's hand, it is folly to invite an energy gap by relying upon a foreign source of fuel for a war production effort. There can be no further delay in determining which industries necessary to the national defense now using foreign oil would be forced to terminate operations in the event that ocean traffic is disrupted. This information should be obtained as quickly as possible and oil import quotas be revised accordingly.