gress with which the techniques of interpretation are unable to cope, the remedy is to request supplemental legislation."[10]

It is too early to delineate clearly the ultimate features of an antitrust legislative program for this session of Congress. From what I have said, however, you may rest assured that there will be an antitrust legislative program on the House side of Congress, and I welcome freely your comments, advice, and suggestions. I want to hear from you. None of us can disengage ourselves from the impact of antitrust matters, either as implemented or tragically ignored.

[10] Handler, Annual Review of Antitrust Developments, 16 Record of Association of Bar of City of New York, 385, 408 (1961).

Washington Report

EXTENSION OF REMARKS
OF
HON. BRUCE ALGER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Monday, January 29, 1962

Mr. ALGER. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following newsletter of January 27, 1962:

WASHINGTON REPORT
(By Congressman BRUCE ALGER, Fifth District, Texas)
JANUARY 27, 1962.

The Postage Revision Act of 1961, the first major legislative bill of this session passed by voice vote, that is without a record vote of each Member's position. The demerits of the bill are exceeded by the demerits of no bill. Without a bill, the postal deficit would be $830 million this year. This bill (1) will decrease the deficit approximately $700 million; (2) transfer $250 million postal cost to General Treasury expenses as public service (for the blind, etc.); (3) prevent Communist literature being distributed free by the Federal Government (this amendment against the administration's wishes); (4) increase first-class mail 1 cent per letter, and up second-class (magazines and newspapers) and third-class (bulk mailings and circulars).

The bill will not (1) cover any deficit resulting from other postal expenses being increased, as for example, pay boosts; (2) equalize mail users' burden since 70 percent of the increase is borne by first-class mail; (3) nor is it expected that the Senate will accept this bill; it may well be weakened; (4) it was hastily thrown together by floor action rather than in committee, a much greater chance of inequities thus being created (for example, small business may be hurt by the increased cost. We don't know); (5) was passed without a record vote, so the public will never know who was for it or against it. It is my belief that there should be a record vote on every piece of major legislation. The Republican leadership should not, as I see it, join in agreements to prevent record votes on controversial issues. On the record I would have voted for the bill, but I am quick to admit it was not a good bill. As I saw it, the good outweighed the bad, but at best, this is a sorry example of how to legislate.

The Ways and Means Committee is now working on the President's tax proposals, covering (1) investment credit; (2) entertainment expenses; (3) mutual fire and casualty insurance companies; (4) domestic corporations receiving dividends from foreign corporations; (5) exclusion for income earned from sources outside the United States; (6) gain from disposition of depreciable personal property; (7) tax treatment of cooperatives and patrons; (8) withholding on interest, dividends, and patronage dividends; (9) information with respect to certain foreign entities; (10) Treasury proposal on "tax havens." This key committee is composed of 25 members—15 Democrats and 10 Republicans. Eight States have two members, nine have one representative each on the committee, geographically covering all areas of the Nation. Texas is one of those fortunate to have two.

The Dallas Federal Building continues to get attention as it has since I was a member of the Public Works Committee 7 years ago. Patiently I am continuing the effort to (1) get the GSA and the Bureau of the Budget to recommend a budget supplementary request to include the project in the fiscal 1963 budget; (2) get the Appropriations Committee to approve the expenditure.

The cost of Government is now taking $1 out of every $4 of total U.S. spending. At the rate we are going it will not be very long before private property as a share of the Nation's economy will be nonexistent. The President's glowing Economic Report does not offer hope of fiscal responsibility nor a stable economy. The President sees a prosperous year ahead and promises a balanced budget, at the same time urges approximately 70 new ways to spend money, or for ways that spending plans already approved can be increased. Report in U.S. News & World Report shows the prospect of a $100 billion budget within 3 years. Budget outlook: Year to end June 30: Outgo, $89 billion; income, $82 billion; deficit, $7 billion. Year to start July 1: Outgo, $92.5 billion; income, $93 billion; surplus, $500 million. Cash budget, adding social security, highways, other special spending: Year to end June 30: Outgo, $111 billion; income, $102.5 billion; deficit, $8.5 billion. Year to begin July 1: Outgo, $114.8 billion; income, $116.6 billion; surplus, $1.8 billion. A realistic look shows the President is overoptimistic—chances are the outgo will be higher and the income lower. That isn't the whole story of taxes. Add State and local taxes for the year to start July 1: About $50 billion. Federal: $115 billion. Total cash spending by governments: $165 billion.

Government spending is not the answer to a sound economy. The answer is in giving the people their head and allowing our private enterprise system full opportunity to operate instead of trying to smother the people and the system in government.

This is the real issue in this election year. This year the people will decide on what kind of system under which they want to live, that of free enterprise where all the people are free to exercise individual initiative in creating a better life for themselves and their posterity, the system under which we have attained the best life for more people than any other nation in history, or a planned economy, where the Government takes all you have and returns to you what it believes you need—end result, a Socialist-Communist system.

Action this week: Introduced Alger bill (H.R. 9905), to withdraw from the United Nations.

HOUSE OF REPRESENTATIVES

TUESDAY, JANUARY 30, 1962

The House met at 12 o'clock noon.

Dr. George R. Davis, minister, National City Christian Church, offered the following prayer:

Eternal and unfaltering light of the ages, unfailing friend of man, to Thee we commend this historic Chamber, and these Representatives of a free but anxious Nation, set in a troubled world. We know they have Thy blessing. We are assured Thou wilt direct them. Thy comfort shall sustain them. Under trying pressures we trust they and their families shall be secure.

Make them to be increasingly worthy and able citizens of the wider world. And save them from mediocrity, shallowness, narrow parochialism, and deadly fears. If we the people must be to some extent the human judges of the performance of the men and women who here conduct our affairs, grant us to judge with intelligence, understanding, and good will toward them. Keep all of us from losing heart in our quest for the city of God, through Him who has called us to follow His way. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries.

REORGANIZATION PLAN NO. 1 OF 1962—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 320)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, referred to the Committee on Government Operations and ordered to be printed:

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 1 of 1962, prepared in accordance with the provisions of the Reorganization Act of 1949, as amended.

In my special message on housing of March 9, 1961, and again in my message on the state of the Union earlier this year, I recommended the establishment in the executive branch of a new Department of Urban Affairs and Housing, of Cabinet rank. This plan would fulfill that recommendation.

The times we live in urgently call for this action. In a few short decades we have passed from a rural to an urban way of life; in a few short decades more, we shall be a nation of vastly expanded population, living in expanded urban areas in housing that does not now exist, served by community facilities that do not now exist, moving about by means of systems of urban transportation that do not now exist. The challenge is great,

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

and the time is short. I propose to act now to strengthen and improve the machinery through which, in large part, the Federal Government must act to carry out its proper role of encouragement and assistance to States and local governments, to voluntary efforts and to private enterprise, in the solution of these problems.

The present and future problems of our cities are as complex as they are manifold. There must be expansion: but orderly and planned expansion, not explosion and sprawl. Basic public facilities must be extended ever further into the areas surrounding urban centers; but they must be planned and coordinated so as to favor rather than hamper the sound growth of our communities. The scourge of blight must be overcome, and the central core areas of our cities, with all their great richness of economic and cultural wealth, must be restored to lasting vitality. New values must be created to provide a more efficient local economy and provide revenues to support essential local services. Sound old housing must be conserved and improved, and new housing created, to serve better all income groups in our population and to move ever closer to the goal of a decent home in a suitable living environment for every American family. We will neglect our cities at our peril, for in neglecting them we neglect the Nation.

The reorganization plan I am transmitting would establish a new executive department to be known as the Department of Urban Affairs and Housing. To the Department would be transferred the existing programs and responsibilities of the Housing and Home Finance Agency. These programs include an extraordinary range of diverse yet closely interrelated activities: insurance of mortgages to finance the construction of homes and the ready interchange of existing homes, as well as their modernization and improvement; financial aids to local communities in comprehensive local planning, in slum clearance and urban renewal, and in the conservation and rehabilitation of neighborhoods and whole urban areas; advances and loans to assist in the planning and construction of needed public facilities; loans to assist in meeting the needs of our hard-pressed colleges and universities for student and faculty housing; financial aids in the search for solutions to the baffling problems of urban mass transportation; a variety of tools to stabilize and encourage liquidity in the private mortgage market; financial assistance in providing decent housing for low-income families; and others still.

Widely different as these Federal programs are in subject matter and in techniques, they all affect the lives and welfare of families in our cities and their surrounding areas, and they all impinge in one degree or another on each other. None can or should stand by itself. The basic purpose of this plan is to establish a Department which will bring a maximum degree of coordination and effectiveness to the planning and execution of all of them.

Our cities and the people who live in and near them need and deserve an adequate voice in the highest councils of Government. The executive branch and the Congress need an adequate instrument to assist them in the formulation and execution of policy concerning urban affairs and housing. States and local governing bodies urgently need an agency at the departmental level to assist them in formulating and carrying out their local programs for dealing with these problems. All these needs can best be met through the establishment of the department provided for in this reorganization plan.

It should not be assumed that these are matters of concern only to our larger cities. Hundreds of smaller cities and towns are located on or near the fringes of rapidly growing urban areas. The problems of the cities affect them today, and will be theirs tomorrow. Hundreds of other smaller towns and cities not now affected will be so situated a few short years hence. Thus, the smaller towns and cities have a stake in this proposal as vital as, and only a little less immediate than, that of our large urban centers. This plan is addressed to their needs as well as to those of the major cities. Likewise, it should be emphasized that the Department will have important activities of service to the States. The establishment of this Department does not connote any bypassing or reduction of the constitutional powers and responsibilities of the States under our Federal system of government. Rather, the States must assume additional leadership in the future in dealing with problems of urban areas, and the Department will maintain close working and consultative relationships with them. An example of this relationship can already be found in the urban planning assistance program of the Housing and Home Finance Agency which provides matching funds for use by States to aid municipalities and State, metropolitan, and regional planning agencies facing rapid urbanization. Grants may be used by the States themselves to prepare statewide comprehensive plans for urban development. Just as the programs of the Department of Agriculture have strengthened the role of the States in measuring and helping solve the problems of their farmers, so the Department of Urban Affairs and Housing will provide additional opportunities for the States to play a strong role in the development of their urban communities.

As the Senate committee noted in its report on S. 1633 (S. Rept. No. 879, 87th Cong., 1st sess.), "A Department of Urban Affairs and Housing is needed to provide Federal leadership to solve the problems emerging from the transformation of the American scene from a predominantly rural society to a vast urban complex. More than two-thirds of the American population now lives in metropolitan centers. The figure is multiplying. It is compounded of explosive population growth resulting from an increased birth rate, a declining death rate, and rapid migration of people from rural areas to cities, towns, and villages." The importance of our Nation's metropolitan areas entitling them to representation at the Cabinet table is further emphasized by the great amount of tax revenues they contribute to the Federal Government. For example, in 1959, taxpayers in the 10 largest metropolitan areas paid over $13 billion in taxes or 35 percent of the total amount of individual income tax.

The need for such a department has been increasingly recognized in recent years. A proposal for a Cabinet department substantially similar in nature was advanced at about the same time that the first consolidated Federal Housing Agency was established, 20 years ago. Since then, year by year, both the executive branch and the Congress have taken successive steps to create a more coordinated agency with a fuller range of tools to attack these problems. No fewer than five reorganization plans submitted by my predecessors have contributed to this process. On the legislative side, the Congress has enacted major legislation in the field of urban affairs and housing in every year but one since 1946. The time is here to take the next needed step.

First, Reorganization Plan No. 1 of 1962 would establish a Department of Urban Affairs and Housing, to be headed by a Secretary who would be assisted by an Under Secretary, three Assistant Secretaries, and a General Counsel. All of these officers would be appointed by the President by and with the advice and consent of the Senate. There would also be in the Department, as in many others, an Administrative Assistant Secretary appointed from the classified civil service by the Secretary, with the approval of the President.

Second, the plan transfers to the Secretary of Urban Affairs and Housing the functions of the Housing and Home Finance Agency and its Administrator, including the administration of the programs of the Urban Renewal Administration and the Community Facilities Administration and the authorities now vested by law in the Public Housing Administration and its officers.

Because of its magnitude in our economy and the immediacy of its impact on our people, housing has been and will continue to be the heart of this complex of related programs. In recognition of this fact, the plan provides for the transfer of the Federal Housing Administration as an entity to the new department. Provision is also made for the continuance of the existing office of Federal Housing Commissioner, appointed by the President with the advice and consent of the Senate. The Commissioner would continue to head the Federal Housing Administration under the supervision and direction of the Secretary as head of the department.

Finally, in view of its special legal status as a mixed-ownership corporation, the Federal National Mortgage Association would be transferred to the department without change. The Secretary would serve as Chairman of the Board of the Association, as the Housing and Home Finance Administrator now does. No change in the organization or functions of the Association within the department affecting its secondary market operations could be made unless the Secretary finds that such change would not adversely affect the rights and interests of owners of out-

standing common stock of the Association.

In accordance with the spirit and intent of the Reorganization Act of 1949, as amended, this plan promotes the better execution of the laws, the more effective management of the executive branch of the Government, and the expeditious administration of the public business. It aims to promote economy and increase efficiency to the fullest extent practicable. Its significance in the pursuit of these purposes must be judged in the light of the magnitude and significance of the programs affected.

The various programs with which the new Department would be charged involve Federal investments of billions of dollars, and contingent liabilities of billions more. The quality of administration of these programs has profound effects on land values and tax revenues in local communities throughout the country. The operations of these programs figure importantly in the vitality of the general economy. The policies that govern them play a major role in determinations of national fiscal and monetary policy. Their management in the most effective and coordinated way possible, therefore, will yield economies in the broad sense far outweighing the amount involved in the administrative cost of their operations. And even in the latter area, I am convinced that economy and efficiency will be importantly enhanced by the improved coordination which this reorganization plan will make possible.

For all the reasons herein set forth, I have concluded that the creation of a Department of Urban Affairs and Housing is urgently needed to permit me to discharge most effectively the responsibilities in this area placed upon the President by the Constitution and by the statutes respecting these matters enacted by the Congress.

After investigation, I have found and hereby declare that each reorganization included in Reorganization Plan No. 1 of 1962 is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949, as amended. I have also found and hereby declare that by reason of these reorganizations it is necessary to include in the reorganization plan provisions for the appointment and compensation of the new officers specified in section 2 of the reorganization plan. The rates of compensation fixed for these officers are, respectively, those which I have found to prevail in respect of comparable officers in the executive branch of the Government.

Although the taking effect of the reorganizations provided for in the reorganization plan will not in itself result in immediate savings, the improvement achieved in administration will in the future allow the performance of necessary services at greater savings than present operations would permit. An itemization of these savings in advance of actual experience is not practicable.

JOHN F. KENNEDY.

THE WHITE HOUSE, *January 30, 1962.*

Mr. BARRY. 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 York?

There was no objection.

Mr. BARRY. Mr. Speaker, we have received today from the President a reorganization plan which would establish in the executive branch a new Department of Urban Affairs and Housing, of Cabinet rank. This plan is, of course, the means by which the President hopes to effect the same program which failed even to reach the House floor when the Rules Committee denied a rule to H.R. 8429.

One of the country's foremost authorities on the subject of urban affairs is County Executive Edwin G. Michaelian, of Westchester County, N.Y. During the last session of Congress he was one of two witnesses to appear on behalf of the National Association of County Officials before the Senate committee considering S. 1633, a bill to establish a Department of Urban Affairs and Housing. In presenting the NACO position, Mr. Michaelian stated that "whenever possible, dealings between county and other local governments and the Federal Government should be channeled through an appropriate State agency. We oppose the establishment of a Federal Department of Urban Affairs on the grounds that it would further weaken the States and would tend to create an unwieldy bureaucracy of the type found in many foreign countries."

I also oppose this extension of Federal authority and control into an area which is and ought to remain the responsibility of State and local government. When the reorganization plan comes before the House I intend to spell out my opposition in greater detail. In the meantime, I would like to recommend to the Members of this body the statement Mr. Michaelian made for the NACO, which follows:

Mr. Chairman, we are grateful to you for your kind invitation to appear here today on behalf of the National Association of County Officials. I am Edwin G. Michaelian, elected county executive of Westchester County, N.Y., and a member of the board of directors of the National Association of County Officials.

NACO directly or through our State associations of county officials in 44 States represents elected and appointed policymaking officials in nearly every county in the country.

The legislation before your committee proposes that Congress, with the approval of the President, promulgate a far-reaching comprehensive national policy for housing and urban affairs. A Cabinet rank Urban Secretary would be created to make urban studies, develop and recommend to the President urban policies, coordinate urban activities, and provide technical assistance and leadership to States and localities in urban affairs.

NACO has considered this matter carefully and on August 17, 1960, in Miami Beach, Fla., reaffirmed our American county policy on this point, which reads as follows:

"1–4. Whenever possible, dealings between county and other local governments and the Federal Government should be channeled through an appropriate State agency. We oppose the establishment of a Federal Department of Urban Affairs on the grounds that it would further weaken the States and would tend to create an unwieldy bureaucracy of the type found in many foreign countries."

We have never taken a position on the creation of a Department of Housing.

POSITION SUMMARIZED

While we recognize and strongly support the need for continuing Federal participation in the staggering problems of urbanization, we believe that first priority is for the Federal, State, and local governments to jointly develop a continuing national urban policy that identifies and implements the respective roles of each level of government and of private citizens in urban affairs. This should perhaps be the responsibility of the existing congressionally created and presidentially appointed Advisory Commission on Intergovernmental Relations whose representatives are from all levels of government and the public.

There is also a need for continual study and redefinition of the particular role of the National Government and we respectfully suggest that Congress may wish to consider the creation of a joint congressional Committee on Urban Affairs. Finally, there is urgent need to coordinate the administration of literally hundreds of Federal urban activities that are and must continue to be scattered among every single Federal agency. This responsibility rests constitutionally with the President. We would suggest that the Executive Office of the President be greatly strengthened by the creation of a Special Urban Assistant to the President and that he be provided with sufficient staff and free access to the Cabinet table. This could develop into a Bureau of Urban Affairs comparable to the Bureau of the Budget, a staff area of the President, in the Executive Office of the President.

We examine now the present bill and some of the arguments advanced by proponents of a Department of Urban Affairs.

DEVELOPING A NATIONAL URBAN POLICY

The many statements in the proposed National Urban Affairs and Housing Department set forth in section 3 of this bill are indeed noble and worthwhile. Our association continues to support Federal aid for urban renewal, community facilities, airports, planning grants, water pollution control, air pollution control, urban highways, and many other projects. Although this section does not at this incident assign any additional functions to the proposed Department, it nevertheless gives the impetus for such future assignment. We would recommend, rather than declare, national policy in advance of the enactment of some future Federal program that it should be considered concurrently with the substantive portion of the future legislation.

In considering our national urban policy, we think that it is important that all levels of government have a part. As evidence of our counties' deep involvement in urban affairs, we would submit our policy statement and our urban county congress proceedings.

Often, for example, there is a tendency to equate urban with the central city. This misses the point that at the present time, approximately 50 percent of our citizens in the 217 metropolitan centers live in the central city while 50 percent live in the suburbs. The Advisory Commission reports, for example, that observed trends indicate that between 1950 and 1980, while the total population of metropolitan areas almost doubles, the population of central cities may increase only 30 percent, while that in the metropolitan rings may increase by 180 percent. These suburbanites are, generally speaking, provided municipal services by our urban counties.

The central cities are actually dropping sharply in population. Washington is down 6.9 percent, Boston 15.4 percent, Pittsburgh 11.2 percent, and Buffalo 8.9 percent.

There are some 17,000 cities, 3,000 counties, and many towns, villages, and other local units in addition to the 50 States that are involved in urban affairs.

If our counties were allowed to participate in the development of our national urban policy we would specify that insofar as possible dealings between the Federal Government and local governments should be channeled through the States. This, in spite of the fact that our urban counties are often more underrepresented at the State legislature than are large cities. We feel that we have a vital stake in the preservation of our Federal systems.

We would also want to more sharply define what is urban and what is not.

CENTRAL CLEARINGHOUSE

The argument is made that there is need to concentrate urban affairs in a single department so that there is a single place for a local government official to go when he has an urban problem. This is something that we all wish were possible but the Government is just too big, and putting a lot of things in one department does not necessarily mean that it will be easy to get access. The present bill, for example, proposes to place all housing matters in a single department and yet two major programs that contribute 63 percent of the residential mortgage financing are not included in the new Department—we refer to the Federal home loan bank system and veterans' home loan program.

In point of fact, the present Housing and Home Finance Agency has had Cabinet status for some time in the sense that the Administrator has been invited to sit in Cabinet meetings when housing problems were discussed—and yet—any local official can tell you that from experience the various housing agencies are located in many places in Washington.

SPOKESMAN FOR URBAN AFFAIRS

The argument is made that the farmers have a Secretary of Agriculture who is their spokesman at the Cabinet table and that a similar Cabinet officer must be created to be spokesman for urban affairs. In the first place, history has taught us that the farmers have not always felt that the various Secretaries of Agriculture spoke for them. In the second place, there is the inference that an Urban Secretary would take the urban point of view on all things. This ignores the fact that Cabinet officers must, of course, support the policy of the President. To cite an example: In the last session of Congress, the American Municipal Association, the U.S. Conference of Mayors, NACO, and several other associations representing urban officials strongly endorsed Federal aid to airports located on the national airport plan. It was the view of the President that the Government should gradually withdraw from this area. Had we had a Secretary of Urban Affairs it is not likely that he would support an expansion of the airport program regardless of how important this was to the development of urban areas.

One proponent of a Department of Urban Affairs, Dr. William C. Wheaton, writing in the December 1959 Civic Review, dismissed this alternative very effectively:

"Of the arguments against a Federal department dealing with urban problems, only one appears to have any substance. This is the contention that a Department of Urban Affairs would be a monster embracing most of the activities of the Federal Government. Indeed, that would be the case if we were to try to consolidate in one department all Federal programs dealing in any way with urban areas. We would then have within such a department a Division of Labor, a Division of Business, a Division of Health, Education, and Welfare, a Division of Conservation, and so on. This argues persuasively against a department dealing with all urban affairs."

Combine this with the ability to cut off Federal aid and this indeed would be a most powerful Federal office.

Still on this same problem of coordination, many county officials have raised the question of whether or not this new proposed Department might actually complicate coordination problems. Water and sewage are the key to urbanization. If, for example, you moved the water pollution control grant program to Urban Affairs, wouldn't you create coordination problems with other public health programs in HEW? with the State water pollution control agencies?

From the point of view of a local official trying to build a section federally aided of urban highways, imagine the coordination problem if the Director of Urban Construction is in the Department of Urban Affairs. First, he has to get approval of the highway location from the State highway department. This, in turn, must be approved by the district engineer in the Bureau of Public Roads in the Department of Commerce. Next, it would have to be approved by a field unit of some type in the Department of Urban Affairs. Those of you who have had experience with the location of local Interstate 70 (or Maryland 240) know that the problem of coordination now is endless.

COORDINATION

The Urban Secretary under this legislation is to coordinate urban affairs and the Federal agencies are not to be transferred to his Department under the terms of the present bill, which merely transfers some of the housing functions to the new Department. Congress may well discover that if this bill passes it has created an impossible administrative problem.

How for example is the Urban Secretary to coordinate Federal activities that are located in other Federal agencies? We have had national experience on this point and it is not encouraging. When the Bureau of the Budget was first created to coordinate Federal budgetmaking, it was a subunit of the Treasury. It just isn't practical for one Cabinet officer to coordinate his coequals in the Federal system (particularly from the junior status of the new Urban Secretary). It was found necessary, of course, to move the Bureau into the Executive Office of the President where the Bureau Chief reports directly to the only man who can make ultimate administrative decisions and terminate controversy.

The other alternative, and the one that some proponents of this legislation apparently envision, is that existing urban functions be transferred to the new Department. Indeed bills that have already been introduced in Congress, and other proposals that have been made, would envision placing in the Department some responsibility for public health, highway, railroad, airports, water and air pollution, juvenile delinquency, unemployment, civil defense, fire protection and prevention, education, and open space.

CHANGING CONCEPT OF FEDERAL ORGANIZATION

Perhaps the basic difficulty in trying to identify the exact role of a proposed Department of Urban Affairs lies in the fact that the existing 10 departments of government and all other Federal agencies are organized on a functional basis and the new Department would be organized on the basis of where people live. In the case of a function of government such as delivering the mail it is easy to decide what constitutes the limits of the function. Switching to place of residency as a basis for organization leaves you without a logical place to stop in assigning responsibilities and functions. As has been clearly demonstrated, we are overwhelmingly a nation of urban dwellers and so, logically, most Federal activities dealing with American citizens would tend to be concentrated in urban areas and be involved in urban affairs.

It is interesting to note that in the matter of civil defense, the President, faced with a similar dilemma of a problem so vast in its implications that it concerns nearly every department of the Federal Government (and States and localities, too) chose to reject the oft-made proposal of creating a new Department of Civil Defense and instead chose to reduce the staff of the Office of Civil and Defense Mobilization to a small planning body, and is delegating specific civil defense responsibilities to existing Federal functional agencies. This is not unlike the suggestion we have advanced here on urban affairs.

We feel the establishment of such a department may well empower large metropolitan cities to deal directly with the Federal Government, bypassing not only the States but local communities as well. In other words, it could create a new channel of communications, not only with respect to items concerning metropolitan problems but also lead to an extension of same to include various Federal grants now channeled through the States to local municipalities. Those of us at local government level have grave concern that the proposed Department, once set up, might strengthen the hand of the metropolitan core city to the extent that it would be in a position to dominate, because of its close association with the Federal Government, other local municipalities who operate contiguously to or within the periphery of the core city's metropolitan area.

If it is established, there should be sufficient safeguards to protect the rights of the States and home rule of the municipalities involved and a definition of the powers, functions, and area of operation, lest it become so powerful and dominant an agency of the Federal Government that it would endanger our Federal system.

SUMMARY

Should we not utilize and strengthen such tools of government already existent before embarking upon a new and untried system or setup? We believe the key to the solution of our urban problem is the joint Federal-State-local development and implementation of a national urban policy. This should be accomplished through agencies such as the Advisory Commission on Intergovernmental Relations and a suggested Joint Congressional Committee on Urban Affairs. The President, with a strong staff assistant leading a small Bureau of Urban Affairs in the Executive Office of the President, could coordinate all the Federal agencies having urban responsibilities.

PRESIDENT FRANKLIN DELANO ROOSEVELT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, the distinguished Americans who have occupied the office of President of the United States from the time of George Washington have all been outstanding men. Some of them have been extraordinary men.

Mr. Speaker, on yesterday the House, through a special order procured by the distinguished gentleman from Ohio [Mr. Bow], commemorated the life and services of a great American from Ohio, President William McKinley. Members showed their appreciation and respect for the great service of this great Presi-

dent by wearing red carnations which had been furnished by the Ohio delegation.

Today, through the courtesy of the distinguished gentleman from Ohio [Mr. KIRWAN], we are wearing white carnations to commemorate the administration and service of another of the great Presidents, the late Franklin Delano Roosevelt. It is doubtful whether in all the history of our country the service of any American has had a greater impact upon his day and generation and upon the welfare of the people of our country than that of the late Franklin Roosevelt, one of the greatest Presidents of all time, great in war, great in peace, and great in the hearts of his countrymen.

The New Deal legislation which developed here in the Congress of the United States during his administration set the pattern of legislative activity during ensuing years. The major legislative measures under consideration during the present session of Congress are projections from and expansions of basic laws enacted during the Roosevelt administration. One of these is the Trade Expansion Act, which is a natural successor of the first Reciprocal Trade Act passed under the administration of Franklin Roosevelt. Another is the medical care bill under social security. Here again we have an extension, an important and logical extension, of the great principle of the Social Security Act which was passed during the Roosevelt administration and signed by President Roosevelt.

Here was a man who understood the problems of his day. Here was a statesman who perhaps as much as any of the great Presidents in history foresaw the direction which our country must take if it was to meet the challenges of the future. Here was a President who left legislative landmarks that reach almost every important segment of American life, rural and urban, labor and management. Here was a great man who was loved by the American people, who was their articulate spokesman, who understood them and who responded with statesmanship of rare quality to their common needs. Here indeed was one of the extraordinary men of our history, one of the greatest statesmen of all time.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks; and that all Members have 5 legislative days in which to extend their remarks on this subject.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. RYAN. Mr. Speaker, a generation of Americans which does not remember the circumstances of Franklin D. Roosevelt's presidency is now coming of age; the great depression and the Second World War are matters of history to them, not memories of immediate and intense personal experience. It is increasingly important, therefore, that we pause annually to commemorate the birthday of Franklin D. Roosevelt.

At a time when world peace seems a dream, we must remember the days when dignity and self-respect seemed only dreams to millions of Americans. We must remember that Franklin D. Roosevelt gave us the faith to make dreams realities. And I think it vastly important to recall what he did to restore our economy and lead us through war: how he acted in accordance with the traditional democratic institutions of our Nation—expanding the fabric of rights and limitations to meet the grave challenges of the times.

Mr. Speaker, the memory of Franklin Delano Roosevelt should renew our confidence in the strength of our institutions and should give us courage in these difficult times.

Mr. EVINS. Mr. Speaker, permit me to join with my colleagues in paying a brief but sincere tribute to the life and memory of one of the greatest men this country has produced, the great President Franklin D. Roosevelt.

Today on the 80th anniversary of his birth we may gain inspiration from this man of great courage, great ability, and of action. Franklin Delano Roosevelt took the reins of leadership of the United States at a low point in our national history and successfully guided the country through some of its most trying times. President Roosevelt was never afraid to act in the national interest. He was never afraid to fight to protect and promote the public welfare. He was a people's President, and the name of Franklin D. Roosevelt shines as one of the brightest lights that has guided our Nation.

Today as we honor this great past President, we are fortunate to have as our Chief Executive a man who respects and honors the democratic traditions and principles of government. The important record of service that President Roosevelt achieved in his lifetime continues to benefit the Nation and the world long after his death. He was indeed the "happy warrior" whose place in the hearts of the people of our country and the Nation is assured.

JIM BENNETT AND 25 YEARS OF DEDICATED SERVICE

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, I should like to call the attention of the House to the fact that one of our most distinguished and dedicated public servants, James V. Bennett, this week completes 25 years as Director of the U.S. Bureau of Prisons. He was first appointed to that important post on February 1, 1937. I can recall but few men who have served as the head of a major agency as long, and it is particularly significant when one considers the difficult, often thankless, task that Jim Bennett has. Many other men would have long since given up in sheer futility. But Jim Bennett accepted the problems of our prisons as a personal challenge and turned his stewardship into a record of exceptional achievement.

I first knew of Jim in the latter 1920's when as a management analyst for the old Bureau of Efficiency he was loaned to the Congress to investigate the Federal prisons. At that time these institutions were a disgrace to the Federal Government. Their deficiencies and irregularities repeatedly came to the attention of the Congress and the Committee on the Judiciary. With Jim Bennett's assistance the Congress was able to pinpoint what was wrong with our prisons and what could be done to improve them. He helped to write the legislation which in 1930 created the Bureau of Prisons and set forth its future course of development. Upon rereading the old congressional report which analyzed the shortcomings of our prisons and outlined the corrective steps which needed to be taken, I find that the events of the next 30 years faithfully followed the plan which the Congress endorsed. Jim Bennett must be given full credit for the manner in which he has fulfilled the mandate of the Congress, first as Assistant Director of the Bureau from 1929 to 1937, and, over the next 25 years, as its Director.

During those same years Jim Bennett has been a steadfast friend and helpful adviser to our Committee on the Judiciary. Although burdened with many responsibilities he has given freely of his time, energies, and ideas whenever I as friend and chairman have called upon him. His assistance was particularly invaluable in developing the Federal Juvenile Delinquency Act in 1938, the 1948 statutes providing psychiatric services for the mentally ill charged with crime, the Federal Youth Correction Act in 1950, and the indeterminate and diagnostic sentencing statute in 1958. The latter two bills bore my name. More recently he has been of considerable aid to me in studying the problem of representation for indigent defendants in our Federal courts and in working out a proposal for adapting the public defender concept to the Federal jurisdiction.

But it is what he has done for our American prisons that will stand as his enduring monument. When he came upon the prison scene, our Federal institutions were neglected abodes for the wretched. Prisoners were cast aside like broken tools, never to be used again. Today the same Federal penal system is a model for all the nations and all the world to follow. Jim Bennett did more than improve the living conditions of Federal prisoners, more than improve their food and provide them with clean and decent quarters. He gave meaning to their prison experience and an opportunity for self-improvement and reformation. He provided honorable employment and vocational training to men who previously had served their sentences in stultifying idleness. He provided professional staffs to identify the problems which brought the offenders to prison and to develop programs to resolve or at least alleviate those problems. Jim did many other things as well to give the prisoner hope for a better and more useful life where once he could only serve out his time with a searing sense of hopelessness.

To accomplish these things Jim Bennett built up an expert and capable career service. Before he became associated with our Federal prisons, they were staffed by appointees without civil service status who regarded their work as nothing more than locking steel grilles and counting shuffling files of men. Inevitably these appointees were afflicted with a corroding sense of dissatisfaction and failure. Jim looked for men who wanted to be more than guards, and in developing programs for rehabilitating prisoners he gave his personnel a sense of pride and an esprit de corps which comes out of the knowledge that they are engaged in a work with the high purpose of salvaging human lives. Today there are no guards as such in the Federal prison system; while security duties are carried out efficiently, the prison workers gear their efforts toward changing the liabilities of our society into assets.

Because the Federal prison system now occupies its pinnacle of professional competence, Jim Bennett's advice and assistance are universally valued. It is a rare day when a Governor, a State prison commissioner, or a foreign prison official does not call at his office for advice on correctional problems. At their request he has traveled to many States and nations to study their institutions on the spot and to propose economical and practical means for improving facilities and programs. He has made the Federal institutions available to them as a training ground for their own prison personnel. Jim has also been active in international organizations, including the United Nations, in uplifting prison standards the world around.

But it is his accomplishments with the Federal prison system that have had perhaps the most profound influence on other prison systems, by giving them a guide to follow and a mark to shoot at. Penological theorists, for example, had long pondered the establishment of an open institution, a prison without walls, bars, or guns. It was Jim Bennett who had the courage and the technical know-how to give this idea reality. As a result of the successful operation of the Federal open institution at Seagoville, Tex., the idea has been adopted by other correctional systems and is most enthusiastically regarded by the underdeveloped nations, who cannot afford expensive prison fortresses of the traditional type. Secretary Gene Zuckert of the Air Force used the idea when, as an Undersecretary for Manpower in 1952, he organized the famed retraining group at Amarillo, Tex., to salvage court-martialed offenders. The Seagoville concept has also been adapted for use on every air base confinement facility. The savings to the taxpayer, both in costs of institutional construction and in terms of offenders reclaimed for productive lives, are of course tremendous. Jim Bennett's contributions are humanitarian, but they are also immensely practical.

The same humanitarianism is reflected in his concern over the quality of justice. Aware that men with similar characteristics and convicted of similar offenses were often committed to prison with widely disparate sentences, he has worked untiringly to help bring about more evenhandedness in our system of justice. As I have already commented, he helped me to approach this problem by developing improved sentencing procedures which would enable prisoners to be released when they were ready to lead useful lives rather than at the end of a flatly specified time. Now recognized as an expert on the problem of sentencing, he is invited by many courts and judicial groups to advise them in their search for ways of improving the administration of justice. He has also written extensively on this subject, as on other subjects related to his field, and the footnotes of legal and correctional literature are abundantly sprinkled with his name.

Jim Bennett is not one of those humanitarians who are concerned with mankind only in the abstract. He is humanitarian in his dealings with the individual. He has a personal interest in the welfare of each prisoner he encounters in his frequent inspections of Federal institutions. Many of them write to him, in prison or after their release, concerning their problems and accomplishments. He takes time out to respond, not because he regards it as his job but because he wants to. He worries when they run into difficulties in reestablishing themselves in their communities, and he shares their pride when they have made some achievement. More than one probation officer has received a check from him, invariably with instructions not to reveal its donor, to help out a parolee who is having a difficult struggle. Occupied with the affairs of an expanding penal system, he nevertheless undertakes to find a job, to give advice, or to make an unpledged loan—as his handsome wife Marie finds out when the household budget comes up short—to troubled ex-inmates who stop by his office.

Jim Bennett wastes little time reflecting on past accomplishments. It is the future that commands his attention. With youthful optimism he has often talked to me about his hopes for improvements yet to come in the field of corrections. He envisions a more extensive use of parole and probation with the development of better predictive devices, for he believes that institutions should be used only when community resources cannot meet the problem that the individual offender represents. He contemplates the final conversion of prisons into full-fledged treatment centers. With more efficient diagnostic techniques to guide programs of treatment. He thinks that community agencies should join hands with the prison in treating the family and the neighborhood where the basic problems of the offenders so often lie. He sees the evolution of the present halfway houses for juveniles into community centers for adult prisoners as well, where they can work at honest jobs in the community and at the same time receive supplemental corrective therapy. He hopes that someday society will cease sending to prison the offenders whose real problems are those of alcoholism, mental illness, or retardation, and physical disability. These and similar types of offenders, he believes, should be treated by agencies other than the prison, and I think that none of us can disagree with him. I will not discourse further on his ideas for the future, but I do want to point out that Jim Bennett is not a man who is content to rest on his laurels. It is characteristic of him that, with one job done, he sets his sights on another distant goal. And he means to reach it.

Jim Bennett is at the peak of his abilities and I am sure that he will make many more contributions to the welfare of his nation. I hope to see him in his office on the other side of Louisiana Avenue for many years to come. It will be reassuring to me, as I know it will be to all of us, to know that a man with his experience and ability is guiding the destiny of our prison system and persisting in the efforts to improve the administration of justice. I am proud of my friendship and association with Jim Bennett; and his many other friends in the House of Representatives will, I am sure, join with me in recognizing and commending his 25 years of solid achievement as Prison Director. It is men of his caliber, working quietly and earnestly and with little compensation other than the satisfaction which comes from helping others, who make the United States a better nation for us all.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Louisiana.

Mr. WILLIS. Mr. Speaker, I happen to be chairman of the special subcommittee dealing with penal institutions. It has been my pleasure over the years to work with Jim Bennett. He is a dedicated man and is probably the outstanding criminologist of our generation. I join with my chairman in extending him good wishes on the occasion of the 25th anniversary of his service to the Federal Government.

NBC'S DISSERVICE TO NEWBURGH, N.Y.

Mrs. ST. GEORGE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

Mr. SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. ST. GEORGE. Mr. Speaker, on Sunday night a TV program, entitled "White Paper No. 9—The Battle of Newburgh," was shown over a nationwide hookup.

The city of Newburgh, through its city council, gave permission to the network to take the pictures and get interviews in the city. The city council made only one stipulation, that the whole matter be treated impartially and factually. To this the network readily agreed.

The city of Newburgh now feels that their trust has been betrayed and their city harmed by the program, and I have received a telegram from the city manager to this effect. I have made some inquiries and find that the sentiments expressed in the message voice the feel-

ings of the vast majority of the citizens of Newburgh. The telegram reads as follows:

NBC "White Paper No. 9—The Battle of Newburgh" was totally lacking in objectivity and scholarship. It was hopelessly biased and misleading and did grievous damage to the city of Newburgh. The pledge of NBC director, Arthur Zegart, to be impartial and not harm the city was broken in shameless treachery. This attempt to whitewash the evils of welfare and destroy the cause of social reform will fool no one. NBC has done a gigantic disservice to the cause of impartial public enlightenment.

JOSEPH McD. MITCHELL,
City Manager, Newburgh, N.Y.

JAMES BENNETT COMPLETES 25 YEARS' SERVICE AS DIRECTOR OF FEDERAL BUREAU OF PRISONS

Mr. LINDSAY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LINDSAY. Mr. Speaker, I should like to join the distinguished Chairman of the Judiciary Committee, the gentleman from New York [Mr. CELLER], in paying tribute to Mr. James Bennett on this occasion, his 25th year of public service as Director of the Federal Bureau of Prisons.

I had the privilege of working for a number of years with Mr. Bennett in the Department of Justice. I know something about the accomplishments he has made as Director of the Bureau. He is a man who has an enlightened approach to the subject of penology. He is a recognized world expert on the subject; and, indeed, on several occasions has been invited to other countries to address their local bodies and to instruct them as to the proper way in which to run a bureau of this kind.

He has been a faithful and devoted public servant; and to him and to his dear wife, Mrs. Bennett, we extend congratulations and best wishes for the future.

COLLEGE ACADEMIC FACILITIES ACT

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 527 and ask for its immediate consideration.

The Clerk read 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. 8900) to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities, and to authorize financial assistance for undergraduate study in such institutions, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, 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. MADDEN. Mr. Speaker, I yield 30 minutes of my time to the gentleman from Ohio [Mr. BROWN]. And at this time I yield myself such time as I may consume.

Mr. Speaker, I wish to commend the Committee on Education and Labor for bringing to the floor of the House H.R. 8900. Our colleague the gentlewoman from Oregon [Mrs. GREEN] should be especially congratulated on the outstanding work she has done over the years to enlighten the Congress and the people of our Nation of the necessity to provide for adequate facilities for all American students in order that they may secure the best education possible.

The American public is gradually learning that all our educational institutions will be one of the decisive battlefields in the fight for liberty and existence between the Communists and the free world. J. Edgar Hoover of the Federal Bureau of Investigation and a foremost authority on communism said, and I quote:

The successful Communist exploitation and manipulation of youth and student groups throughout the world today is a major challenge which free world forces must meet and defeat.

The people of the world and especially in the Western Hemisphere need more knowledge of history on the Communist movement. This can only be accomplished by sending out mentally equipped college graduate teachers, technicians, scientists, and experts in all fields of economic endeavors. The Communist leaders are terrified at knowledge and truth coming to the minds of millions in undeveloped countries. They will not allow truth to come to the ears of their own people and will strive to keep the light from all others. Last November the newspapers published statements of Castro in a 5-hour speech from Havana, Cuba, made at the graduation exercises of 800 college students. These schools are under the control and supervision of the Soviets.

This legislation, H.R. 8900, is a short step in the right direction. It will make possible for thousands of talented and industrious young folks of our Nation to secure the type of education which they will need in the future for our Government to compete with the highly organized propaganda machine of the Communist world.

H.R. 8900 is to assist all institutions of higher education in meeting an urgent need for expansion of their academic facilities. It seeks to accomplish these objectives through a 5-year program of grants and loans for building classrooms, laboratories, libraries, and related academic and service facilities; also, it would authorize matching grants of $180 million annually and long-term loans of $120 million annually for construction of academic facilities.

Higher education in the United States faces both a crisis and a challenge in the coming decade. College enrollments, totaling 3,600,000 students in 1960–61, are expected to increase by more than 1 million, or 30 percent, in the next 5 years. By 1970 there is anticipated a gain of 66 percent over current enrollments. It is believed that the needs are so immediate that Federal assistance is warranted and required.

Institutions of high education are confronted with the task, within the next decade, of nearly doubling facilities it took three centuries to build. Failure to perform this task would force the colleges to turn away thousands of prospective students. The Nation could scarcely afford this waste of its intellectual resources at a time when its growing population and increasingly complex civilization will require many more physicists, chemists, mathematicians, public health workers, and other college-educated specialists.

Since 1950 the Federal Government has aided colleges and universities to build dormitories and other revenue-producing buildings for their students through the college housing program. Some 600 higher education institutions, both public and private, have obtained loans totaling nearly $1.5 billion under that program. H.R. 8900 moves a step forward by further aiding higher education institutions in constructing classrooms and other academic facilities.

The estimated cost of all programs in this bill, including administrative expenditures, is approximately $1.5 billion.

Mr. Speaker, I urge the adoption of House Resolution 527.

Mr. BECKER. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from New York.

Mr. BECKER. Is the fund provided in this bill within the appropriations budget for the current year?

Mr. MADDEN. I will have to ask the gentlewoman from Oregon [Mrs. GREEN] to answer that question, whether this is set out in the budget or not.

Mrs. GREEN of Oregon. Yes. To the best of my knowledge it is set up in the budget. The budget for fiscal 1963 contains funds to cover this bill.

Mr. BECKER. How are you going to finance this? Is it going to be through the back-door issuance of Treasury bonds?

Mrs. GREEN of Oregon. If the gentleman will look at page 17 of the bill, the committee felt that this eliminates the back-door spending. Beginning in line 12 it is stated:

The maximum aggregate principal amount of such notes and obligations outstanding at any one time shall be such amount as may be specified from time to time in appropriation acts.

Mr. BECKER. Well, it says on line 9, though, I might point out, "In order to obtain funds for loans under this part B the Commissioner may from time to time issue notes and obligations for purchase by the Secretary of the Treasury." So, this is back-door spending, despite what the bill says in the next sentence. This states it is back-door spending, and it is

not in the budget appropriation for this year. The reason I ask this is simply because I have taken the position of voting against the increase in the national debt limit in recent years because of the back-door spending issue, and regardless of the merits of this bill, I would be forced to vote against this legislation because it is back-door spending and not in the budget for which we ask the people to tax themselves.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I would like to point out that there will be no money appropriated for loans unless the appropriation act provides for it. There is no back-door spending in this bill. I think the record ought to be clear. You cannot have any loan even until there is an appropriation act approving it on this floor.

Mr. BECKER. How much is there in the budget, of the $180 million per year?

Mr. SMITH of Iowa. That has nothing to do with whether it is back-door spending.

Mr. BECKER. In other words, it does not have anything to do with where the money is coming from.

Mr. SMITH of Iowa. We are talking about whether we get it through the Treasury or an appropriation act.

Mr. BECKER. I do not care about that. I want to know where the money is coming from.

CALL OF THE HOUSE

Mr. HALEY. 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. 7]

Alford	Harrison, Va.	Rivers, S.C.
Avery	Hébert	Roberts
Bass, N.H.	Hoffman, Ill.	Rostenkowski
Battin	Hoffman, Mich.	Rutherford
Chiperfield	Hosmer	Selden
Colmer	Jarman	Shelley
Davis, Tenn.	Jones, Mo.	Sheppard
Dawson	Loser	Shriver
Dulski	McDowell	Springer
Ellsworth	McVey	Steed
Feighan	May	Thompson, N.J.
Ford	Merrow	Ullman
Gavin	Miller, N.Y.	Van Pelt
Hagan, Ga.	Moulder	

The SPEAKER. On this rollcall 390 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ANNOUNCEMENT

Mr. GAVIN. Mr. Speaker, on this rollcall I was present, but I failed to answer when my name was called.

The SPEAKER. The gentleman's statement is made a part of the RECORD.

COLLEGE ACADEMIC FACILITIES ACT

Mr. BROWN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Indiana [Mr. MADDEN], has explained, this resolution makes in order the consideration of the bill H.R. 8900, which is a bill to furnish financial aid to institutions of higher learning, and it provides 2 hours general debate. A motion to recommit, either with or without instructions, will be in order.

I would like to discuss, if I may, for just a minute or two some of the provisions of this bill, and then some of the other matters concerning higher education I feel should be taken into consideration in connection with this legislation, and perhaps also in reference to other legislation that seemingly will come before the House in the future in connection with Federal Aid to Higher Education.

First of all, I want to call the attention of the Members of the House, if I may, to the title of this bill, and let me read it to you:

To authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities, and to authorize financial assistance for undergraduate study in such institutions, and for other purposes.

What does that last phrase mean? It means, of course, a reference only and solely to a provision in the original bill under which the Federal Government could give college scholarships at a cost of some $900 million. The legislative committee struck that out of the bill, but it left it in the title. In hearings before the Rules Committee, the gentlewoman from Oregon [Mrs. GREEN], chairman of the subcommittee, very graciously stated she would not offer any amendment to restore that particular provision to the bill.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. BROWN. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. At the proper time I intend to offer an amendment to strike from the title the words "and to authorize financial assistance for undergraduate study in such institutions."

Mr. BROWN. I am happy to hear that. I hope the House will adopt the amendment to be offered by the gentlewoman because I was ready to point out that the gentlewoman from Oregon [Mrs. GREEN], who is not only a lady of charm but of splendid character as well, has publicly stated that as chairman of that subcommittee she would not introduce any legislation to restore the proviso or provisions for the Federal Government to give these scholarships at such a high cost. However, I did have that fear.

After consultation, I have learned in all probability any amendment to put back into this bill the provision for scholarships would be ruled out on a point of order as not germane to the bill itself, but that over on the other side of the Capitol it would be easy, under this present title, to restore such language and we would get it all back in conference.

I have seen some very strange and peculiar things happen in House-Senate conferences. So I am very happy that the gentlewoman has made the statement she has.

I would like to go to page 17 and to one other matter in this bill; that is, as to whether or not it does permit back-door spending for these loans that are to be made.

Now, the bill reads, starting on line 9, page 17:

In order to obtain funds for loans under this part B, the Commissioner may from time to time issue notes and obligations for purchase by the Secretary of the Treasury.

Now, I do not know whether that is back-door spending or not. I know that explanations can be made, but if that is not back-door spending, it is certainly the nextdoor neighbor to it, because that is the way nearly $120 billion of American funds have been obligated, out of the Treasury, in past years in one way or another. Either you just go down and sign a note or an I O U, whatever the language, but it still results in taking money out of the Treasury without regular annual appropriations. Now, I am through on that point.

I want to talk about something else. Just a day or two before this bill came before the Committee on Rules—and earning an honest part of my living from the newspaper business and I follow the newspaper press wire reports rather closely; in fact, I am a subscriber for these different wire services—I had delivered to my desk, as usual, this particular item by the UPI, to which I subscribe, or my paper does:

WASHINGTON.—Chairman ADAM C. POWELL of the House Education and Labor Committee—

I think you ought to have this information—

advised that 40 Federal agencies are spending close to $2 billion yearly—

That figure has now been increased to somewhere around $2.4 billion or a little better, I understand—

on education, said today he is blowing the whistle on further major school aid legislation until a study shows where all the money is going.

It's unbelievable, the New York Democrat said of the estimate which he said was based on a preliminary check by Representative EDITH GREEN, Democrat, of Oregon, chairman of a Subcommittee on Higher Education.

Pending the study—which he said should be completed by summer—POWELL said he got White House clearance today for a decision to delay action on President Kennedy's $900 million college scholarship bill.

Also to be sidetracked until the survey is done will be any effort to revive the President's controversial program of Federal aid for construction of public primary and secondary schools, POWELL told a reporter—

I presume that also applies to teachers' salaries—

not affected by the announced go-slow decision is a measure already en route to the House floor to put $1.5 billion over 5 years

into loans and grants for construction of college classrooms, libraries, and laboratories.

That is this particular bill—

This bill is expected to come to a vote in the House shortly.

And it is before us now—

POWELL and Mrs. GREEN outlined the study in a White House conference today with Theodore C. Sorensen, special counsel to President Kennedy. POWELL said Sorensen concurred in the decision to delay any further big push on schools until Mrs. GREEN'S subcommittee has finished its survey.

He said the object is to avoid fragmentation of the Government's education efforts, which he said now are so widely scattered that more Federal funds are being spent in this field outside the Health, Education, and Welfare Department than in it.

Some congressional sources viewed POWELL'S announcement as more of a justification than a basis for the decision by House education experts to abandon, at least temporarily, the President's scholarship bill.

They contended the scholarships already have been sidetracked for fear there was not enough support yet to approve them. They said no real effort was planned anyway to emphasize the general construction bill.

That is quite encouraging to us—

This measure foundered in the House last year on the rock of controversy over contentions that parochial schools also should be cut in on the Federal help.

POWELL said Mrs. GREEN'S preliminary check turned up Federal education outlays of $1.7 billion and that when the full story is told the figure "probably will run to $2 billion."

Now, I understand it is $2.4 billion that is being spent annually on higher education by the Federal Government.

Mr. Speaker, "he said"—and this is quoting Mr. POWELL again—"that he and Mrs. GREEN sought and got assurance from Sorenson that Federal agencies would cooperate in her study, which make up these different spending programs.

He said some agencies—he did not name them—heretofore have balked at answering her inquiry.

Mr. Speaker, I read this to the membership of the House because it is very interesting and it is very illuminating. I do this because none of us know, including the great Committee on Education and Labor which is dealing with this legislation, just where Federal money is being spent on higher education, or just how much. They say 40 or more agencies are involved—40 or more different agencies of the Government are spending money on higher education right now. Yet you and I as Members of the House of Representatives are being told, in our correspondence and in the messages we receive from some of those who want more from the Federal Treasury, that we do nothing for higher education.

Mr. Speaker, we have, I understand, pending at this time now before the great Committee on Interstate and Foreign Commerce of this House a bill to deal with the need for Federal aid for medical and dental schools, and related activities such as the training of technicians, nurses, and so forth. I think every one of us can agree we do have a great shortage of physicians and other medical and, perhaps, dental specialists in this country. I undestand that bill would also take in many limited practitioners. I do not know whether it would take in "naturepaths" or not, but that it would many others.

Some have even said we need more veterinanians, especially on Capitol Hill, which may or may not be true.

Mr. Speaker, I do not think it may be just as important for us to think about Federal aid to medical schools than it is to think about Federal aid to general higher educational institutions.

Mr. Speaker, Mr. POWELL, when he appeared before our committee, was very honest and frank in answering questions propounded to him by the chairman of the committee. He advised us that while this report was true, in its general terms, that he did not rule out the possibility of bringing in additional education legislation not mentioned specifically here. One of the measures he discussed before our committee, which he indicated will probably soon come before the Congress, is Federal aid for scientific schools and different classes of colleges and universities. What did he tells us? That there is a great need for more scientists because of NASA—whatever that outfit is called—which is getting ready to "shoot the moon." He said representatives of that agency had advised him and his committee they would soon need 14,000 more scientists in order to get to the moon, which is a very interesting situation.

Then we discussed other matters which might come before Mr. POWELL'S committee.

Mr. Speaker, why am I calling this to the attention of Members of the House? Because this is only the first bill we will have before our committee, or before the House, to deal with Federal aid to higher education in which we, of course, are all interested. However, it raises the probability, in my opinion, that the Congress must pick and choose as to where we can give this Federal aid, where it is most needed, and what schools should be involved. Already, of course, we have the National Defense Act; already we are loaning money for building dormitories through the Public Housing Act, and we are spending hundreds of millions—perhaps billions—through the Defense Department on education. The Department of Health, Education, and Welfare is making numerous grants to different higher institutions of learning for medical research and other related activities. The National Science Foundation is also making many such grants. Mr. Speaker, we could go on and on. I am sure Mr. POWELL, being the honest man that he is, did not overstate the present situation when he said that more than 40 different agencies of Government are engaged one way or the other in rendering financial and other aid to higher education.

Mr. Speaker, I have taken the floor this afternoon in connection with this rule to alert the House to the situation which confronts us, and to also agree absolutely with the gentlewoman from Oregon [Mrs. GREEN] and with Chairman POWELL, that there is a great necessity for a complete and thorough congressional study of the Federal aid programs for higher education which now exist, before we go too far in enacting other legislation, taking it piecemeal, bite by bite, which of course sometimes makes it easier to swallow.

But it also makes me wonder if all these present aid programs are to be continued if these new bills, mentioned by the chairman when before our committee—new Federal aid bills for higher education—are to be brought before this House, just how the President—and I want to help him—is going to balance his budget; or where we are going to get the money, or whether or not these young people whom we educate in these Federal aid institutions will be able to earn enough money to pay off the huge national debt we have been amassing over the years by continually spending more money than we take in.

And you may or may not have noticed the official statement of yesterday from the Federal Treasury that our national debt had reached $297,900 million, just $100 million, or even a little less, under the temporary debt limit, and almost $13 billion above the permanent debt limit written into law by this Congress.

Mr. SILER. Mr. Speaker, will the gentleman yield for a question?

Mr. BROWN. Briefly.

Mr. SILER. Mr. Speaker, I am a trustee of a small Baptist nonprofit, religious, sectarian school down in Kentucky. Will this bill provide grants for my college?

Mr. BROWN. As I understand, it may not include grants, but it does include loans for such schools.

Mr. SILER. The bill says grants.

Mr. BROWN. It also says 60 percent for grants and 40 percent for loans. I may be wrong, but as I read the bill, the grants would not apply to private schools, but the loans would.

Mr. SILER. That would be at a subsidized rate?

Mr. BROWN. Forty percent, with at least 25 percent of the total amount requested to be furnished by some other source, such as the church or some other group.

Mr. SILER. Believing that this would violate the church-state principle I am very much opposed to it.

Mr. MADDEN. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. O'NEILL].

Mr. O'NEILL. Mr. Speaker, I am one who firmly believes that it will augur well for the Nation when the Congress of the United States takes the question of education out of the field of politics. For the last few years Federal aid to education has become a really hot issue here.

It is my opinion that of all the bills before the Committee on Education the bill before us today, the legislation offered by Mrs. GREEN is by far the most important piece of legislation we have in the field of education. I know there are those who do not agree with me. I know that this is a rewrite of Mrs. GREEN'S bill of last year with which in part I was not in agreement; that is, with her scholarship provision.

But higher education is an absolute prerequisite of today and tomorrow for

the social and economic development of the world. It will be a condition of our national survival. Everyone must be educated to the limit of his potential. If not, he will be a liability to society; that is, if he cannot and does not get this education. Education is the greatest resource a country can have. It is its capital. There can be no oversupply of educated people.

Consider our problems with regard to our needs today. In the field of medicine we need more doctors, nurses, teachers, technicians, and research experts. Whatever field we go into we need more; we need more chemists, we need more physicists, we need more accountants. We need everything you can possibly think of. What is the problem facing us? I live in a district in which within 15 miles from my home there are 70,000 undergraduate students in colleges; approximately 130,000 to 150,000 students are taking graduate work; and over 200,000 are going to college in my area.

What has happened? A survey has been made recently. Within the shadows of my home is Harvard University. It is my understanding that Harvard University has no further intention of expanding. Why? Because today for every student who attends Harvard University it costs the university $800 over and above the tuition the student pays; in other words, the college must get it from endowment funds, the college must get it from gifts, the college must get it from subscriptions. So this great university, Harvard, has no real intention of expanding in the future because they cannot afford to.

Down the street from Harvard is the Massachusetts Institute of Technology, one of the great technical schools of the world. For every pupil that goes to MIT it costs MIT between $1,400 and $1,600 over and above what the pupil pays as tuition.

Where is the money going to come from? Endowments? Money is coming from endowments now. Subscriptions? Money is coming from subscriptions now. They have not any intention of any great expansion program.

Further inquiry showed there are only four schools in Greater Boston or in New England that intended to expand: Those were Boston College, Boston University, Northeastern, and Brandeis. The Ivy League schools, and other colleges such as Williams and Amherst, have no intention of expanding because they run into the same problems that Harvard and MIT run into.

We have an obligation to educate the youth of America. By 1965 at the present rate we in the Commonwealth of Massachusetts—and there are 166 colleges in New England, more than any other section of the Nation—in Massachusetts this past year 4,000 students, graduates of high schools, were unable to get into college. They have the ability, they have the marks, they have the desire, they have the money, but there was no room for them; and by 1965 it is said that figure will increase to 20,000.

This is not just a local issue for Massachusetts alone; this issue is in every backyard of every Congressman in the United States. So there is an obligation to educate the youth of America. How are you going to do it? You cannot get aid from cities, you cannot get aid from States, because fundamentally all have the same tax base, which is real estate; and we are overtaxed. If democracy is a success, and I believe it is a success, we must provide for the future of American youth. Where does the obligation fall? The obligation falls upon the Federal Government to move in and participate with private institutions and with public institutions, because this is an obligation that we in America have. The leaders of this Nation in the future are going to be the youth who are being educated today. We have been in a cold war, we have been in a hot war, we have been in a limited war.

The war of the future could well be the war of the minds of the youth of tomorrow. It is our duty and our obligation to see that they are educated. In my personal opinion I think this is a fine bill and I think it is an obligation upon this Congress to pass it.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I hope the gentleman from Kentucky is on the floor for I think he does not quite understand the bill. The money provided in the bill is available to any college or university in the country. It is a 60–40 basis, 60 percent grants, 40 percent loans; I would say to my colleague from Kentucky that in his own congressional district he has, if my information is correct, three universities, or three colleges, one Baptist and two Methodist. During the last few years his own congressional district has received in loans and grants from the Federal Government a total of $461,953. So we are not setting any precedent; the Government is not embarking upon a new program. This is a program we have had in effect. Through the Department of Health, Education, and Welfare, the Baptist college received $84,514; the Bennett College, Methodist, $7,084; and Union College $70,355, and $300,000 in housing grants. I thank the gentleman.

Mr. BROWN. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentleman from Ohio.

Mr. BROWN. I just want to say to my colleague, the gentleman from Massachusetts, that I can understand his pride in his own State and the number of colleges and universities, but the gentleman from Ohio now speaking can probably understand this problem better than most Members on the floor, because Ohio, a little State out in the Midwest, has the greatest number of colleges and universities of any State in the Union, with Massachusetts second.

Mr. O'NEILL. Then the gentleman is in an excellent situation to understand the problems in our State and I hope we may have his support in trying to solve them.

Mr. Speaker, I yield back the balance of my time.

Mr. BROWN. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. FINDLEY].

Mr. FINDLEY. Mr. Speaker, before voting on this bill we should consider this aspect very carefully: Is this proposal actually a step forward for private higher education?

A generation ago the Federal Government had very little to do with these private institutions. They were truly private in character, deriving their income entirely from tuition, endowments, and other gifts.

Today these colleges and universities have become so involved with various Federal spending programs that several of them have staff members who spend most of their time coordinating relations with the Federal Government.

They have access to surplus property of all types, borrow at low interest for dormitory construction, receive grants for research and study by students and faculty, and receive funds for student loans.

The fact that today we have before us a proposal for $400 million in new loans and grants typifies the trend of recent years. The tendency is to add to the scope of Federal spending for higher education, both private and public.

No one can doubt that the need exists for more college facilities. On the other hand, no one can seriously suggest that this bill would tap some magic new source of money. Ultimately the resources must come from individual citizens and business firms, whether the money takes the route of voluntary contributions or taxation.

From the standpoint of private institutions, the tax route is dangerous. If it continues, these schools will lose their private character.

As they tap new public sources of revenue, their private sources will dry up. Individuals and business firms which traditionally contribute to private institutions will say, "If my college can get 25 percent of its income needs from the Federal Government, why not 50 percent or 100 percent?"

As private schools lean more heavily on tax sources, they come under the thumb of government. They lose their independence of judgment and action. They gradually blend into the facade of public education.

Federal aid ultimately means Federal control. This is just as true in higher education as it is in primary and secondary education. It would be irresponsible for any level of government to provide funds without controlling how they are used.

If private institutions of higher education are worth preserving—and I believe very deeply they are—then we would better go slow on bills such as the one before us today.

My own college, Illinois College, of Jacksonville, Ill., last year issued this thoughtful comment:

> The real danger lies in the elimination of the private sector of higher education which has contributed so much to American life. No one would deny the need for tax-supported institutions, but no careful viewer

of the American scene can conclude that it would be in the best interests of America for all higher education to be tax supported. The only escape the private colleges have from becoming tax-supported institutions is the generous contributions of churches, corporations, alumni, and friends. There is plenty of evidence that the needs of Illinois College and others of its kind can be met through philanthropic contributions, and in this direction lies the wise course which will preserve in higher education the essential element of independence which has kept America strong.

Although Illinois College has participated in these Federal programs, it can also see clearly their insidious character.

Mr. BROWN. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. GAVIN].

Mr. GAVIN. Mr. Speaker, as my very good and able friend, our former colleague, Robert Rich, would say—"Where are you going to get the money?"

I want to call to your attention that Federal aid programs such as the one we are considering today are based on the fallacy that Uncle Sam is everybody's rich uncle, whose pockets are inexhaustible; and that when you secure Federal aid you are receiving something for nothing. Why fool ourselves? We all pay the bill.

The truth is that we, his nephews and nieces, all support our Uncle Sam who over the past 25 years or so has run up the biggest debt in our history—approximately $298 billion that must be paid by the American people earning the money to pay the taxes to retire the debt. What a legacy to leave to future generations. If we paid it off at the rate of $3 billion a year, it would take 100 years to pay the debt.

The trouble is that Uncle Sam has been spending our money and in effect we have signed the notes for the hundreds of billions of dollars he owes.

The surest way to increase his debts and add to this gigantic debt is to embark on a new program such as we are considering here today, H.R. 8900 which would authorize assistance to public and other nonprofit institutions of higher education in financing the construction, and so forth of needed academic facilities. It looks like "a foot in the door" and I am against the Federal Government being in the education field in any way, shape, or manner.

Every dollar spent on Federal aid will come, sooner or later, from the pockets of American taxpayers, whether it is under the supervision of the Federal or the State government.

As in the case of every other Federal aid program, many of these dollars will be skimmed off the top to pay more Federal officials to distribute the payments, to administer the program, to think up more rules and regulations which may well result in more delay and redtape.

It is the habit of Federal supervisors to make dollars shrink instead of stretch. If there is ever a necessity for stretching dollars, it exists now in making the tax dollar go as far as possible.

Federal aid is always accompanied by a greater or lesser degree of Federal control. It is the opening wedge toward having directors in Washington tell them what they can do and what they cannot do.

A large part of the problem we have today is one of self-discipline on the part of the Government and on the part of the American people themselves. The Government within the executive branch must make a constant effort to curtail and eliminate nonessential expenditures. Special groups, rather than popular demand, are responsible for the push behind most Federal aid programs. The American people themselves must make an effort to curtail the constantly new and expanding demands upon the Federal Government for services, benefits, and free money—for the people themselves must pay the heavy taxes to the Federal Government before the Government can return it for these various programs.

Once a program of Federal aid is established, it almost invariably continues to grow and become more expensive.

To the outside groups which worked for its establishment and continue to support it, there is added another group within the Government. This is the group who administer the program—and who keep pressing for more money for it.

Each bureau within an agency is ambitious to build a little empire—with more employees to supervise, with higher salaries for the top men, with more money to spend, at the expense of the taxpayers. Larger and larger budgets result—such as the huge spending program proposed this year.

But the time has come for the American public to realize that we all pay the bill on all Federal aid programs.

Every taxpayer in America must pay his part for all of these programs. Federal aid and giveaway programs by Uncle Sam must be paid for. The taxpayer thinks he is getting something for nothing in these Federal aid programs. In reality he is footing the bill for every one of these programs that is put through.

Mr. Speaker, I intend to vote against the bill.

Mr. MADDEN. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Speaker, there is one feature in this bill that I think would pave its way a little more smoothly if the committee would eliminate it. Under the loan provision of the bill there is a provision for Treasury loans, which are commonly known as back-door spending. It has an ameliorating sort of a clause in back of it that I do not exactly understand, but there are a good many Members of this House who have expressed themselves on rollcall votes a number of times as not supporting any measure that called for Treasury loans or back-door spending. I take this time to express the hope that the committee itself will work out some provision in the bill to eliminate the back-door spending and make this on a straight appropriation basis. Now, there are a number of measures I know that have been in here where a right plausible excuse has been given. It was not plausible to me because I just do not believe in back-door spending and I do not think it is ever justified. I do not think that the Constitution permits it. Of course, when you speak of the Constitution nowadays nobody pays very much attention to you.

Mr. Speaker, I know there is strong sentiment here that we should get rid of this back-door spending. I can perceive of no plausible excuse for it in this bill. If there is excuse for it anywhere, it certainly does not exist in this bill.

Mr. POWELL. Mr. Speaker, will the distinguished gentleman from Virginia yield?

Mr. SMITH of Virginia. I yield to the gentleman from New York.

Mr. POWELL. Mr. Speaker, the chairman of the Rules Committee is absolutely correct. The committee deleted the language in the present bill which covers the elimination of back-door spending. However, in order to remove any cloud around this bill, with the approval of the gentlewoman from Oregon [Mrs. GREEN], Congressman SMITH of Iowa will introduce at the proper time an amendment which will take care of that matter.

Mr. SMITH of Virginia. I am very glad to hear that.

Mr. Speaker, I think I have about a minute of time left. I would like to be mutual about this thing, and ask a question of the gentleman from New York, the chairman of the committee [Mr. POWELL]. I believe the gentleman from New York [Mr. POWELL] stated when he was before the Rules Committee when this bill was up, that there were some 43 agencies of Government dealing with public education, and that the gentleman's committee had reached the conclusion that it was time this thing was brought together in a sensible, orderly program, and that the gentleman's committee would make an investigation to that effect; is that correct?

Mr. POWELL. That is correct.

Mr. SMITH of Virginia. I congratulate the committee on that action, and I do hope we will get an early report on that subject. As a matter of fact, it seems to me that it would not be inadvisable to postpone some of these educational programs until we find out which way we are heading, and where we are going, and where we are going to wind up.

Mr. BECKER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from New York.

Mr. BECKER. Mr. Speaker, I would like to compliment the gentleman for the position which he has taken, and to compliment the chairman of the Committee on Education and Labor for making the statement that the bill will be amended so as to take out the back-door spending item. It certainly will make the bill more palatable. I raised this question at the beginning of the debate on the rule.

Mr. GAVIN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Illinois.

Mr. GAVIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlemen from Illinois?

There was no objection.

Mr. BROWN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Speaker, during the 25 years that I have been a Member of this House, the Federal budget has increased from a little less than $6 billion a year to the requested $92.5 billion. The Federal debt has risen from approximately $18 billion to $298 billion, or whatever it is.

Mr. Speaker, those things have happened in the last 25 years. Of course, the Federal taxes have increased in the same proportion. Is it not time to stop, look, and listen before we authorize further spending?

Mr. BROWN. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. GROSS].

Mr. GROSS. Mr. Speaker, I listened with interest to the gentleman from Massachusetts [Mr. O'NEILL]. I was not aware that Harvard University was operating. I thought it had probably closed down, since all the faculty is in Washington.

Mr. Speaker, I would like to ask a question about the supergrade provision in this bill. I would like to ask the chairman of the subcommittee why 10 supergrades are provided?

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. GROSS. Yes, I yield to the distinguished gentlewoman from Oregon.

Mrs. GREEN of Oregon. This bill was introduced in August and on October 4, I believe, a bill was signed into law that came out of the Post Office and Civil Service Committee of the House. Recently I had a discussion and a conference with the distinguished gentleman from Georgia [Mr. JAMES C. DAVIS] and we have agreed that we are going to delete that section when the proper time arrives. I certainly do not want a bill coming out of the Committee on Education and Labor of the House that is in conflict with the law, as of October 4, 1961.

Mr. GROSS. I simply wanted to call the gentlewoman's attention to the fact that this provision runs afoul of the law with respect to supergrades.

Mr. Speaker, apparently we are going to rewrite this bill on the floor of the House. This section, then, is going to come out?

Mrs. GREEN of Oregon. Yes.

Mr. GROSS. The gentlewoman from Oregon is going to offer an amendment to take this section out?

Mrs. GREEN of Oregon. If the gentleman will yield, I do not think we will rewrite the bill on the floor of the House. This is a committee bill, and it was approved by the committee. However, we consider the suggested amendment as a perfecting amendment, and will offer it in that way.

Mr. GROSS. I would like to ask a question of the gentlewoman, or the chairman of the full committee, Mr. POWELL, regarding the interest rates which are contained in this bill. Is the top interest rate 2¾ percent?

Mrs. GREEN of Oregon. The formula on the interest rate is patterned after the college housing interest rate, and I believe the interest rate at this time is 3⅜ percent.

Mr. GROSS. The gentlewoman is aware that this Government is faced with a stupendous task in this calendar year of refinancing $56 billion of Government obligations that are coming due. That figure, I am informed, is within $200 million of the alltime record of refinancing in any one year.

How does the gentlewoman think this Government is going to be able to refinance obligations totaling $56 billion at 2.5 percent interest when the commercial banks are now paying 4 percent on savings deposits left for a period of 12 months? Does the gentlewoman believe there is any 2.5 percent or 2¾ percent money available to the Federal Government?

Mrs. GREEN of Oregon. I would say to the gentleman from Iowa that the picture is not very pretty to look at the richest man in the graveyard. We are engaged in a cold war, and if we are going to win this cold war, we are going to have to compete with the young people in the colleges and universities of this country.

Mr. GROSS. That has nothing to do specifically with the subject of interest rates. Will the gentlewoman tell me where the Government is going to borrow money at 2½ or 2¾ percent?

Mrs. GREEN of Oregon. I would say to the gentleman from Iowa that I think this country is great enough, rich enough, and powerful enough so that we can meet any challenge which the Soviets and the Communist world throw at us.

Mr. GROSS. Of course, the Government is not now going to get money for refinancing its obligations at 2½ or 2¾ percent interest. I do not think anyone in this Chamber can say otherwise.

Mr. Speaker, this bill provides for obligations upon the U.S. Treasury of well above $1 billion. With the gentleman from Pennsylvania [Mr. GAVIN] I ask the question of where this Nation, already head over heels in debt, expects to get the money? It will be noted that the simple question of how it is expected to borrow the money at an interest rate of 2½ or 2¾ percent goes unanswered.

This legislation will open the door wide to Federal aid to education and those who have spoken so soothingly of bipartisan support for the bill should be the first to admit it, and admit they have joined in rounding a big curve on the road to raiding the Federal Treasury for a general Federal aid to education bill.

For these and other reasons I want the RECORD to show that I am opposed to this bill.

Mr. BROWN. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. ALGER].

Mr. ALGER. Mr. Speaker, I should like to direct a question to the chairman of the Committee on Education and Labor. In view of the fact that there is judicial review in this bill for the State commissions, would the gentleman be disposed to accept an amendment that would provide judicial review of the Davis-Bacon Act in the setting of all wages in this country, from which ruling of the Secretary of Labor there is no recourse, not even in the courts of this land? Would the chairman extend that to the Davis-Bacon Act?

Mr. POWELL. That question is not before us now. There will come a time in this session when amendments to the Davis-Bacon Act will be before this body.

Mr. ALGER. This would be an appropriate time, does not the gentleman think so?

Mr. POWELL. Not now, when we are considering higher education.

Mr. ALGER. I would suggest that this is exactly the time that we should do it and extend judicial review to the Davis-Bacon Act, which we should have had all along.

Mr. BROWN. Mr. Speaker, I yield the balance of the time on this side to the gentleman from California [Mr. HIESTAND], a member of the committee.

Mr. HIESTAND. Mr. Speaker, some of us who are opposed to this particular bill have at times been accused of, or it has been implied, that we are opposed to education as such. Everybody in this House is in favor of education, especially those of us who have been pretty close to the picture, pretty close to the management of some of our colleges and know some of their problems. May I suggest, Mr. Speaker, that the colleges of this great country have done a perfectly magnificent job up to now. They are turning out around a million students a year. Many of the colleges have said that they have no need for additional space just now. The great State universities are expanding rapidly and are well financed with taxpayers' money. Whether the taxpayers' money should come to Washington and then go back, is the issue. That involves, of course, control. Many people try to tell us that Federal aid does not carry with it control. Mr. Speaker, control has to go right with the money. It is the obligation of this body to see to it that the taxpayers' money is properly expended for the purposes for which it was voted. The obligation to control is there. The Supreme Court has said that when the Federal Government subsidizes anything it has the right to control. So there is no issue there.

With any Federal aid bill must go control. There are plenty of precedents for that. I suggest that in the National Defense Education Act, which has been mentioned, when it was said there are no major controls, I thumbed through and found six or eight of them. It is full of controls. It has to be. The Federal aid to education in the national defense education bill has been highly praised by a great many people. However, you may recall that it was enacted under the pressure of the sputnik panic. We had to do something to get more engineers and scientists, more engineers and scientists, more engineers and scientists. Then let us look at the way this

law has operated. There were a great many controls. True, the designation of the courses under the National Defense Education Act included, I find, classical languages. That means extinct languages, of course. It included Latin-medieval-humanistic philology; contemporary literature; American literature; medieval and renaissance English literature; literature of the drama; bibliography and textual criticism; 20th century British and American literature and criticism; and English: folklore; dramatic art; speech and drama; theater and speech; church music; musicology; religion, under which there are included Biblical and Judaeo-Christian studies, church history and Christian ethics, history and philosophy, religion studies; and under American studies, folklore. Also there are included under art, history thereof. I am reliably informed that folk dancing and basket weaving are included. Also school administration, and a great many other subjects which it would be difficult for us to imagine would develop engineers and scientists. Many of these are fine, worthy, and valuable courses, but do they develop engineers and scientists?

I agree that we need engineers and scientists, but when we give the educators authority to line up courses they go very far afield and the taxpayers' money finances hundreds of thousands of students for these types of courses.

The need for this legislation, of course, is a paramount issue; that will be shown by a number of the proponents of the bill, I am sure. However, a lot of people have claimed that today the need does not exist for added facilities, that the educationists are planning now only for a future need. I suggest also that in the title there is an obvious error. I have an amendment which I intended to introduce at the proper place, which would definitely strike from the title, "and to authorize financial assistance for undergraduate study in such institutions." This should prevent the effort of the other body to include the grandiose plans for student aid included in the administration's request. I am informed, however, that the gentlewoman from Oregon, the sponsor of the bill, has agreed to move it.

This is Federal aid to education, Mr. Speaker. I am reminded of a story of the little girl who did not like spinach. Her mother said: "This is broccoli." The little girl said: "You call it broccoli; but I call it spinach, and I will not have it." This is Federal aid to education and there is no denying the fact.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Ratchford, one of his secretaries.

BILL TO PROVIDE APPROPRIATIONS FOR VETERANS' ADMINISTRATION IN ORDER TOMORROW, JANUARY 31

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that a joint resolution providing appropriations for the Veterans' Administration may be in order for consideration tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ELECTION TO COMMITTEE

Mr. HALLECK. Mr. Speaker, I offer a resolution and ask for its immediate consideration.

The Clerk read as follows:

H. RES. 529

Resolved, That JOHN M. ASHBROOK, of Ohio, be, and he is hereby, elected a member of the standing committee of the House of Representatives on Interior and Insular Affairs.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PURCHASE OF UNITED NATIONS BONDS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 321)

The SPEAKER laid before the House the following message from the President of the United States which was read, and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I am transmitting herewith for the consideration of the Congress a suggested bill "to promote the foreign policy of the United States by authorizing the purchase of United Nations bonds and the appropriation of funds therefor." This bill would authorize the appropriation of up to $100 million for the purchase of United Nations bonds.

The United Nations is faced with a financial crisis due largely to extraordinary expenditures which it incurred in fulfilling the pledges in its charter to secure peace, progress, and human rights. I regard it as vital to the interests of our country and to the maintenance of peace that the capacity of the United Nations to act for peace not be inhibited by a lack of financial resources.

Some members have failed to pay special assessments levied for peacekeeping operations in the Middle East and in the Congo, claiming that these assessments are not binding upon them. The shortage of operating funds thus created has reduced the working capital fund of the United Nations to zero and compelled it to hold back on the payment of bills and borrow from United Nations agencies.

Prudence and good management require all institutions—public or private, national or international—to keep their affairs in good financial order. The Secretary General of the United Nations therefore urged the adoption of, and the members approved by a large majority, a three-point plan to relieve the cash deficit and to avoid the need for makeshift financing of emergency operations designed to keep or restore the peace:

Point one is to cover anticipated expenses for the United Nations operation in the Congo and for the United Nations Emergency Force in the Middle East through the end of the present fiscal year. The 16th General Assembly approved a new appropriation for these purposes, assessed against all members.

Point 2 is to resolve all doubt as to whether delinquent members must pay special assessments for the Congo (ONUC) and Middle East (UNEF) operations, or face the loss of their voting rights. To this end, the United Nations General Assembly requested from the International Court of Justice an advisory opinion as to whether these special assessments, like regular assessments, are expenses of the Organization legally binding on all members by the terms of the United Nations Charter.

It is the opinion of the United States that special assessments voted by a two-thirds majority of the General Assembly are obligatory. We anticipate a decision by early summer of this year. If our view, which is shared by most of the members of the United Nations, is confirmed by the Court, then all members will have to pay their dues or lose their right to vote in the General Assembly. It is only fair that members that participate in the privileges of membership should participate also in its obligations.

Even if the Court's opinion goes as we believe it should, the United Nations would still be faced with a serious cash problem, aggravated by any further delays in collecting back dues from those who have not been willing to pay the special assessments. Consequently,

Point 3 of the United Nations financial plan is to acquire a special fund to relieve the present cash deficit by paying off current bills and debts, and by setting aside a reasonable reserve to help finance United Nations peacekeeping operations in future emergencies.

For this purpose the General Assembly has authorized the Secretary General to issue $200 million worth of United Nations bonds repayable at 2 percent interest over a 25-year period with annual repayments charged against the budget of the United Nations. All members are assessed a share of that budget.

If this program is successful, the United Nations will be in a vastly improved financial position. It is my judgment that this plan is sound both for the United Nations and for its members. These bonds will be repaid with interest at the rate of approximately $10 million a year, as part of the regular assessment. Every nation—including the Soviet Union—will thus be required to pay its fair share or lose its vote. And the United States will be obligated, in the long run, to meet only 32 percent of these special costs instead of the nearly 50 percent we are presently contributing to the special operations of the United Nations.

I ask that the Congress act now to back the United Nations by authorizing the purchase of these bonds. Failure to act would serve the interests of the Soviet Union, which has been particularly opposed to the operation in the Congo and which voted against this plan as part of the consistent Communist effort to undermine the United Nations and undercut its new Secretary General. For without the bond issue, either the United Nations' executive arm will wither or the United States will be compelled to pay a larger share of the costs of operation than is reasonable for any one member of an international organization.

The central purpose of the United Nations is to keep the peace wherever possible and to restore the peace whenever it is broken.

The United Nations has received the support of both political parties since its inception.

By emergency action the United Nations turned back aggression in Korea.

By emergency action the United Nations brought a halt to war in the Middle East over 5 years ago, and ever since has safeguarded the armistice lines.

By emergency action the United Nations has prevented large-scale civil war and avoided great-power intervention in the Congo.

We shall spend this year nearly one-half of the Federal budget for national defense. This authorization represents an investment of one-tenth of 1 percent of that budget in the peacekeeping capacity of the United Nations.

Whatever its imperfections, the United Nations effectiveness and existence are an essential part of the machinery to bring peace out of this world of danger and discord.

I earnestly hope that the Congress will give early and favorable consideration to this request.

JOHN F. KENNEDY.

THE WHITE HOUSE, *January 30, 1962.*

COLLEGE ACADEMIC FACILITIES ACT

Mr. POWELL. 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. 8900) to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities, and to authorize financial assistance for undergraduate study in such institutions, and for other purposes.

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. 8900 with Mr. THORNBERRY 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. POWELL] will be recognized for 1 hour and the gentleman from Pennsylvania [Mr. KEARNS] for 1 hour.

The Chair recognizes the gentleman from New York.

Mr. POWELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 8900, a bill to authorize the assistance to institutions of higher education, in financing the construction, rehabilitation, or improvement of academic facilities.

I would like to inform this body that the bill comes out of the Committee on Education and Labor with bipartisan support. Not all of the members of the minority voted in favor of it, but a considerable group did. The final passage was 22 to 6.

I could not go any further without complimenting the gentlewoman from Oregon who has done such a great job on this bill and other legislation coming before her subcommittee.

I would like to reply to my good friend of almost 20 years, the gentleman from Ohio [Mr. BROWN]. He knows what I am going to say because I said this to him in the colloquy that was held before the Rules Committee. While it is true that some of us feel that there is an overlapping in the spending of funds in the field of higher education by some 40 Federal agencies, totaling at least $2,200 million per year and that this overlapping leads to a fragmentation of our educational impact, I would like to point out that money is being spent in the field of scholarships and grants but not in the field of building academic facilities.

This is the first time that this body has considered a bill to build academic facilities; therefore, we come to you, in the language of the gentleman from Pennsylvania [Mr. GAVIN], with an utterly new program.

The population explosion will confront our schools of higher learning with a 30-percent enrollment increase by 1965, and with a 100-percent increase by 1970. At the same time, the demands of the Nation challenge our colleges and universities to produce needed scientific personnel.

There are 8.7 million college-age youths in our country. In the school year 1960–61 only 3.6 million of them were in college. How many of the 5 million youths could find no place? How many of them just did not have the money it costs?

The Committee on Education and Labor believes that the needs are so great and so immediate that Federal assistance is required.

We are committed to a national effort in space technology and defense that will soon reach beyond our education effort to fill. I was alerted to this possibility 7 years ago, when Benjamin Fine wrote in the New York Times about the needs of higher education and warned us that we could not wait until the horse was stolen to lock the barn door. I called this to the attention of the Committee on Education and Labor, of which I was a member, and introduced legislation to increase the supply of scientific and technical manpower in the United States. These bills were buried in the committee. Mrs. GREEN's effort to investigate Federal expenditure for higher education was also buried. Today we are, therefore, 7 years behind.

I now say again that our need for ever-increasing numbers of engineers and other scientists, for physicians, for teachers, for mathematicians, is of the most urgent dimension. The fact is that whatever the differences between the two dominant powers of the world—the United States and Russia—we are required to compete with the Soviets whether we wish it or not.

The Special Subcommittee on Education, chaired by the gentlewoman from Oregon [Mrs. GREEN], traveled to Russia last fall. They found, among other things, that while the United States is training almost twice as many college graduates as the Soviet Union, we are far behind them in training engineers and people in the applied and theoretical science fields, including agricultural science and medical science.

I am frankly terrified at the picture just presented to us by Dr. Nicholas DeWitt. His recent book, Education and Professional Employment in the U.S.S.R., makes it painfully clear that we are not producing engineers, physicians, and some other specialists at any rate that will allow us to maintain a posture of strength before the world. Unless we work with all deliberate speed, we cannot hope to put a man on the moon within 10 years. Russia produces three times as many engineers as this country does. I emphasize this field of learning because it is the one of greatest application to our national commitment to the conquest of space and to our vital research and development projects.

Last fall I appointed five members of the Committee on Education and Labor to serve as an advisory group to study the problems of higher education and recommend priorities of effort to solve some of the problems.

To meet expanding enrollments, the colleges are being forced to drain their general funds and to increase tuition and other fees. This spiral can only end in the cost of higher education being so prohibitive that only a fortunate few of the upper class or the well-to-do will be able to go to college. We cannot afford such a state of affairs at a time when our country needs more, not less, trained manpower than ever before.

Since 1950 the Federal Government has aided colleges and universities to build dormitories and other revenue-producing buildings for their students through the college housing program. It is fair to say that, at this point, many colleges can house their students but cannot educate them. The gentleman from California [Mr. HIESTAND], a member of my committee, is in error when he says that the facilities of the colleges and the universities are adequate. Even such an eminent school as Johns Hopkins, has room in its dormitories but teachers find difficulty in finding classroom space.

I do not support this bill today only to justify a comparison of our achievements with those of our adversaries. This measure is justified on its own merit and on our own need to educate

better citizens as well as better scientists and soldiers.

The bill before us does not address itself to the problem of scholarships. It is my hope, however, that an appropriate student assistance program to meet the problem of the able but extremely needy student will be considered later in conjunction with future review of the operation of the existing student loan program under the National Defense Education Act.

Another measure of great urgency we hope to bring before this House will recommend the establishment and expansion of technical institutes for the training of semiprofessional technicians. Experts maintain that we should be training at least one technician for each graduating engineer. We are now producing only about one for every four.

It is my hope, also, that this House will later consider legislation to extend student loans under the National Defense Education Act to medical and dental students and interns. These are what I call the areas of neglect in the field of higher education. The long period of training and the high cost of getting that training represents years of hardship to the young men and women who undertake to become doctors and dentists. We have been warned here, too, that the alarming decline in applications to medical and dental schools shows no sign of an upward swing and we will be in serious trouble a few years hence.

We must start on these emergency and modest programs immediately, and consideration of H.R. 8900 today is the first of the priorities we will urge upon you. Such programs will pay back in actual return far more than they cost because we will have at least mounted an initial attack against the growing obsolescence of our present support to higher education, an obsolescence that is a luxury this country cannot afford.

Mr. KEARNS. Mr. Chairman, I yield 15 minutes to the gentleman from Minnesota [Mr. QUIE].

Mr. QUIE. Mr. Chairman, I rise in support of H.R. 8900. I do it because of the information that the Special Education Subcommittee, on which I have been serving the last year, has received in the testimony and the hearings we held and also because of the information from individuals connected with our various higher education institutions throughout the country which appeared before the advisory group that Chairman POWELL just spoke of. Practically to a man, these individuals came to us and said the highest priority of assistance in education, especially in higher education, is assistance for college academic facilities such as we have in this proposal.

This is true no matter whether they were involved in the fields of science or math or languages or in the humanities. This was a priority to them.

Mr. Chairman, in looking at the needs it has been pointed out time after time that the enrollment in the next 5 years will increase by about one-third, and that very probably by 1970 they will have doubled from what they are at the present time. Now, how can we best assist higher education? I think it is through this piece of legislation.

Mr. Chairman, I want to point out that this is not the bill which was recommended last year by the President. His recommendation was for loans similar to what we presently have for college dormitories and income-producing buildings. But, after listening to the testimony for some time we realized that the recommendation of such men as Dr. Hovde of Purdue University or Dr. Flemming, who was formerly the Secretary of the Department of Health, Education, and Welfare, was right; that if we were going to give them assistance which would actually accomplish what we needed, some of the money had to come in the form of grants because the income-producing buildings have a way of repaying their loans. However, there are only two places that the schools receive their money with which to pay for classroom facilities—that is, classrooms, laboratories or libraries—and that is either through increased tuition or holding down the salaries of the professors. We felt that neither is advisable. So in order to enable them to go before their State legislatures or to wherever they endow their colleges and universities, we are saying for every $2 you put up $1 will be put up by the Federal Government as an inducement and encouragement for them.

Mr. Chairman, the big bulge of enrollment which came after the war in our elementary schools and which is now in our high schools will hit the colleges and universities. They will have to make provision for these students at a rapid rate, much more rapid than they have had to do in the past. For this reason, I believe we need this kind of assistance.

Mr. Chairman, I believe that grants as provided in this bill are needed if we are going to give the actual assistance which is needed. This was not recommended by the President, however, I will point out that under the President's recommendation there actually would have been grants, but they were hidden. Under his proposal a huge scholarship program was provided and for every Federal scholarship recipient $350 in addition would have gone directly to the institution. In my opinion it would be a bit of a subterfuge to give grants to institutions in this way and there would have been no way to channel it only to institutions which increased enrollment. In the present budget which the President recommended there was $300 million for loans. However, there was also in his budget the money for the grants to the institutions, the whole thing totaling, as I understand it, $900 million for the year. So we are not going outside the budget by recommending this amount of money and this kind of assistance for the colleges and universities.

Mr. Chairman, under the formula on which this money will be granted to the States, the grants will go in a fashion similar to the Hill-Burton funds, dividing one-half of the money according to the number of students in the State in grades 9 through 12, and the other half according to the number of students who are already in higher education. As we studied it, it is our opinion that this is the fairest formula we could come up with. This money will only go to institutions which increase their facilities to take care of increased enrollment. It will not go to any institution which has decided that its enrollment will stay the same size as it is at the present time.

The loans will be provided in the same manner as the college dormitory loans are presently administered.

Mr. Chairman, some of the Members of the House might ask why is this a Federal responsibility? Why should the Federal Government get further into education than it has in the past? We all know when some say that they are against Federal aid to education, that if they were really true to the cause, they would introduce legislation to repeal all of the present laws which give aid to education. With reference to higher education this country has felt for a long time that there is a Federal responsibility. It began in a substantial amount in 1862 when the Land Grant College Act was passed. Incidentally, at that time it was also given not only to public institutions but to Cornell, a private institution as well. When one looks at aid at the present time one will realize that MIT, which is also a private institution, considers that 80 percent of the money to be coming from the Federal Government because of the number of research grants which MIT receives. But, one might also say, how can the gentleman from Minnesota now speaking be so strong in his opposition to Federal aid to elementary and secondary schools, as he has indicated in the past, and yet wholeheartedly support this bill? It is because I feel if education is going to progress at the rate it should we need to pass this legislation. If the Federal Government is going to assume the responsibility it has for the strength of this Nation, this must be passed. I say that for this reason: In elementary and secondary education a political subdivision has the responsibility for the education of the young people in its community. Perhaps some of the students are going to a private institution or parochial school. When the people in the community, through their school districts, have the responsibility, any shirking of that responsibility is going to be to their detriment as well as to others in their State and throughout the country. With reference to higher education there is no similar political subdivision which has that responsibility. One might say, "Well, the States have it. If the private institutions and if the junior colleges are not providing it, the States have it."

To those of us who come from the Midwest or the West, this seems to be true, because in the western part of this country 80 percent of the students in higher education go to a public institution, while 20 percent go to a private institution. However, just the reverse is true in the eastern part of this country, where 80 percent of the students in higher education go to private institutions, and 20 percent go to public institutions.

It is for the reason that there is no specific political subdivision with the responsibility that we provide that the

grants and loans can go to any institution that is accredited in a State, be it a junior college, a community college, a private college, a college level technical institute, a church college, or one of the State universities and colleges that we have in most States. We believe that in this way we can best improve the kind of higher education and training that has worked so well in this country and which I believe has put us ahead of every other country in the world, even the Soviet Union.

In order to provide the kind of aid institutions of higher education need, it was determined from testimony that the money should be divided 70 percent for grants and 30 percent for loans. This was after a thorough study made by a number of organizations. However, in legislation we compromise and the compromise that our committee reached in this bill was that 60 percent of the money should be used for grants and 40 percent for loans.

Also it was indicated that in some instances it would be advisable to permit the Federal Government to make 50–50 grants to some institutions. However, again as a compromise, we agreed that the matching should be up to one-third by the Federal Government and at least two-thirds by the local area, be it the State or the people who endow the colleges. I believe this is the kind of legislation all of us can wholeheartedly support. I think this legislation gives Federal assistance in the area of higher education in a way that protects academic freedom. I can see no encroachment by the Federal Government in this legislation over and above any we may have at the present time. The institutions of higher learning hold dear above everything else their right to make their own decisions and when all of them come out in support of this legislation it is significant. I have not received a letter from one institution in opposition, so I think we are on the right track.

Mr. NELSEN. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Minnesota.

Mr. NELSEN. One point that gives us great concern is the fact that our large population centers with their great universities give access to their youngsters to a school quite readily. But in the outlying areas we have a different problem. Has there been some consideration given to the junior colleges; for example, Worthington, Minn., where we have a junior college, and Fergus Falls, so that the distribution may be equitable?

Mr. QUIE. Many of us have junior colleges in our districts. A concern was evidenced in committee by many members who represent junior colleges or community colleges, as to whether these colleges would justly share in this money. While some of us were considering writing in specific language to make sure that they would receive it, we did get assurances from the people involved in the higher education field and from the Department that there was nothing to prohibit them from receiving the money and that there is such an emphasis now on junior and community colleges that they will share equally with other institutions. As the grants are allocated a priority is set up by a commission on higher education in each State. In this case the commission on higher education can better understand the needs and problems of the State than could the Commissioner of Education here in Washington if he were to set that priority.

Mr. NELSEN. Mr. Chairman, I wish to thank the gentleman and also commend him for the excellent job he has done in this committee.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Ohio.

Mr. BOW. On page 17 of the bill there is reference to a sum of $120 million and a reference to the calendar years 1962 to 1965. Is this a 3-year program or is this a 5-year program, as indicated by the report? The language is a bit confusing to me.

Mr. QUIE. This is a 5-year program.

Mr. BOW. It is anticipated this will carry $120 million for a 5-year period rather than as shown in the part of the bill to which I have just referred?

Mr. QUIE. This is an authorization for 5 years. The Department will come to the committee and prove how much they need for each year. They may submit evidence for next year that they need $120 million and for each year they must submit their proof.

Mr. BOW. I was confused by the language in the bill. It is the intent to set this up on a 5-year basis, then?

Mr. QUIE. That is right.

Mr. BOW. The gentleman has referred to the fact that there is in the budget an amount to cover this figure. Am I correct?

Mr. QUIE. That is right.

Mr. BOW. On an examination of the budget I find it is in the budget as a budgetary item of appropriation rather than obligational authority. Is it the intent of the committee to change this language from what appears on page 17 to make it a direct appropriation?

Mr. QUIE. That is right. The gentleman from Iowa [Mr. SMITH] I understand has developed language for this purpose and will offer it as an amendment when the bill is read.

Mr. BOW. So this will be changed to an appropriation rather than as it is written now.

Mr. QUIE. I understood from the chairman of the committee that the gentleman from Iowa will offer such an amendment.

Mr. BOW. I thank the gentleman.

Mrs. GREEN of Oregon. Mr. Chairman, I yield myself such time as I may need.

The CHAIRMAN. The gentlewoman from Oregon is recognized.

Mrs. GREEN of Oregon. Mr. Chairman, the bill H.R. 8900 comes to the floor as a result of a true bipartisan effort to draft legislation that will meet what we members of the committee feel is an urgent national need. I cannot express too strongly my own appreciation for the support that the chairman of the full committee has given to me and to the other members of the subcommittee as we have tried to wrestle with some of the very controversial features of this legislation.

May I also express to the other members of the subcommittee my appreciation for their untiring efforts? I know of other subcommittee chairmen who might disagree with me, but I still do not hesitate to say that I think no other committee is more fortunate in having so many capable, competent, dedicated people as I have had the pleasure of working with on this subcommittee. People such as the gentleman from Connecticut [Mr. GIAIMO], the gentleman from Indiana [Mr. BRADEMAS], the gentleman from Iowa [Mr. SMITH], the gentleman from Minnesota [Mr. QUIE], the gentleman from New York [Mr. GOODELL], and the gentleman from Ohio [Mr. ASHBROOK] are truly interested and truly concerned about the educational needs of this country. Diverse as our views sometimes are, our goals are the same.

I am grateful, too, to the committee staff members for their untiring efforts.

As I said, not only did this legislation receive bipartisan support on the committee but, as the gentleman from Minnesota [Mr. QUIE] has already pointed out, this year and in the preceding year this kind of legislation, or legislation for institutions of higher education has received the support of President Kennedy, President Eisenhower, Secretary Ribicoff, Secretary Arthur Flemming. All of these gentlemen have asked for greater participation in the program of higher education.

In 1958 President Eisenhower said:

> The high quality of professional personnel in science, engineering, teaching, the languages and other critical fields are necessary to our national security effort.

President Kennedy about a year ago had this to say:

> If our youth are to have an opportunity to develop their intellectual capacities to the fullest, steps must be taken immediately to increase available facilities for higher education and to relieve both the students and the universities of impossible financial burdens. * * * If our colleges and universities fail to do their job—

Said President Kennedy—

> there is no substitute to fulfill this responsibility. The threat of opposing military and ideological forces in the world lends urgency to this task.

Very recently, Secretary Flemming, now president of the University of Oregon, indicated his strong support for the bill before us today. The following is the text of a press release by the University of Oregon News Bureau, reporting President Flemming's statement:

> Strong support has been given by Arthur S. Flemming, University of Oregon president and former Secretary of Health, Education, and Welfare, to a Federal bill to aid higher education.
>
> He declared in a press conference: "We are either going to increase sharply our investment in higher education, or we are going to deny some of our young people the opportunity of a college education and dilute the quality of that education for many others." He continued:
>
> "In the fall of 1965 there will be 800,000 more students wanting a college education

than are on our campuses today. This is just 3½ years from now. There are two courses of action open to us:

"1. We can reduce the 800,000 figure to a lower figure by arbitrarily raising our standards of admission.

"If we do, we will be denying hundreds of thousands of our young people the opportunity of achieving their highest potential.

"If we do, we will be depriving the Nation of manpower resources that it will desperately need in the years that lie ahead.

"2. We can make provision for sharp increases in both public and private expenditures for higher education.

"If we do, we will be responding to the opportunity that confronts us to help make and keep our Nation strong.

"In the days and weeks which lie just ahead, the Nation will be deciding which course of action it intends to follow."

President Flemming was HEW Secretary in the Republican administration of Dwight D. Eisenhower. His statement indicated strong support for a bill backed by the Democratic Kennedy administration. He declared:

"There is pending before the Rules Committee of the House of Representatives a bill that was reported to the House by its Committee on Education and Labor as a result of the work of a subcommittee chaired by Mrs. EDITH GREEN, Democrat, of Portland, Oreg.

"This bill would authorize the use of $300 million a year for 5 years to accelerate the construction of academic facilities such as classrooms, laboratories, and libraries on the campuses of our public and private institutions of higher education.

"Each year 60 percent of this amount, or $180 million, would be made available for matching grants, and 40 percent, or $120 million, would be made available for loans. The bill also authorizes the establishment of a program of Federal scholarships.

"Personally, I believe that Mr. JOHN W. MCCORMACK, Democrat, of Massachusetts, the new Speaker of the House, and Mrs. GREEN are to be commended for taking steps designed to insure a consideration of this proposal early in this new session of the Congress. I am confident that if it is permitted to come to a vote it will receive wide bipartisan support.

"I believe that every citizen who is concerned about our Nation meeting its future manpower needs, and that every citizen who believes that our Nation should provide every young person who can profit from it with the opportunity for a high quality college education, should indicate to his or her elected representatives in the Congress that he believes this bill should pass.

"Unless this bill does pass, some young men and women who could profit from a college education are going to be denied that education.

"The States and the supporters of private colleges are going to have to raise their sights far higher than they have when it comes to expenditures for higher education.

"They cannot, however, do it by themselves. The Federal Government must use some of the revenue sources that are available to it in order to help the States and the private colleges measure up to their opportunities for service."

Mr. Chairman, in recognition of the great need for scientists and engineers, Dr. James Van Allen has warned that our national ambitions in space explorations have already outrun our scientific competence.

And I am also well aware of the reports that were referred to earlier in the discussion of this afternoon, reports that the National Aeronautics and Space Administration will need 13,000 additional scientists and engineers for its man-on-the-moon project, not counting those who will be needed by industry working under the NASA contracts.

The President's Science Advisory Committee in 1960 had this to say:

The function of the universities is one of absolutely critical importance to the national welfare.

After all, the universities are the source of tomorrow's scientists.

And this report continued in another place:

The truth is as simple as it is important: Whether the quantity and quality of basic research in graduate education in the United States will be adequate or inadequate depends primarily upon the Government of the United States

From this responsibility the Government has no escape; either it will find the policies and the resources which permit our universities to flourish and their duties to be adequately discharged or no one will.

The Science Advisory Committee that issued this report in 1960 is not made up just of members of the faculty or administrators of our colleges and universities. They are from many sources as the Members of this Committee know. We have representatives from the Rockefeller Institute; from the Bell Telephone Laboratories; chemistry professors; the chairman of the corporation of the Massachusetts Institute of Technology, Mr. James R. Van Allen; representatives from the High Energy Physics Laboratory; from Stanford University; from the University of California, at Berkeley; from the Oak Ridge National Laboratory; from the Research Laboratory of Electronics; from Combustion Engineering, Inc.; and many distinguished individuals. And it seems to me we should listen to what they are saying.

In another part of the report they had this to say:

Partnership between the universities and the National Government is the indispensable basis of first-rate university work in science. The partnership is a fact. It has done much more good than harm. It seems certain to grow in importance unless the American people decide to accept a second-rate standing in terms of power, of comfort, and of knowledge.

At another point this Science Advisory Committee said:

The dramatic expansion of science in this country has outrun our ability to provide up-to-date space and equipment for either research or teaching—still less for the two together.

As the gentleman from Minnesota [Mr. QUIE] so very ably stated, presidents and representatives of colleges and universities and institutions across the country did come before our committee, and they testified day after day and time after time as to their critical needs.

Nor has the support of the leaders of American education been limited to testimony before our committee. I am sure that many of my colleagues have had the same experience that I have had, and that they, too, have received thoughtful, persuasive letters from leading educators in support of this legislation. The following are only a sampling of the letters and telegrams I have received from educators and interested citizens in every part of the Nation in support of H.R. 8900:

SALEM, OREG., *January 29, 1962.*
Hon. EDITH GREEN,
U.S. Representative, House Office Building, Washington, D.C.:

Understand House bill 8900 authorizing $180 million grants and $120 million loans annually for 5 years for construction academic facilities is scheduled for debate on Tuesday, January 30. We are desirous that this bill make funds available for community college construction.

LEON P. MINEAR,
Superintendent, Public Instruction.

GRINNELL, IOWA, *January 29, 1962.*
Representative EDITH GREEN,
Chairman, House Subcommittee on Education, House of Representatives, Washington, D.C.:

Strongly endorse H.R. 8900, and appreciate your efforts toward House consideration.

JAMES H. STRAUSS,
Dean of College, Grinnell College.

PORTLAND, OREG., *January 27, 1962.*
Hon. EDITH GREEN,
House of Representatives, Washington, D.C.:

Respectfully urge your support of colleges facilities bill without amendment. It will be of great benefit to all Oregon colleges and universities.

CROWN ZELLERBACH CORP.,
EDWARD P. STAMM.

PORTLAND, OREG., *August 31, 1961.*
Hon. EDITH GREEN,
House of Representatives, Washington, D.C.:

Bill to provide Federal assistance for construction of college classrooms, laboratories, and libraries considered of vital importance here. Respectfully urge your efforts in behalf its passage.

JOHN R. HOWARD,
President, Lewis and Clark College.

PORTLAND, OREG., *January 26, 1962.*
Hon. EDITH GREEN,
Congress of the United States, Washington, D.C.:

Congratulations on progress of legislation providing loans and grants to institutions of higher learning. Be assured of our fullest support.

M. A. F. RITCHIE,
President, Pacific University.

PORTLAND, OREG., *January 26, 1962.*
Hon. EDITH GREEN,
House of Representatives, Washington, D.C.:

I urge your support of the colleges facilities bill as recommended by the House Education Committee and reported out by the House Rules Committee which includes the matching loans as well as grants.

RICHARD H. SULLIVAN,
President, Reed College.

PORTLAND, OREG., *January 26, 1962.*
Hon. EDITH GREEN,
Member, U.S. Congress, House Office Building, Washington, D.C.:

Encourage support colleges facilities bill including grants, loans, recommended House Education Committee; reported Rules Committee.

THOMAS A. LEUPP,
President, Cascade College.

PORTLAND, OREG., *January 26, 1962.*
Hon. EDITH GREEN,
House of Representatives, Washington, D.C.:

I urge your wholehearted support of college facilities bill as recommended by House

Education Committee. As reported out by Rules Committee the making of loans and grants for facilities construction would be major step in solution of critical problem of higher education.

HOWARD J. KENNA,
President, University of Portland.

OREGON STATE SYSTEM OF HIGHER EDUCATION,
Eugene, Oreg., January 26, 1962.

Hon. EDITH GREEN,
Congress of the United States,
House Office Building,
Washington, D.C.

DEAR EDITH: First of all, let me tell you how much all of us in the field of higher education appreciate your devoted service to this cause.

The purpose of this letter, however, is not to compliment you, but to urge you on to new efforts. H.R. 8900, your bill designed to assist in the construction of additional higher education facilities, is vitally needed here in your own State of Oregon.

This fall our enrollment increase was more than double the budget estimate—an overall 15 percent as against a legislative appropriation allowing for 6.7 percent. Last fall, Oregon public colleges enrolled 28,951 students. Conservative estimates indicate that 10 years from now, in 1972, this enrollment will approach 50,000.

We are already in desperate need of new classroom buildings, additions to our libraries, new laboratories and special purpose facilities. As you know, the State may, for the first time, be facing a small deficit in place of the surplus with which we had been blessed since the war years. Even with the best will in the world it would, I believe, be impossible for the legislature to provide the buildings which we need now and which we shall need during the coming decade. We estimate our capital construction needs for academic facilities during the next decade at more than $41 million. This figure does not include dormitories, student centers and other construction which can be financed on a self-liquidating basis.

We are particularly interested, of course, in part A of your bill, grants for construction of academic facilities. Passage of this might make it possible for us to extend greatly any appropriations made to us by the Oregon Legislature.

As public institutions supported by the State, we do not have authority to borrow money for the construction of academic facilities; nor, if we were so empowered, would it be possible for us to arrange repayment. We are, therefore, dependent upon the passage of part A in the hopes of augmenting, by at least one-third, the too small resources of the State for construction.

The figures I have quoted you above are an urgent indication of our need. Due to careful planning over the past 10 years, the board has managed to keep abreast of current needs until we were swamped by this year's heavy enrollment. In my opinion, if we do not have Federal aid within the next 2 or 3 years, we will have to deny educational opportunities to a great many young Oregonians who could profit from college.

We understand that you are also supporting a bill extending Federal aid in the form of scholarships. We are, of course, interested in the passage of this legislation also; however, since the State of Oregon underwrites about two-thirds of the cost of a student's education, direct scholarships to cover students' tuition would create a hardship upon our publicly supported institutions. It is our hope that any scholarship bill would include some relief for the institutions.

Cordially yours,

R. E. LIEUALLEN,
Chancellor.

HAMILTON, N.Y., *January 26, 1962.*

Hon. EDITH GREEN,
House Office Building, Washington, D.C.:

Congratulations on success in clearing H.R. 8900 for House action. The aid it would provide for expansion of academic facilities is so urgently needed that passage now would give new heart not only to educators but to all citizens who share your concern to assure educational opportunities for our youth. Best wishes and good luck.

EVERETT CASE,
President, Colgate University.

CLARKE COLLEGE,
Dubuque, Iowa, January 27, 1962.

Mrs. EDITH GREEN,
Chairman, House Subcommittee on Education, House Office Building, Washington, D.C.

DEAR MRS. GREEN: The faculty of Clarke College joins me in thanking you for your great service to higher education by getting H.R. 8900 out of committee and past the Rules Committee of the House.

Never before in the 119 years of its service to young women and to the country they represent has Clarke faced a more imperative need for expansion of academic facilities.

The Government aid given for dormitories has been invaluable. But classrooms and laboratories are needed, too. This bill may insure them.

For your interest and your efforts, we are most grateful.

Sincerely yours,

Sister MARY BENEDICT, B.V.M.

As the gentleman from Minnesota pointed out, in 1960 we had about 3,610,000 students in colleges and universities. One year later, in 1961, this number has grown to 3,891,000. That is an increase of 7.8 percent in 1 year. As the gentleman from Minnesota said, by 1965 this number will increase to over 5 million, about a 30 percent increase in 5 years, and by 1970 to 6,959,000, an increase of 78 percent in 10 years time. These are the latest figures which were available to the members of the committee.

May I say to my colleagues that the situation is not one that may or may not occur. It most certainly will occur, and no amount of wishful thinking can alter the course of events. Let us never forget that the basic cause of this crisis in higher education is also a tremendous national asset.

Our academic facilities must be tremendously expanded if we are to train the scientists, the engineers, medical doctors, teachers, nurses, and so forth. We must have, in the opinion of the committee, more libraries, more laboratories, more classrooms. It has been estimated by experts of the country that the colleges and universities across the United States will need $15.4 billion for new facilities, plus additional money for renovation and replacement of obsolete buildings. This figure of $15 billion plus does include the better use of the space that is now available.

May I also say it is not a completely dismal picture. There is the encouraging evidence that support is increasing, from industry, from private foundations. There has been a doubling of gifts and grants for capital facilities. During the past 10 years the tuition and required fees have increased about 75 percent. In my judgment, and I think also in the judgment of other members of the committee, these tuition fees cannot increase much more, if at all, without substantially decreasing the opportunity for able students who cannot even now afford to attend our colleges and universities. We must not get the tuitions up so high we will keep these brilliant students away from the doors of our institutions.

But considering all of these sources of revenue, the increased borrowing, the anticipated higher contributions from State, local, and private sources, the best figures available to the committee indicate that by 1965 there will be a gap of $1.5 billion between the aggregate needs and the resources available. In 10 years there will be a gap of $2.5 billion. That assumes we continue with our college housing program. We now help provide places for students to sleep and to eat. It is the recommendation of the committee that the most important thing is providing the places for them to work, which is something to which we should now turn our attention. To accomplish this purpose, the committee has recommended for your consideration the bill before you. The gentleman from Minnesota has already advised you that the figure is 60 percent for grants and 40 percent for loans. The grants are on a matching basis, with the Federal Government providing one-third of the grant and the States and local institutions required to put up the two-thirds.

The loan provision provides $120 million. This is for each of 5 years. In response to the question which was raised a moment ago by the gentleman from Ohio, I think a rereading of the language on page 17 will indicate this is $120 million for the first year, then an additional $120 million for each of the next 4 years. I may also say that we have included the requirement that at least 25 percent of the funds shall come from non-Federal sources. There is provision for a State agency that will set the criteria and that will determine the priority within each State.

I have already said in response to questions that have been raised that at the proper time I intend to propose the deletion of section 126 in regard to positions under the Classification Act. An amendment will also be offered by the gentleman from Iowa [Mr. SMITH] in regard to back-door spending.

Mr. ALBERT. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to my majority leader.

Mr. ALBERT. I want to compliment the gentlewoman upon her statement. This bill is a landmark in the history of statutory law. It is certainly a landmark in the history of legislation. I am sure this is the most important matter, if it becomes law—and I hope and believe it will—in this field since the National Defense Education Act was originally enacted. Further, I wish to say that had it not been for the persistency and the hard work and the effort of the gentlewoman from Oregon, I do not believe that the bringing of this bill to the floor would have been possible.

Mrs. GREEN of Oregon. I thank the majority leader for his kind statement.

Mr. HARRIS. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Arkansas.

Mr. HARRIS. I was interested in the statement by the gentlewoman about the gentleman from Minnesota that the matching funds would be not more than 66⅔ percent. I believe that is true, is it not?

Mrs. GREEN of Oregon. Yes; 33⅓ from the Federal Government and 66⅔ from the State and local institutions.

Mr. HARRIS. I was interested in observing the manner of approach to it. I wanted to ask a question with reference to it in part A. You referred to the Federal share of the funds in connection with grants in a number of places. However, in part of part A you refer to the development cost; that it shall not exceed 33⅓ percent of the development cost. Then on page 28 you define the term "Federal share" a percentage not in excess of 33⅓ percent of the development cost of a project covered by an application for a grant for the construction of an academic facility under part A of this act. Now, as I read this, it appears to me that this is applicable only to the development cost feature; is that true?

Mrs. GREEN of Oregon. If you turn back to the definition of development cost on page 27, it includes the construction cost and also the acquisition of land.

Mr. HARRIS. Yes; I appreciate that, but the point I was trying to get at is this. I had the impression that the matching requirement was for both the development cost as well as the actual construction cost.

Mrs. GREEN of Oregon. The construction costs are considered a part of the total development cost, and the total Federal share shall be not more than one-third of the total development cost. Now, the State agency may decide, in setting up priorities, in the case of an institution that had a lot of wealthy donors, shall we say, or a big sum of money, that it would require them to put up more than two-thirds, but that would be up to the State agency.

Mr. HARRIS. What I am trying to find out is this: Any applicant, that is, any institution that applies for assistance under this program must have matching funds as much as one-third.

Mrs. GREEN of Oregon. Must have matching funds as much as two-thirds.

Mr. HARRIS. I was under the impression that the Federal share would have to be two-thirds.

Mrs. GREEN of Oregon. No, the Federal share is one-third and the State or the local institution's share is two-thirds.

Mr. HARRIS. In other words, the Federal Government under no condition will put up more than one-third of the total cost, development cost as well as actual construction cost, of any project?

Mrs. GREEN of Oregon. Under part A under the grants. This same institution might borrow under the loan section of the bill part of that money.

Mr. HARRIS. I am interested in this because our committee has just concluded hearings with reference to the construction of medical facilities. We have this particular problem to consider, and I was trying to find out just what the approach was here with reference to the construction item, but I could not determine just what was meant. If I understand this correctly, the bill provides that the Federal Government, insofar as grants are concerned, shall not put up more than one-third of the total cost of the project?

Mrs. GREEN of Oregon. That is correct.

Mr. HARRIS. But then the bill provides for loans whereby the applicant may apply for a loan in order to apply on its two-thirds of the total cost?

Mrs. GREEN of Oregon. That is right. However, there is the one additional requirement, that 25 percent must come from non-Federal funds, but the same institution might have a grant and a loan.

Mr. HARRIS. I thank the gentlewoman from Oregon very much. I appreciate the information which she has given me.

Mrs. GREEN of Oregon. Mr. Chairman, in conclusion may I say that it is true that taxes are often burdensome. It is also true that without education there would be far less national wealth to tax. It is true that we as a people now spend about four percent of our gross national product in education. It is also true that if we wisely spent twice that much to achieve higher quality it would be more than worth the cost.

Mr. Chairman, Alfred North Whitehead in 1916 had excellent advice for us in 1962:

> In the conditions of modern life the rule is absolute: The race which does not value trained intelligence is doomed. Not all your heroism, not all your social charm, not all your wit, not all your victories on land or at sea, can move back the finger of fate. Today we maintain ourselves. Tomorrow science will have moved forward yet one more step, and there will be no appeal from the judgment which will then be pronounced on the uneducated.

Mr. ASHLEY. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I shall be very glad to yield to my distinguished colleague from Ohio.

Mr. ASHLEY. Mr. Chairman, I, too, want to extend my congratulations to the gentlewoman from Oregon for a very fine legislative effort. I am wondering whether it is the intention of this bill to limit the grant section to construction only. I notice that in the loan section it is stated that loans may be made for construction, including rehabilitation, alteration, conversion, or improvement of academic facilities. Can there be a grant loan, or will there be grant loans available for construction; that is, construction which would include rehabilitation, alteration, and conversion?

Mrs. GREEN of Oregon. Yes. In section 122(c), the term "development costs" is defined as including "the acquisition of the land on which the facility is located and of necessary site improvements to permit its use for such facility." This applies both to loans and grants.

So, it could be used for rehabilitation, renovation, or the site acquisition itself.

Mr. ASHLEY. Both the grants and the loans?

Mrs. GREEN of Oregon. That is correct.

Mr. ASHLEY. I thank the gentlewoman from Oregon.

Mr. PUCINSKI. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Illinois.

Mr. PUCINSKI. It is my impression that under this legislation, for instance, the city of Chicago could obtain this Federal assistance to develop its junior college program. Am I correct in that assumption?

Mrs. GREEN of Oregon. There would be a State agency. When you say "the city of Chicago" there would be a State agency which would be set up within the State and any institution would make application for a loan or grant to that State agency.

Mr. PUCINSKI. But a city-owned junior college would be entitled to this assistance if it applied through the State agency?

Mrs. GREEN of Oregon. You are quite right. This bill is designed to include junior colleges as long as they are accredited.

Mr. COHELAN. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman.

Mr. COHELAN. Mr. Chairman, I rise in support of this bill, H.R. 8900, which would provide $300 million in grants and loans during each of the next 5 years for the construction, rehabilitation and improvement of needed academic facilities.

The problems confronting our institutions of higher education today are enormous. These problems, furthermore, have been well documented in the hearings and report of the Special Subcommittee on Education, under the able leadership of my good friend, the distinguished Member from Oregon, Mrs. EDITH GREEN. I am personally familiar with the serious nature of these problems as well, since both the Berkeley campus of the University of California and Oakland City College, as well as a private law school, are in my district.

The many studies conducted by agencies of the Federal Government, State commissions and independent agencies are in general agreement as to the problem higher education in America faces today.

In brief, college enrollments are in the process of doubling. Between 1958 and 1965 they are expected to increase by at least 1 million full-time students, and a corresponding increase is expected between 1965 and 1970.

Almost without exception, the studies conducted in this field indicate that even when traditional sources of income—such as student tuition and fees—have been stretched to their limit, a large gap will remain; a gap which the Federal Government in recognition of the importance of higher education to our way of life, must fill.

Mr. Chairman, I am disappointed that the provision for undergraduate scholarships has been deleted from this bill. Each year more than 60,000 of our most able and gifted high school graduates are unable to attend college for financial

reasons. I sincerely hope that legislation to provide scholarships for these qualified young people will be enacted shortly.

Mr. Chairman, notwithstanding this defect, this is a good bill. It is vital for the future development of our Nation and is consistent with our tradition of Federal assistance to higher education dating back to the Morrill Act of 1862. I urge that this important legislation be passed by the House without delay.

Mr. VANIK. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Ohio.

Mr. VANIK. Mr. Chairman, I would like to inquire whether the terminology "accredited college" would exclude institutions that might provide education after high school of a terminal nature, and whether they would not qualify for that category? I am thinking about the great number of dropouts where many may not be qualified for academic training but who yet might be trained for useful work, especially after high school.

Mrs. GREEN of Oregon. I would say to my friend from Ohio that this was a matter which was discussed for a long period of time. We were reminded of some of the experiences, however, which we had under the GI bill. We felt we had to have some form of accreditation. I think most of us will agree that there were many fly-by-night institutions set up under that program.

Therefore, on page 29 we provide the definition under paragraph (f) (3) which provides an educational program for which it awards a bachelor's degree, or provides not less than a 2-year program which is acceptable for full credit toward such a degree.

Then, in paragraph (4) there is stated the following: "is accredited by a nationally recognized accrediting agency or association."

Mr. VANIK. Would it not be helpful if this language were extended to include institutions that are operated by a public agency, by public authorities such as city boards of education, or county boards of education?

Mrs. GREEN of Oregon. This would include such institutions if they were operated by a city so long as they met this criterion.

Mr. VANIK. It might still have to be accredited?

Mrs. GREEN of Oregon. Yes. I might say that there is legislation now pending before our Committee on Education and Labor which is being considered for technical schools. I do not think anyone would quarrel with the tremendous need for more technicians whom I suspect would be trained in the kind of institution which the gentleman from Ohio is describing, but we felt that should not be included in this bill.

Mr. VANIK. I thank the gentlewoman. I certainly appreciate the committee's effort in this legislative field.

Mrs. GREEN of Oregon. Mr. Chairman, I ask unanimous consent to revise and extend my remarks, and I would also ask unanimous consent that the remarks of my colleague the gentleman from Oregon [Mr. ULLMAN] follow the remarks here, and also the remarks by the gentleman from Pennsylvania [Mr. RHODES].

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mr. ULLMAN. Mr. Chairman, we are presented today with an opportunity to contribute to the strength and continued progress of the United States. I want to pay a sincere and deeply felt tribute to my friend, as well as colleague, Congresswoman EDITH GREEN, author of the measure before the House. She and her colleagues on the commitee have done an outstanding job in preparing and bringing to the floor this measure, which, as we know, is a key one in the President's program to meet the challenges of the sixties. It is a pleasure and a privilege to express my support of the bill and to add my voice to that of Congresswoman GREEN and others in urging its passage by the House.

This bill, H.R. 8900, in authorizing assistance to public and other nonprofit institutions of higher education, goes to the heart of America's greatness. It recognizes that our future depends in large part on our ability to provide superior educational facilities for our people.

We are all well aware of America's population growth and of the rapid increase in enrollment in our schools. Evidence confronts us in every community. Between 1957 and 1961 enrollment at the University of Oregon, for example, increased by 53 percent. At the college level, nationwide, it is estimated that enrollments will increase over current figures 30 percent by 1965 and 66 percent by 1970. Unless the institutions of higher learning double their facilities within the next 10 years, many students will be denied the opportunity to continue their education. The problem, moreover, is not simply to squeeze additional students onto college campuses; it is also to provide the number and type of facilities which will allow these students to develop their potentialities to the maximum.

We know that education today requires more than a teacher, a group of students, and a room full of chairs. As we prepare our young people for the more complex demands of a modern society, we must utilize new equipment and new instructional aids. In recent years the pressing need for improved science education has become apparent. Modern science courses cannot be taught in rusty laboratories. Nor can students in the liberal arts study effectively without an adequate library.

H.R. 8900 looks beyond today's students, who need and deserve the best education we can give them. It looks to parents, who in many case have made great sacrifices to provide for their children's education. It looks to college teachers and administrators, who are striving to maintain high levels of instruction. These are dedicated and conscientious people, but they need help to do the job. And finally, the bill looks to future generations of Americans who will benefit from what we do now.

It is both necessary and proper that the Federal Government should extend assistance to the colleges and universities across the land. Despite strenuous efforts by public and private institutions to finance the enlargement of facilities, they are not keeping pace with the demand for college education. Our country has a long tradition of assistance to higher institutions of learning. All of us, whether we live in Oregon or Maine or Arizona, have been the beneficiaries of these programs, because the advantages of an educated populace do not stop at State lines.

I am particularly pleased that the definition of an "institution of higher education" in H.R. 8900 includes those colleges providing not less than a 2-year program which is acceptable for full credit toward a bachelor's degree. The community colleges occupy an increasingly important position in our country's educational system, indeed they are a uniquely American institution. In addition to making higher education more widely available, they are responsive to individual and local needs. They cannot be considered apart from the needs of all institutions of higher learning. In 1961 I introduced H.R. 16, providing a program of Federal grants-in-aid to the States to encourage and assist in the expansion of public community junior colleges. I sponsored similar legislation in the 85th and 86th Congresses. Although the bill before us now limits the legal authority of community colleges to participate in the grant and loan program, it is a significant recognition of their usefulness and an important step toward their expansion.

In Oregon, the lesson of preserving our natural resources has been driven home. We have learned, sometimes the hard way, that water and soil and timber resources can be depleted to the irrecoverable loss of all the American people. We have learned to plan for the future. Can we do less for our most precious resource of all—our human resources?

Mr. RHODES of Pennsylvania. Mr. Chairman, I support H.R. 8900, the administration's proposal to assist our colleges and universities in financing the construction, rehabilitation, and improvement of needed academic facilities.

The crisis and challenge which confronts our institutions of higher learning is a formidable one. Within the next 10 years the need for new buildings and facilities will equal all of the structures that have been built on the Nation's campuses since the American Revolution. The cost of providing classrooms, for prospective students over the next 10 years will alone amount to almost $13 billion. When one adds the cost of new residential buildings to house these students the total is increased to all but $19 billion.

It is reliably estimated that even with increased borrowing and expected higher contributions from State, local, and private sources, the Nation's institutions of higher education will fall short of meeting its needs by $1.5 billion in 1965, and $2.5 billion in 1970. Without the extension of the important college housing program the gap would climb to $2.9 billion by 1965 and to $5.2 billion by 1970.

The bill before us would assist in closing this gap by providing loans and matching grants, totaling $300 million annually, for 5 years, to institutions of higher learning.

By no means does this legislation set any new precedent or threaten the Federal control of our colleges and universities in any way. Since 1950 the Federal Government has aided colleges and universities in building dormitories and other revenue-producing buildings through the college housing program. Since its enactment this legislation has made possible some 600 loans to public and private institutions of higher education totaling nearly $1.5 billion.

Just last year, Albright College, a small but excellent liberal-arts college in my district, received a loan of $980,000 to provide needed dormitory space for its increasing enrollments. Albright has recently announced new plans for improving its science laboratories, and building new classrooms, and new library facilities. The proposal before us today would assist Albright together with other colleges in providing the best educational facilities for their growing student bodies. By alleviating the heavy financial burdens of these new projects, Federal assistance would enable the college to use more of its resources for increasing faculty salaries. Thus, Albright would then be in a better position to maintain and attract outstanding top-flight professors.

The youth of the Nation are our most valuable natural resource. At a time when the Soviet Union is educating every qualified youth, we cannot sit back and let them take the lead in the race for space, for new scientific discoveries, and for creativity in the humanities, arts, and social sciences. Unless this Nation acts now, we cannot hope to have an adequate number of teachers, businessmen, diplomats, engineers, and scientists that will be needed in the years ahead. I urge the adoption of H.R. 8900.

Mr. SANTANGELO. Mr. Chairman, I want to take this opportunity to commend the gentlewoman from Oregon and the members of that great Committee on Education and Labor on this great advance in the educational field. I think it is a pioneering effort, and I think the United States is going to profit by the expansion of facilities and the creation of new facilities.

Mr. Chairman, I support with pleasure H.R. 8900. This bill authorizes assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation or improvement of academic and related facilities. Academic facilities include classrooms, laboratories, libraries, and related instructional research or administrative facilities. Excluded from the term academic facilities are those facilities intended primarily for events for which admission is to be charged, gymnasiums, or facilities which are specially designed for physical education, athletic or recreational activities. Also excluded are facilities to be used for sectarian instruction or as a place for religious worship.

This measure will bring about an expansion of present facilities both private and public, creation of new facilities so that no high school graduate with talent and ability will be denied because of lack of facilities or inadequate facilities.

This measure provides a program of grants supplying $180 million for a period of 5 years and loans totaling $120 million. Federal grants cannot exceed one-third of the development cost of the project and thus the local government in the case of public institutions of higher learning or in the case of private institutions, there will be joint cooperation in obtaining these additional facilities. Tuition fees, endowments, or other contributions do not suffice to cover the cost of higher education of a student. Federal assistance is a necessity in view of the fact that local governments have reached the limits of their capacity to assist institutions of higher learning.

The loan provisions of this bill have been patterned substantially after the loan provisions of the college housing program. The loans for construction or expansion must be repaid within a period of not more than 50 years with interest at current rates of interest which presently is 3½ percent.

H.R. 8900 is the first of the priorities in legislation to make certain ultimately that every person who has the capacity, interest to continue his higher education may not be denied such educational opportunities because of lack of funds or because of lack of facilities. While this bill does not provide scholarships, it provides the funds to expand facilities in which gifted students can study. Today many colleges, because of the housing provisions, can house their students but do not have classes in which to teach them.

Five million Americans of college age cannot attend higher education because facilities are unavailable or because they lack funds. Today Russia encourages education and is producing three times as many engineers as we are producing. In an expanding universe, where our eyes, vision, and plans project beyond the limits of this world, it is our duty to provide facilities in which our youth can prepare to face the new horizons.

With higher education offered in new facilities our youth can face and meet the challenge of the future. Without higher education our youth will be relegated to limbo and others more progressive, more enterprising, will prevail.

I trust that this very needed bill will receive overwhelming approval.

Mr. VANIK. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Chairman, I am pleased today to support H.R. 8900, the College Academic Facilities Act, which authorizes matching grants of $180 million annually and long-term loans of $120 million annually for construction of academic facilities for higher educational institutions.

Under this program, a college, university, or a higher education building agency may make 50-year loans at interest rates comparable with those in the college housing program and qualify for grants up to one-third of the development cost of such academic facilities.

Under the grant section of this legislation, Ohio will receive an annual allotment in the sum of $9,570,976 per year for the next 5 years, or a total allotment under this bill of $45,289,880.

It seems to me that this new Federal legislation should provide the State of Ohio with sufficient incentive to proceed toward the establishment of junior colleges under State and local auspices. As a matter of fact, serious consideration should be given to establishing more than one junior college in the Cleveland area.

In a district such as mine, I am astounded by the great number of qualified high school graduates who are denied the privilege of higher education because they are not in a financial position to meet the rising costs of higher education in local institutions and who are denied admission to local colleges because they cannot meet the vigorous competition which currently exists and which is expected to become even more keen in the next several years.

A junior college is critically needed to meet the needs of these talented young people and more adequately prepare them for the more limited areas of employment.

Junior colleges for Cleveland and other parts of the State of Ohio are a tremendous bargain under this bill because this legislation will make possible the construction and development of academic facilities at 66⅔ percent of their total costs. For example, it makes construction and development possible with a 25-percent non-Federal downpayment, 33⅓ percent Federal grant, and the balance by Federal loans. Thus a $1,200,000 facility could be constructed with a non-Federal initial fund of $300,000, a $400,000 Federal grant, and a $500,000 Federal loan.

It is my hope that Cleveland and the State of Ohio will move forward to meet the challenge and the opportunity which this bill presents.

Mr. SMITH of Iowa. I thank the gentle lady. Mr. Chairman, I hope that H.R. 8900 will be overwhelmingly approved this afternoon.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. GOODELL].

Mr. GOODELL. Mr. Chairman, as a very vigorous opponent of general Federal-aid-to-education measures, may I at the outset express my strong endorsement of this legislation. I think it is worthy and necessary. I am somewhat pained, I might say, to hear my colleagues on both sides of the aisle use arguments that I feel are good, substantial and legitimate in other circumstances, against this particular piece of legislation. I, too, oppose control imposed from the top by the Federal Government over our school systems. But I would point out to those of our colleagues who have reservations in this

respect that the Federal Government has been aiding higher education for a very long time. Although there are antecedents to the Morrill Act of 1862 we Republicans, I think, can point with pride to the fact that aid to higher education started on a substantial basis by the Federal Government in 1862 under Abraham Lincoln. Today the Federal Government provides about $2½ billion in aid to higher education. This amounts to 20 cents out of every dollar that our institutions of higher education spend today.

To quote the Secretary of Health, Education, and Welfare, Mr. Ribicoff, in his testimony before our committee:

> Federal funds now flow to institutions of higher education for purposes ranging from the building of dormitories to the construction of high-energy accelerators, from research into possible cures for cancer to research into better ways of teaching French, from the training of specialists in nuclear medicine to the education of college teachers of English.

Privately controlled institutions of higher education now get 16 percent of their money, their current operating funds from the Federal Government.

My esteemed colleague, the gentleman from Colorado [Mr. DOMINICK], raised a question which I would like to clarify with our subcommittee chairman. The bill provides aid for the construction of academic facilities. It is my understanding that this is not limited to undergraduate facilities; that funds provided here may be used to construct graduate buildings, provided the funds are given to a university which gives a bachelor's degree or a 2-year certificate, and also provided that priority be given to increasing undergraduate enrollment; am I correct?

Mrs. GREEN of Oregon. The gentleman from New York is correct. On page 7, line 15, the bill stipulates that these funds will be used for buildings which will "result in an urgently needed substantial expansion of the institution's student enrollment capacity"; and then on the following page, the bill provides that we "shall give special consideration to expansion of undergraduate enrollment capacity." So I would interpret it, as has the gentleman from New York, that we prefer that the funds shall be used for the expansion of undergraduate enrollment, but we do not limit it to that.

Mr. GOODELL. In other words, this money could definitely be provided for the construction of a medical school, a graduate medical school, or a graduate engineering school, or any other graduate school of this nature if it is under a university that gives a bachelor's degree or a 2-year certificate?

Mrs. GREEN of Oregon. The language of the bill would not exclude graduate schools, but it would be up to the State agencies to set their priorities.

Mr. GOODELL. We do emphasize the priority here is undergraduate.

Mr. Chairman, this morning I read in the paper with some interest a reference to Republican support of a Democratic bill. I would like at this time to commend my colleague, the gentleman from Minnesota [Mr. QUIE] for the very substantial amendments which he offered, and which were adopted, to the President's original proposal that came to the Congress. This is in my opinion a bipartisan bill. I do not consider it a bipartisan Democratic bill. I do not think the two expressions quite go together. Basically the argument could be made, since the substantial changes suggested by Republicans were made in our subcommittee, that if it is a bipartisan-partisan bill, it is a bipartisan Republican bill. I will not make that claim. But I do want to commend my colleague, Mr. QUIE, for the very substantial contribution he has made, particularly in switching this from an exclusively loan program to a grant-and-loan program.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. GOODELL. I yield to the gentleman from Minnesota.

Mr. QUIE. I should like to point out that our colleague from New Jersey [Mr. FRELINGHUYSEN] in 1959, introduced a bill somewhat similar to this.

This was the Eisenhower bill. I will say that our side was considering special legislation in this field.

Mr. GOODELL. I also recall that our colleague from New Jersey [Mr. FRELINGHUYSEN] made a substantial contribution in the past, although, in the past, Congress has not acted on these Republican proposals presented by Mr. FRELINGHUYSEN.

Getting back to the bipartisan approach, may I simply raise a red flag of warning: This bill includes aid only for academic facilities. We know that the President's original proposal included student assistance and scholarships. As all of you know, Mrs. GREEN's subcommittee, including myself, went to Russia last fall; and I also participated in an advisory group on higher education which has made some very specific recommendations as to student assistance in higher education institutions. I would hope that we are not going to accept in conference without having hearings on the advisory group recommendation the original proposal for scholarships that were sent here by the President last year prior to our study.

I have assurances from the other side of the aisle that is not their intention to bypass this House and go into conference and accept scholarship provisions from the other body; but we cannot get assurances that they will not do this if circumstances in their opinion justify it.

The warning that I raise is that if we go to conference and if we accept scholarship provisions or student aid provisions as a part of this bill and it comes back to the House of Representatives I believe that Republican and Democrats alike will consider this a violation of the position that we have taken on bipartisan support of this bill. I believe you will thereby seriously jeopardize and endanger the entire program.

I do not say this because I am opposed to student assistance. I favor some forms of student assistance. I say it because our group feels that we should have a hearing on this question in the subcommittee of which the gentlewoman from Oregon, Mrs. GREEN, is the chairman, and that then in due order, not prematurely, but in due order it will come to the floor in the form of a new student assistance program. If it comes back here from the conference with student assistance in it I think it would jeopardize and probably defeat this bill. Certainly I would feel myself obliged to oppose it right down to the last if such provisions are in the bill.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. GOODELL. I yield.

Mr. QUIE. One of the problems the gentleman will recall was the cost of administering the program in the past. Is it not true that the cost of administering this program will be substantially less than the one we considered originally that was originally introduced?

Mr. GOODELL. The gentleman means the cost of administering this kind of grant and loan program is substantially less than the original loan program?

Mr. QUIE. The cost of administration, not the cost of the program itself.

Mr. GOODELL. Yes, it is my understanding that the cost of administration will be considerably less.

Mr. QUIE. One section of title A would have granted assistance by the Federal Government in the first 2 years to a maximum of $3 million a year, but after 2 years the cost of the State commissions themselves will be the costs borne by the States themselves and not by the Federal Government.

Mr. GOODELL. That is correct; that was another suggestion I believe we, as Republicans, made so that the States should take over the State commission's administrative costs after 2 years.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, like many others who preceded me, I, too, rise in support of this legislation. While I consider it significant that we have a bill of this character, I do not think we should overemphasize its importance as a landmark. I think we should congratulate ourselves in that it is basically simply an extension and broadening of a proven program of Federal assistance to institutions of higher education; namely, the college housing program.

I consider it both desirable and a matter of urgency. As the gentleman from Minnesota just pointed out, I introduced a bill back in the year 1959 which would have used a somewhat different approach to achieve the same objectives that we hope to achieve in this bill. I regret that we have delayed so long on a matter of this kind.

It seems to me a move in the right direction if we get the language stricken from the title of the bill, with reference to assistance to undergraduates. By doing this we shall have eliminated a possible source of controversy.

I mention this question of scholarships because these were provided for in the bill previously considered by our committee last year. Because of a sharp division of opinion about scholarships, the present bill was developed. It happens that in the past I have favored a Federal program of scholarship aid, to

enable more of our young people to get a college education. Yet I have felt from the beginning that one of the reasons we got so little education legislation enacted last year was because we insisted on mixing the two together; different proposals in a single legislative basket. The bill that our committee originally reported included not only aid to academic facilities but also a program of Federal scholarships. I myself would be inclined to favor such a program, but there is no connection between scholarship aid and assistance in the construction of buildings.

I was pleased the chairman of our full committee stated that in his view specific recommendations would be forthcoming from our committee only after we make a further study of the situation. He feels, as do I, that we should evaluate the scholarship program in connection with the loan program authorized under the National Defense Education Act.

We must have a clear understanding that we consider further study of this question important, because the only major concern that I have heard expressed here about this legislation is one over which we have little or no control. That is, that the other body may insert a program which has no relevance to facilities; namely, a program of scholarship. If that should occur, we will be unable to assert ourselves as to what we would consider a proper scholarship program. If the record as to what we consider important is made clear, we can at our leisure develop a suitable program and bring it up for the consideration of the House at a later date.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Minnesota.

Mr. QUIE. The advisory group, which we have spoken of many times, has recommended student assistance which is different than recommended for grants. If we were to accept whatever scholarship provisions were in the Senate proposal in conference, and the House accepted the conference report, this would preclude the House from ever considering the recommendations that were given us by our advisory group.

Mr. FRELINGHUYSEN. I agree with the gentleman. It is because there are varied and controversial elements involved that the committee should give this whole problem a square look.

Mr. QUIE. I feel very strongly about the right of the House to consider the financial assistance now given to undergraduate citizens. I would have to oppose a conference report in the event they brought it out with other substantial provisions precluding the House from considering it as a whole.

Mr. FRELINGHUYSEN. I hope we will not be faced with that necessity, at this stage of the session, with months to consider legislation.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. KEARNS. Mr. Chairman, I yield the gentleman from New Jersey 5 additional minutes.

Mr. QUIE. One of the reasons why I am concerned can be pointed to in a letter that I wrote to the Secretary of Health, Education, and Welfare on June 9, last year. I received an answer from Secretary Wilbur J. Cohen, in which he pointed out something that we must take to heart as Republicans too. He stated:

> Ten years ago the U.S. Office of Education had relatively little impact on education in this country. Its total budget in 1950 was approximately $35 million and most of these dollars were for grants to promote vocational education. In the last decade, and particularly in the last 3 years, the responsibilities of the office have grown by leaps and bounds as the Nation has become aware of the importance of education to the Nation's primary interests and even survival. Its budget has risen to $539 million in 1961 with the prospect of increasing to more than $1,500 million if both the elementary and secondary and higher education assistance acts are enacted by the Congress.

We are talking about administrative costs, not the cost of the program. For this reason I want to make sure the House has a voice in any additional aspects of the program that are enacted into law.

Mr. FRELINGHUYSEN. I thank the gentleman.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from New York.

Mr. GOODELL. I would like to emphasize in connection with the remarks of the gentleman from Minnesota and my own previously that I certainly am not recommending that we accept wholeheartedly all of the findings of the advisory group, unless these should be considered prior to final enactment in the House. I emphasize the fact that this procedure would have no opportunity to consider the total problems of student assistance. I would like to point out that we did make inquiry of the Parliamentarian as to the germaneness of amendments offered here today to this bill to provide student assistance in one form or another, perhaps along the line of the advisory group and perhaps along other lines. We were advised that such amendments would not be germane today to this bill. This means that if this bill goes to conference and scholarships or other types of student assistance are added in conference, it will come back here without the House of Representatives having an opportunity at any time to go into the bill as to the proper provision for student assistance. We will have it on a take-it-or-leave-it basis at that point. That is the reason, basically, that I feel so strongly that we must oppose it if it takes that form.

Mr. FRELINGHUYSEN. I thank the gentleman.

Mr. Chairman, in closing, I would like to say that apparently a priority label has been given to this bill. The chairman of this committee has referred to this as one of the islands of neglect, and that is why he feels justified in bringing it to the floor at this time. My question—and it is one that I have not been able to find an answer to, though I have requested it from the administration: Has a decision been made to abandon what President Kennedy last year referred to the need for a balanced educational program? He said, as I recall, that one-sided aid is not enough. Has a decision been made to abandon any further effort to get a general aid to education program up for consideration in the House?

The press reports that Mr. Ribicoff, Secretary of the Department of Health, Education, and Welfare, only 24 hours after the state of the Union message this year, stated that a general aid to education program has low priority. Again, according to the press, the White House is said to agree with Chairman POWELL of our committee that Congress should go slow on major education legislation.

A decision, which I consider regrettable, apparently has been made to abandon even consideration in committee what should be done in this field. I regret that. I recognize, of course, that there are many controversies involved in developing a suitable program. Nonetheless, along with the building of additional facilities at the college level, the question remains what we should be doing about facilities at the elementary and secondary level. Should we not also consider the more controversial question as to what we should do about teachers' salaries? I do not think we should abandon, without even a test of strength on the floor of the House, the question of whether we should or should not move in these areas.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I am sure the gentleman from New Jersey shares my hope that the school construction bill should also be supported on a bipartisan basis.

Mr. FRELINGHUYSEN. I can assure the gentlewoman I can imagine no bipartisan support for the bill that was advocated by the administration last year. It has been my hope that we could evolve a quite different approach which would deserve some bipartisan support.

The question has been raised most vigorously whether further study is not needed in the field of overlapping of present expenditures in the field of education. It has been asserted that, pending such a survey, we should slow down on any further legislation.

I should like to point out—and I shall ask unanimous consent to have it inserted in the RECORD—that the Department of Health, Education, and Welfare has developed a study which indicates in some detail what Federal activities are presently underway. I would suggest that those varied activities should not surprise us and should not deter us from sound programs of action. We should not rest on our laurels because we pass a single bill. There are many needs still unmet and much still remains to be done if our response is to be adequate.

The following tabulation, to be found in a 1961 publication entitled "Federal Funds for Education," was prepared by the Department of Health, Education, and Welfare.

TABLE 1.—*Financial support of Federal programs for education: 1950–51 to 1958–59*

Department or agency and program	Academic level [1]	Amount of Federal support, by year (thousands of dollars)				
		1950–51	1952–53	1954–55	1956–57	1958–59
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Total		2,511,829	1,416,898	1,571,535	1,968,246	2,413,186
Department of Health, Education, and Welfare		111,370	310,575	392,240	457,277	737,864
Office of Education:						
Office administration	ES, H, A	2,879	5,149	3,506	4,871	8,229
Civil defense education	A			45	58	
College housing loans program	H					
Cooperative research	H	0	0	0	941	2,752
Fellowships for the study of mentally retarded children	H	0	0	0	0	0
Morrill-Nelson and Bankhead-Jones funds for land-grant colleges	H	5,030	5,030	5,052	5,052	5,052
National Defense Education Act of 1958:						
College student loans	H					
Programs for guidance, counseling, and testing	ES	0	0	0	0	9,677
Fellowships to prepare college teachers	H	0	0	0	0	5,294
Improvement of statistical services of State educational agencies	ES	0	0	0	0	367
Language development	H	0	0	0	0	5,010
Science, mathematics, and foreign language instruction	ES	0	0	0	0	50,630
Loans to nonprofit private schools for science, mathematics, and foreign language instruction facilities	ES					
Utilization of new educational media	H	0	0	0	0	1,600
Public library services for rural areas	ES, A	0	0	0	1,440	5,218
School support in federally affected areas	ES	16,727	200,084	214,507	172,835	215,066
Vocational education	ES, H, A	26,685	25,366	30,351	37,063	44,638
Federally aided corporations:						
American Printing House for the Blind	ES	125	185	215	240	410
Gallaudet College	ES, H	368	503	674	3,162	972
Howard University	H	4,262	4,047	7,654	3,686	4,636
Food and Drug Administration:						
Consumer and industry education	A					
Training for State and local officials	A					
Office of Vocational Rehabilitation:						
Training of individual rehabilitants	H, A					
Research and demonstration projects	H			299	1,999	4,600
Training and traineeships	H			790	2,938	4,799
Public Health Service:						
Communicable Disease Center	A		370	396	567	769
Education in hospitals	ES, H, A	191	187	181	216	215
Education of public health personnel	A			633	1,150	1,272
Indian health	A				179	283
Research fellowships	H		2,014	2,558	5,416	10,154
Traineeships and training grants	H		7,977	11,488	30,836	60,203
Robert A. Taft Sanitary Engineering Center	H		127	149	357	318
St. Elizabeths Hospital training for staff and volunteer workers	H					
Social Security Administration:						
Children's Bureau training program	H	477	695	482	596	2,665
Bureau of Public Assistance consultation and training	H, A					609
Surplus Property Utilization Division allocations for education	ES, H	54,626	58,841	113,260	183,675	292,366
Department of Agriculture		171,154	195,693	245,071	398,399	383,556
Agricultural Extension Service	H	32,141	32,117	39,800	50,030	53,885
Revenue from national forests and submarginal lands	ES	8,435	17,490	16,871	29,080	22,880
School lunch and milk	ES	118,082	133,540	169,291	290,431	275,945
State agricultural experiment stations	H	12,496	12,546	19,109	28,858	30,846
Department of Commerce		5,292	4,024	2,632	2,884	3,493
Census training for foreign technicians	H					82
Maritime Administration schools	H	5,292	4,024	2,593	2,836	3,266
Meteorological education and training	H			39	48	41
Training in the National Bureau of Standards	H					104
Department of Defense		25,507	40,714	47,955	69,569	300,877
Service academies	H	13,648	15,956	16,351	23,480	38,503
Education for military personnel at civilian institutions	H	6,724	7,089	5,699	8,800	9,324
Education for off-duty personnel	H, A	5,135	8,683	9,370	10,579	12,081
Education for civilian employees	H				2,095	3,074
Education of dependent children overseas	ES		8,911	16,421	24,375	29,699
Operation of school buses	ES					435
Education for the native population on the Pacific islands	ES					103
Medical education for national defense	H		75	114	240	405
Research assistantships in educational institutions	H					207,253
Department of the Interior		45,834	58,834	80,263	90,794	113,577
Alaska public works program	ES, H	101	3,397	3,250	1,363	1,047
Bureau of Mines safety training program	A	780	837	850	898	1,200
Education for children of National Park Service employees	ES	14	20	27	29	38
Education in American Samoa	ES, H, A					218
Education in the Pribilof Islands	ES	26	34	35	43	51
Education in the Trust Territory of the Pacific Islands	ES, H, A	290	300	250	410	399
Education for Indians in the United States	ES	27,118	30,117	37,541	49,433	59,348
Revenue from sale of public lands	ES	17,505	24,129	38,310	38,618	51,276
Department of Justice		389	422	461	530	1,416
Bureau of Prisons general and social education	A					436
Bureau of Prisons correspondence courses	A					60
Bureau of Prisons vocational training	A	389	422	461	530	686
FBI National Academy	H					9
Police training schools	A					225
Department of Labor		3,927	5,188	5,236	5,940	10,941
Apprenticeship and training	A	3,183	3,324	3,160	3,399	4,009
Foreign visitors program	H	744	1,864	2,076	2,541	3,167
Testing, counseling, and placement services	ES					3,765

See footnote at end of table.

TABLE 1.—*Financial support of Federal programs for education: 1950–51 to 1958–59*—Continued

Department or agency and program	Academic level [1]	Amount of Federal support, by year (thousands of dollars)				
		1950–51	1952–53	1954–55	1956–57	1958–59
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Department of State			37,402	40,100	47,751	57,811
Educational exchange program	H		23,360	19,768	18,605	26,590
Country missions	H, A		14,042	20,332	29,146	31,221
Interuniversity contracts	H					
Department of the Treasury		1,800	2,565	2,506	3,350	5,212
U.S. Coast Guard Academy	H	1,768	2,513	2,435	3,265	4,068
Education of dependent children overseas	ES	0	0	13	23	37
U.S. Coast Guard officer postgraduate and specialized training	H	32	52	58	62	56
Internal Revenue Service training for enforcement personnel	A					1,51
Atomic Energy Commission		18,908	25,221	24,479	30,717	51,047
Contract research	H	13,487	17,352	19,431	21,284	39,628
Fellowships	H	1,055	696	229	413	925
Expenditures for public schools	ES	3,682	6,780	4,410	4,097	4,958
Other training	H	684	393	409	4,923	5,536
Canal Zone		2,300	2,635	2,910	3,647	5,019
Public education	ES, H, A	2,300	2,635	2,910	3,647	5,019
District of Columbia		2,728	2,310	5,063	5,077	7,742
Public education	ES, H	2,695	2,277	5,016	5,027	7,680
Capitol Page School	ES	33	33	47	50	62
Education in public welfare institutions	ES					
Federal Aviation Agency		101	348	266	461	1,036
Aviation training of foreign nationals	H	100	345	244	432	994
Tuition payments for employees in nondepartmental institutions	H	1	3	2	9	14
International Civil Aviation Organization Fellows	H			20	20	28
Federal Deposit Insurance Corporation					7	14
Employee education	H				7	14
Library of Congress		1,000	1,000	1,000	1,067	1,368
Reading material for the blind	A	1,000	1,000	1,000	1,067	1,368
National Aeronautics and Space Administration		710	618	675	580	5,023
Training and research centers	H					47
Research at educational institutions	H	710	618	675	580	4,976
National Science Foundation			3,220	10,109	34,952	122,820
Basic research	H		1,813	8,009	15,268	45,950
Research facilities	H				5,382	15,580
Fellowships	H		1,366	1,784	3,354	13,071
Institutes, course content improvement, and special projects	ES, H		41	316	10,948	48,219
Office of Civil and Defense Mobilization					707	1,741
Civil defense resident and extension schools	A					529
Training and education contributions to States	A				707	1,212
Small Business Administration						
Management training	A					
Tennessee Valley Authority		593	557	485	582	593
Cooperative research, tests, and demonstrations	H	593	557	485	582	593
Veterans' Administration		2,120,216	725,572	710,084	813,955	602,036
Vocational rehabilitation	H, A	176,875	57,769	40,770	30,598	22,307
Education and training	H, A	1,943,341	667,803	664,514	773,906	566,366
War orphans educational assistance	H, A	0	0	0	2,351	7,663
Fees to educational institutions	H, A	0		4,800	7,100	5,700

[1] Academic levels: ES—Elementary-secondary; H—Higher education; A—Adult education.

Mrs. GREEN of Oregon. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. BRADEMAS].

Mr. BRADEMAS. Mr. Chairman, I, too, am pleased to rise in support of H.R. 8900 and to add my own congratulations to the distinguished chairman of the Subcommittee on Special Education, the gentlewoman from Oregon [Mrs. GREEN] whose concern, intelligence and energy are chiefly responsible for the shaping of this legislation and bringing it to the floor of the House of Representatives today.

I want also to dive into this partisan sea in which we all seem to be swimming this afternoon, and to say how pleased I am that Democrats and Republicans are recognizing that higher education is of such an order of priority that we can join in strong support of legislation to provide for academic facilities for the colleges and universities of our country.

Mr. Chairman, reference has already been made to the fact that several members of the Committee on Education and Labor of the House of Representatives—the gentleman from Connecticut [Mr. GIAIMO], the gentleman from Michigan [Mr. O'HARA], the gentleman from Minnesota [Mr. QUIE], the gentleman from New York [Mr. GOODELL], and I have for the last several months served on a bipartisan Advisory Group on Higher Education which was named by the Chairman of the full Committee on Education and Labor, the gentleman from New York [Mr. POWELL].

The discussions which the members of our group have had during the last several months with outstanding university educators and administrators have convinced us that the American university community is to a really remarkable degree united in its agreement that a Federal program to help finance the construction of classrooms, libraries, laboratories and other academic facilities is not

only essential, it is the No. 1 priority in higher education today.

Mr. Chairman, I have here, for example, a telegram that I have just received from the distinguished president of Purdue University, a great land-grant university in the State of Indiana, Dr. Frederick L. Hovde, advising me of his very strong support of H.R. 8900. Dr. Hovde points out that funds for academic buildings must be made available now if the new buildings we must have are to come into the stream of construction by the years 1964 and 1965, when the number of high school graduates in my own home State of Indiana jumps 25 percent in the year 1964, and another 15 percent over that figure in 1965.

Mr. Chairman, it has been said here today that there is no need for this legislation. This is, I am pleased to note, a minority view here this afternoon, but I would urge those who do hold this view, to look at some of the statements that have been made in recent weeks by the representatives of the American Council on Education.

Mr. GOODELL. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I will be glad to yield.

Mr. GOODELL. Would the gentleman clarify the expression when the gentleman uses the world "minority" to the extent that the gentleman is not referring to the minority party?

Mr. BRADEMAS. I will be delighted to do that, especially for my friend from New York.

When I use the word "minority" this afternoon, I mean a minority of Republicans and a minority of Democrats. I am just partisan enough to point out, however, this afternoon, that the minority on the Republican side has been somewhat more vocal in opposing this legislation than the minority on our side. I hope the gentleman will excuse me for at least that degree of partisanship.

Mr. Chairman, I was saying that members of the American Council on Education, the chief spokesman for colleges and universities in our country, have overwhelmingly indicated its desire for a program of grants and loans for the construction of academic facilities. I hope very much that the widespread recognition of the need to which we have all referred this afternoon will be reflected in the vote today.

Mr. Chairman, the impact of growing enrollments in the coming decade in the United States and the challenge to American scientific and technical education have already been cogently described both by the Chairman of the full Committee on Education and Labor, the gentleman from New York [Mr. POWELL], and by the gentlewoman from Oregon [Mrs. GREEN], and by other members of the Committee on Education and Labor on both sides of the aisle.

Mr. Chairman, I want once again to point out the strong support of this type of legislation from all kinds of institutions of higher learning in this country, large and small, old and new.

Mr. Chairman, I should like at this point to ask the distinguished Chairman of the Subcommittee on Special Education, the gentlewoman from Oregon, [Mrs. GREEN], this question, which I know is on the minds of many of the Members of the House:

What are some of the precedents for Federal aid to colleges and universities in the United States? What are the precedents for Federal aid to higher education?

Mrs. GREEN of Oregon. Mr. Chairman, in response to the question the gentleman from Indiana has raised, there is considerable precedent. I have a summary of all of the grants and the loans that have been made by the Department of Health, Education, and Welfare, by the Department of Defense, by the National Science Foundation, by the National Aeronautics and Space Administration, and by the college housing program. Let me give you one example, if I may, with respect to the district which is represented by the very distinguished minority leader on the House Committee on Education and Labor [Mr. KEARNS]:

I find that in his district, for example, that Allegheny College received $58,860 from HEW; from the National Science Foundation it has had grants of $358,370, and it has received over $1 million from Housing and from NASA. This one college has received $1,733,000 from various Federal agencies.

I would also say to my distinguished colleague from Pennsylvania that he is indeed fortunate in his district because the Federal Government, through its various agencies, has awarded to 7 private and public colleges a total of $6,077,970, most of it in the last 5 years. With the exception of housing, all of it was awarded in the last 5 years.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from Pennsylvania.

Mr. KEARNS. Mr. Chairman, I would like to thank the Congress from the depths of my heart, and congratulate myself.

Mrs. GREEN of Oregon. Mr. Chairman, I can cite 435 other examples where the Federal Government today has given substantial grants and loans to colleges and universities throughout this country. So, we are not breaking new ground. The precedent is there, and we simply believe that there should be a greater participation by the Federal Government in view of the urgency of the times.

Mr. KEARNS. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. MATHIAS].

Mr. MATHIAS. Mr. Chairman, I rise to support this bill because I think the figures stated in the report of the Committee on Education and Labor with regard to the pressure on college enrollments in the next 8 years are so persuasive that it does require immediate action of this House.

This bill is in a tradition which in my own State of Maryland predates the Federal period of history, goes back into our colonial history when we had aid to higher education. It follows the tradition of the land-grant colleges and of the National Defense Education Act. Not all of the aims of an adequate program for higher education are included within this bill. I am sure there are some features which some of us will find undesirable, but I still think it is a bill which is urgently needed and which we must support. I would, however, second the plea of the gentleman from New Jersey [Mr. FRELINGHUYSEN], that once we have acted on this bill, and acted favorably, we do not consider that the job is done. There is a great deal left to be done and I hope that we will continue to see that we finish up what is needed in this area of assistance to higher education.

Mr. KEARNS. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. HIESTAND].

Mr. HIESTAND. Mr. Chairman, this bill is presented to us as an emergency measure. It is said that we are in a crisis; therefore, whatever we do in an emergency need not be permanent. May I suggest that we have always had a shortage of scientists and engineers. We shall probably always have a shortage of scientists and engineers. I know of no time when we did not. In the depths of the depression we may have had a surplus of all types of labor, but in my judgment this is not a crisis. I know that is a good argument for the enactment of a great many bills—a crisis, and that it is a temporary measure. But this is a permanent measure. Once we get this program established it will be permanent and it will keep on growing forever, at least as far as we can see. The people of America will be stuck with it.

We always have needed engineers and scientists. It reminds me, as I mentioned before, of the sputnik crisis, the panic that ensued when sputnik went up, and the hue and cry for scientists and engineers was terrific then. Some passed the National Defense Education Act and still we are short of scientists and engineers. And why? Because this control that the Federal Government has and which it has to have, as I mentioned in discussing the rule, has included some fantastic courses, these humanities courses. They are wonderful and valuable and fine, but as for creating scientists and engineers, I cannot see them.

I am sure that the Members of this House realize that the taxpayers' money is supporting a lot of education for which there was no authorization in the Defense Education Act. And yet it is full of controls. There are some 12 controls and a number of them are put down in the Defense Education Act. We cannot say that we do not have to have controls. We do have to have them. It is our obligation and it is our right, according to the Supreme Court. Whatever the Federal Government does, it has the right and obligation to control.

I wonder, then, what is the motive for this Federal aid? I am wondering if somewhere along the line there is not simply the motive to get control. I wonder whether we have pondered that one. Why Federal aid? The colleges have done a magnificent job under the free enterprise system. They are doing a magnificent job. They have been, as has just been mentioned, supplied with generous Federal funds for many special purposes. If that money has been well

spent, why do we need to double or triple or quadruple it, or multiply it by 10 times? This is a very serious question.

Also, we are told that this is not really Federal aid to education of the objectionable type, because it all goes only into construction of facilities.

May I suggest that the gentleman from Indiana [Mr. MADDEN] at the very outset said this is just a beginning of a great Federal program, and various others have implied that this is only a toe in the door. May I suggest that this advisory group which has been mentioned got out this little pamphlet "Congressional Action for Higher Education." In this pamphlet, Mr. Chairman, are items of a great Federal program for education, for academic facilities, like this one, for science equipment, for language equipment, but also for supply and quality of teachers at all levels. Teachers at all levels. Mr. Chairman, if this does not mean Federal control of all education I just wonder what it does mean.

Then we have the National Defense Education Act national language program vastly to be expanded; the faculty development program, vastly to be expanded; the financial assistance to students to be expanded, the student loan fund, assistance to exceptionally needy students, incentives to academic achievement. Many of these things are desirable, but why the Federal Government? Assistance for professional and graduate students and basic research.

These are things that we agree are desirable, but why is the Federal Government in it at all when the States, counties and communities, and private schools have been doing such a magnificent job?

Federal Government construction is well known to be and is provided in this bill to be far more expensive and wasteful than construction by college authorities, especially where they have had a difficult time getting the money, or State colleges. We find in these latter instances they spend their money carefully and wisely.

I also notice that this is a program of grants and loans. May I suggest that there may be a question in some of our minds why an institution should ever borrow money that it has to pay back when it can get an outright grant.

This bill has many, many weaknesses. It is much more expensive, less efficient, and more wasteful than at present.

On this matter of whether the public wants Federal aid to education, somebody called me on the telephone the other day and asked if this bill was coming up, and asked if I was in favor of it. I said, "No, I am not." Well, could you use some help? I said, "Yes, but do not send any to me, send it to somebody else; my position is well known." Despite that fact I had a pile of over 70 telegrams that arrived just yesterday and today. I am astonished that the people should be so excited so suddenly. They are opposed to Federal aid to education. And I said before in the discussion of the rule, whether we call it aid to education or not, whether we say this just takes in higher education, it is still a fact that it is aid to education and we shall all be indicted for favoring it, if we do.

I am opposed to the bill, and I hope it will be defeated.

Mrs. GREEN of Oregon. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey [Mr. JOELSON], a very competent and capable member of the Subcommittee on Education of the Committee on Education and Labor.

Mr. JOELSON. Mr. Chairman, I rise in enthusiastic support of the measure under consideration.

Have my colleagues ever realized that we have only one inscription on the walls of this entire Chamber? It is over the clock above the Speaker's dais, but we are all so interested in many matters that I doubt if many of us have observed it or studied it. I have, and I wish to read it at this time. It reads:

> Let us develop the resources of the land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also in our day and generation may not perform something worthy to be remembered.

In my opinion our greatest natural resource is the youth of our country. There is no greater institution that we in Congress can build up than our colleges and our universities. We must not waste the talent of our youth; we must see to it that every young person who has the capability of learning be given the opportunity to learn.

We have heard a lot about fighting communism; and, of course, we must fight communism by producing the greatest scholars and the greatest scientists.

However, in the long run, our place in civilization will be determined not by the number of tanks we produce, not by the number of guns we have, but the type of the culture we have, the type of educational system that we can produce.

We have a great opportunity before us today. This bill has been called the toe in the door or the foot in the door. I hope it is; I hope it is the beginning of a giant step forward, because I will be happy to take it.

Mr. Chairman, I yield back the balance of my time.

Mrs. GREEN of Oregon. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut [Mr. GIAIMO].

Mr. GIAIMO. Mr. Chairman, this past fall I traveled to the Soviet Union with a special committee of the Committee on Education and Labor. We paid particular attention to the Russian educational system. I came back from that trip encouraged as to the quality of American education, compared to what I saw in Russia. But what disturbed me most of all was the attention and dedication of the Russian people to the importance of education.

I sometimes wonder whether we Americans are paying enough attention to education, to what education means to us in the world today and what it will mean in the future. Throughout Europe, particularly in Russia, governments realize the tremendous significance and the increasing importance that an educated body of men and women in all fields means, and the tremendous importance and effect they will have on the future of the world.

Sometimes I fear we in America take education for granted, leaving it to individual support and meanwhile, resting on the belief that education is properly a private matter. True, education is of concern to the individual who seeks it. But in addition to the private benefits that individuals get from education there is also a public benefit. The public has an interest in it because if this country, the greatest Nation in the world, does not continue to train people in all aspects of human knowledge, if we do not make sure that we have an educated body of youth coming along at all times in increasing numbers, then we, as a nation, will be at a tremendous disadvantage.

Speaking specifically of the bill at hand, there are several things I would like to stress. First, the bill will generate and encourage non-Federal spending in the field of education. By virtue of the limitation of Federal participation to one-third of the cost it will mean that for every dollar the Government spends there will be 2 extra dollars spent by non-Federal sources. You may say, "Sure, they will borrow it from the Government under the loan section of the bill." But the point is they must repay that loan; and, in addition, we have a limitation that only a percentage of the two-thirds non-Federal money can be borrowed from the Government. There must be a portion which will be non-Federal money.

The other point I would like to make is that it will stimulate an increased growth in those particular institutions which are going to carry the great burden of educating the more than two and a half million additional young people that will come along by 1970. I happen to represent the city of New Haven. When you speak of New Haven, automatically you think of the fact that Yale University is there. But Yale, Harvard, and the large institutions of this country are not going to expand sufficiently to carry this burden. In New Haven, do you know that there is New Haven College, Albertus Magnus College, Quinnipiac College, and Southern Connecticut State College?

These are the new, young, growing colleges which need assistance. They do not have the endowments that the large universities have. But they are going to take upon themselves the obligation and the duty of educating those two and a half million additional people coming along in the next 8 years.

This bill is just a beginning. There are many other problems in education. I think the people who create smokescreens, such as the question of Federal control of education, the cost of education and its effect on the budget, are not facing the problem head on. The fact is we must have the facilities for our increasing population. We must do additional things for education, as has been mentioned today by prior speakers. We must assist the States and the universities in upgrading the quality of teachers and the quality of instruction.

We must see to it that needy students, those who cannot afford a college education, may obtain it. These are some of the problems we must solve with the assistance of the Federal Government, not with its control but with its assistance.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I yield to the gentleman from Minnesota.

Mr. QUIE. We intended in this legislation to include all institutions of learning. However, it has been brought to my attention that so far as some universities are concerned, when we define an institution of higher education, as on page 29, that we might leave out the branches of the universities. I am under the impression that we meant the branches as well.

Mr. GIAIMO. I agree with the gentleman. I am under the same impression. I think the gentlewoman from Oregon also agrees with us and is under the impression that a branch college is a part of the institution, therefore it would be counted in as part of the main institutions and would receive the benefits of this bill.

Mr. QUIE. Would the gentleman yield to the gentlewoman from Oregon to answer that question?

Mrs. GREEN of Oregon. Yes; we certainly intended that this legislation shall cover the branches as well as the main university.

Mr. KEARNS. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. ASHBROOK].

Mr. ASHBROOK. Mr. Chairman, I would like to make several points here today. First of all, I will say that our subcommittee, of which I am a member, grappled with this rather difficult problem, and I am very much convinced that the bill we have here today is a great improvement over what we had offered by the administration. However, I think it would be wise to point out several things which should be considered at this time.

On page 7 of the report under "Eligibility" it is rather interesting to note that in paragraph (a) it says that an institution, to become eligible, must show that "it is unable to borrow money from other sources on equally favorable terms." I wonder, for example, who here thinks that we are going to find any institution that will be able to borrow money on "equally favorable terms." We are, in effect, saying that the Government is going to have the best terms.

We are saying that everybody should look to the Federal Government for the best terms available, and therefore the best route for making improvements in academic facilities.

On page 6 of the report it says:

> The applicant must further show that the project (a) will not be used primarily for events for which admission is charged to the public * * * (c) is not used and will not be used for "sectarian instruction" or as a place for "religious worship," and (d) is not used and will not be used primarily in connection with any part of the program of a school or department of divinity.

In section 108 and section 122, subparagraph (2), paragraph (B), there is set out a remedy for recapture of payments where these uses are not in accordance with what is stated here. I would point out, however, if there is any religious institution on which that demand would be made within the 20-year period, it would be rather hazardous for the U.S. Government to endeavor to gain back or to bring back any payments that have gone to that institution. So, I think in most cases we will have to admit this is meaningless.

While the provisions of H.R. 8900 can be challenged on the basis of the failure of its advocates to present any evidence of lack of classrooms on college campuses today or in the near future, its most conspicuous weakness is administrative. Any Congressman who votes for this measure, in effect, will have placed the college presidents of his district in a most serious dilemma and will, at the same time, invite the most undesirable type of State politics to be introduced into the expansion of the colleges of his district.

The very serious questions of priority in allocating these funds were carefully avoided by the officials of the Office of Education through the authorization of State commissions charged with the responsibility for setting up the criteria—standards and methods—by which to determine what college building projects were eligible for assistance under the proposed program.

While the administering agency of the Federal Government can thus duck the responsibility for the repercussions of this program, it should be of considerable concern to the Congressmen who must return to the scene of the conflict to campaign for reelection.

Both the loans and grants proposed under H.R. 8900 will bring on this confusion and conflict.

College officials who succeeded in getting top priority for grants will still have the problem of raising two-thirds of the costs of the building from other sources, since the Federal share is limited to one-third of the total development costs of the building. Not all of these remaining two-thirds could be borrowed from the loan program, for it is specifically required that at least one-fourth of the development costs be financed from non-Federal sources.

Even assuming that building campaigns could be conducted by college officials to raise the one-fourth from alumni or business corporations, college officials have no equity or other means of guaranteeing the repayment of the Federal loans—and the bill specifically requires that Federal loans be limited to applicants unable to secure loans from other sources on terms as favorable as authorized in the bill. The use of tuition fees to amortize such loans is both unwise and uncertain and—in the case of public institutions—few, if any, State legislatures would commit future legislatures to budgetary items guaranteeing repayment of Federal loans.

For the average college official this then adds up to the following frustrating set of conditions: If he successfully wages a highly political battle to get priority from the State commission for a grant for a classroom building, he must then conduct a successful campaign to raise one-fourth of the building costs from outside sources before he would be eligible to receive a loan from the Federal Government to make up the remainder of the costs, and then he would be hard put to present the security and guarantee of repayment of the loan.

Equally important, the specter of constitutionality is raised by introducing the grant concept into the overall program proposed by the bill. By making 60 percent of the Federal program grants, it is clearly indicated that the loan program is expected to supplement the grants, and hence almost all buildings constructed will be determined by the eligibility established through these State commissions for grants. Hence the whole program would fail if the constitutionality of direct tax support for religious institutions were raised.

The Senate has carefully avoided this possibility in S. 1241 by limiting title I to loans, and by clearly indicating in title III that the grants were to be available only to public community-junior colleges. It will be interesting to see how H.R. 8900 is reconciled to their bill.

As recently as Tuesday of last week, a Senator known to be favorable to Federal financing of education, nevertheless, clearly indicated in remarks in the CONGRESSIONAL RECORD, pages 808–809, the view that Federal grants for religious institutions are unconstitutional.

He pointed out in the case of Everson against the Board of Education that the first amendment of the Constitution definitely means that neither the State nor the Federal Government "can pass laws which aid one religion, aid all religions, or prefer one religion over another."

Justices Frankfurter, Jackson, and Burton concurred with Justice Rutledge in stating that the first amendment was intended to "create a complete and permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion. In view of this history no further proof is needed that the first amendment forbids any appropriation, large or small, from public funds to aid or support any and all religious exercises."

Regardless of the construction placed by the President or others on the constitutionality of loans of tax funds to assist religious educational institutions, it should be clear that outright grants are of doubtful constitutionality and we will surely be inviting litigation.

It therefore appears that confusion and controversy will be brought on in the higher education systems of many, if not all, States if either loans or grants for non-revenue-producing college facilities are offered to them by the Federal Government. Since there has been no demonstrated need for any emergency action by the Congress to stimulate college classroom construction, and Federal funds are already available to colleges and universities to enable them to build any needed dormitories, cafeterias, or other revenue-producing facilities, the program proposed under H.R. 8900 is unnecessary and will lead to undesirable consequences.

However, the bill presented here is a great improvement on the administration proposal. That proposal called for all loans and no grants but there was a subterfuge. It would have given to the college $350 per student on scholarship, in effect a direct grant. Many of us believe the Senate will include scholarships when they vote on the measure before that body. At any rate this is a typical foot-in-the door deal. The sponsors imply there is a new source of money for schools in this bill. Federal money is not magic money but it is a good vehicle to bring about control of our private institutions of higher education.

Mr. Chairman, I include several articles as follows:

[From the Los Angeles Times]

PEPPERDINE POINTS THE WAY TO SELF-RELIANCE

(By Morrie Ryskind)

Some time ago I chronicled in this space my horror at the discovery of a small Western college whose doctrines are so inimical to the welfare of the welfare state that, if spread, they might—heaven forbid—throw us back to the Dark Ages when Americans were obsessed with the notion that the individual, and not the Government, knew what was best for him. I had thought that the high priests of the National Education Association had exorcized all such evil spirits with their methodological incantations and that none had escaped the inquisition. Alas, no.

I mean no disparagement of the NEA, whose noble work, especially in preparing our youngsters for higher education, no one recognizes more than I. College entrance tests indicate that not only can a lot of our Johnnies not read, but that they are unable to compose an essay of 100 words without serious errors in spelling, grammar and punctuation and have been taught more about UNESCO than about the three R's.

That the NEA has been able to accomplish all this in spite of starvation wages, lack of prestige, tenure and vacations of only 3 months—and in schools built by the local communities and not the Federal Government—is proof enough of its dedication.

But the devil never rests, and there was little Pepperdine College in Los Angeles, still unconverted after 25 years and still shamelessly preaching the heathenish gospel of self-reliance. I attended a black mass held under its auspices at which BARRY GOLDWATER presided and actually heard them sing the praises of work and thrift and pay homage to our primitive Constitution, that outmoded instrument which Senator FULBRIGHT has described as designed for an 18th century agrarian society.

I was still shaking my head in violent disbelief of my senses, much as an anthropologist might if he suddenly came upon a colony of Neanderthal men whom civilization had completely bypassed, when the biggest blasphemy of all was uttered. The paleolithic president of the college rose to announce that Pepperdine was building a new dormitory, to be completely financed by floating a loan among private citizens and without a penny of Federal grants.

There is a point at which, no matter how tolerant you are, heresy becomes treason, and I could take no more. I fled to my typewriter and wrote a devastating exposé of the whole tawdry proceedings, predicting that the whole weight of the establishment would shortly fall on Pepperdine for thus violating the cardinal commandment.

For the problem is not, are we getting enough school construction?—the evidence is overwhelming that we are getting that at the local level at a rate even above what the NEA has demanded—but how to get the Government into the act. Only in that way can the State take over the schools, and—equally important—only in that way can the collectivistic scholars take over the State.

Sure enough, shortly afterward, the establishment excommunicated Pepperdine in a report made by the Research Department of the California Teachers. True, a subsequent report—due either to oversight or fear of a libel suit—omitted Pepperdine's name from the list of the banished, but the aim had been achieved. Everybody sees the front-page banner that headlines a juicy morsel, but nobody sees the retraction made on page 18 a month later. Mention Pepperdine even today among faithful and eyebrows are sure to be raised.

But apparently this is not an isolated case. I have just received an announcement from Rockford College in Rockford, Ill., informing me of the development of a new $15 million campus "without seeking any construction funds from the Government."

Nor, adds the president, "will we ask for the presently available building loans with their token, subsidized interest rates."

Says one trustee: "Rockford has been maintained by private support for 114 years as an independent institution. We are bound to lose that independence if we turn to the Federal Government for funds." And another: "If we ask the Government to quit spending money at such a high rate, we can't ask for a handout in the same breath."

And that last, if you please, from the chairman of the city board of education.

It can happen here. The infiltration is obviously far wider than any of us had ever suspected, and a whole generation of youngsters may be infected unless we put our attention to the job at hand. Let us forget about the Brandenburg Gates till we have eradicated the enemy within our own gates. To arms, men of the NEA.

[From the Bulletin of Wheaton College]

NO FEDERAL SCHOLARSHIPS, THANK YOU

(By President V. Raymond Edman)

MY DEAR PRESIDENT EISENHOWER: Originally, Mr. President, it was my thought to write to our Congressman from the 14th Illinois District, the Honorable Russell W. Keeney, and express to him as our Representative how we at Wheaton College feel about Federal aid to higher education, especially in the matter of scholarships. However, in our district we have had the sorrow caused by the untimely death of Mr. Keeney, a fellow citizen and neighbor here in Wheaton, and a very highly respected citizen and public servant. I am therefore taking the liberty of addressing these observations to you.

The advocates for Federal aid to education are vocal and well organized. We are familiar with their arguments for immediate aid to the colleges and universities, lest we be overwhelmed by the rising tide of enrollments, or die because of rising costs that may prove to be beyond our means.

We appreciate the perplexity and peril in which institutions of higher learning find themselves, but we do not think we should become panicky. The colleges have been in difficulties in days past, in the depression, for example; but we tightened our belts and toughened our spirit to overcome that ordeal.

We here at Wheaton, along with some others, perhaps a minority, do not favor panaceas such as Federal scholarships and grants-in-aid. Our persuasion is based upon principles fundamental in the American way of education.

I. NOT A FEDERAL RESPONSIBILITY

We do not believe that basically education is a responsibility of the Federal Government. We do not hold that article 1, section 8, paragraph 1 of the Constitution which grants to the Congress "the power to lay and collect taxes * * * and provide for the common defense and general welfare of the United States" includes education. That responsibility was left very wisely to the individual States and the local districts thereof.

The thought of the Founding Fathers regarding education was well stated in the Northwest Ordinance of 1787, made the very same year the Constitution was framed. You will recall that basic statement of national policy declared that "religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools, and the means of education shall be forever encouraged." To that laudable end the ordinance made provision for the reservation of land designed to support public education, both elementary and higher.

II. A FAMILY RESPONSIBILITY

We hold that the primary responsibility for the education of the children rests with the individual family. The family is the God-ordained unit of human society. In the last analysis, the strength of any government is based upon the strength of the family.

It should be the desire of the parents that their children have every available educational opportunity. Such desire may require great sacrifice and hardship on the part of their parents, but their investment will be infinitely worthwhile.

It should be the motivation of the children to secure an education. If they lack the inner urge to prepare themselves thoroughly for life, no amount of outward advantages and encouragement can help them.

Few factors can be more constructive in building unity and cooperation than the mutual desire of all the family to help in the education of the children. We here at Wheaton find that many of our finest young people come from godly homes of modest circumstances, in which fathers and mothers love their children, pray for them, sacrifice for them, and encourage them. The children, on their part, are appreciative of the affection and confidence of their parents and do their part diligently in their studies and employment so as to achieve a college education.

We think the Federal Government should join the colleges and the churches in the effort to encourage building strong American homes, which in turn will be the bulwark of a free America. The dependence of parents and children should be upon God and themselves, and not on the Federal Government. By cooperation and courage, by effort and enthusiasm, by faith and frugality, the children can achieve the education they desire and need.

Therefore, we believe that Federal scholarships, good as they may seem on the outside, can be a real handicap to the highest interests of the American people.

III. A LOCAL RESPONSIBILITY

Next to the individual family, the local community, the county, and, finally, the State should be responsible to provide adequate facilities for public education. Such persuasion on our part dates back to the very beginnings of American history. The Pilgrims and Puritans who settled in New England in the 1620's and 1630's gladly assumed the responsibility for the education of their children. Although beset by hardships on their farms and in their tiny towns and bedeviled by Indians on the frontier, the settlers of Massachusetts passed a law as early as 1642 requiring each town to provide compulsory education for the children of the community. Perhaps it would have been a vain effort for the Puritans to look to a distant Parliament in Great Britain for educational subsidies. Be that as it may, they saw their own problem and resolved it by their own efforts, and at their

own expense. In that way they established the American pattern for public education.

It is our strong persuasion, Mr. President, that this original responsibility for education should be kept at the local level. There is no substitute for the endeavor of freemen to provide education for the children of their own community. Bureaucracy can build bulging budgets but not school buildings and public spirit for education.

IV. PHILANTHROPY AND ECONOMY A NECESSITY

It is our persuasion that careful planning by the private colleges and generous philanthropy by our fellow Americans, either individuals, industry, or foundations, can face up to the present challenge in higher education. Many of the colleges which are in dire financial distress can help themselves immeasurably by a review of their policies and practice, by a reduction in expenditures brought about by increased efficiency of operation, and by a realistic tuition schedule. Why go on in inefficiency, wastefulness, and indifference?

In that regard, Mr. President, may I say that we at Wheaton for years have continued on a balanced budget. We hold no illusion that we can spend ourselves into prosperity. Neither do we think that businessmen should have confidence in an institution that is not careful and conscientious in the use of funds entrusted to it. We have a continuing study on economy and efficiency so that we make the most of the stewardship that is entrusted to us by the Christian friends of the college.

It is our observation that industry is willing and able to help the colleges that are doing their best to be efficient and effective in their work. Industry and individuals have the right to make careful inquiry into the financial integrity and efficiency of a college, so as to be sure that its academic program is effective and its financial policies and practices are sound.

American philanthropy, Mr. President, as represented by industry, foundations, and individuals, can and will provide the scholarship aid which is needed for earnest and deserving American young people and also give the colleges proportionate aid for the education of our youth. The national merit scholarship program, the Ford Foundation scholarships, General Motors scholarships, and the many others granted by American agencies provide the incentive and enterprise needed in the instruction of our college students. The Federal Government should encourage that movement for scholarship aid by industry. I believe strongly, Mr. President, that our American young people should know that scholarship aid comes from American industry and ingenuity; therefore, it is most proper that the real sources should have recognition and appreciation. Federal scholarships will create the illusion that the bounty arises from the Federal bureaucracy. The Government as such produces no wealth. It only spends the money which we citizens contribute in the form of taxes. We at Wheaton find that we have to keep teaching our students this basic truth because of the false impression that has been created to the effect that anybody can get most anything from Washington.

Federal money is originally our money. It is produced by our enterprise, energy, inventiveness, efficiency; by our sweat, and sometimes by our tears. Our money should be a sacred trust to the Federal Government. Government is a necessity, but it should not be a luxury.

Therefore, Mr. President, I recommend you allow the American people the responsibility and the privilege of providing the education for their own young people. We concur in the opinion of your Committee on Education Beyond the High School in its second report which reads in part:

"Despite some strong reasons in its favor, the Committee does not recommend instituting a large-scale program of Federal scholarships at this time. The Committee believes that it could lessen the growing efforts of others; it could accentuate the danger that enrollments will rise faster than the faculties and facilities needed to care for them, and it would not represent the most effective means by which such Federal assistance as may be needed could be used to aid both students and institutions right now.

"The Committee is encouraged by the marked recent expansion of scholarships supported by private foundations, corporations, labor unions, service clubs, individuals, and by State and local governments. There is need for much further expansion, both at the graduate and undergraduate level. If these programs should later prove to be inadequate, the Committee believes a Federal scholarship program to fill the gap is inevitable. Right now, however, it seems likely that the Federal Government can help most in other directions."

Therefore, Mr. President, we believe the Federal Government should encourage free enterprise to help freedom-loving American people solve their own problems of education. We believe the Federal Government has enough to do without being concerned about our kindergartens and colleges. We promise you that the privately supported Christian colleges and American industry will not fail nor shirk their responsibilities.

V. A COMMENDATION

May I commend you most highly, Mr. President, for the statement with which you introduced your education message to Congress on January 27:

"Education best fulfills its high purpose when responsibility for education is kept close to the people it serves—when it is rooted in the home, nurtured in the community and sustained by a rich variety of public, private, and individual resources. The bond linking home and school and community—the responsiveness of each to the needs of the others—is a precious asset of American education.

"This bond must be strengthened, not weakened, as American education faces new responsibilities in the cause of freedom. For the increased support our educational system now requires, we must look primarily to citizens and parents acting in their own communities, school boards and city councils, teachers, principals, school superintendents, State boards of education and State legislatures, trustees, and faculties of private institutions."

We are apprehensive, however, of what follows in that message. We realize there is an emergency; but we are not convinced that "the Federal Government must also undertake to play an emergency role," as you declare. What begins as an "emergency" can become the accustomed procedure within a very brief time.

We and the young people we teach would do better to be exercised by the emergency which is upon us, toughened by the difficulties and decision we must face. Thus the colleges, with the cooperation of industry and individuals, can make a realistic and real contribution to the America of tomorrow.

May I add a word, Mr. President, on Wheaton's position regarding the contribution that the privately supported colleges are giving to America in this mid-20th century? Recently I was asked by radio station WGN in Chicago to speak on that topic as part of the program "Talks for Our Times." Here is the substance of that message:

THE CONTRIBUTION OF CHRISTIAN SCHOOLS IN MID-20TH-CENTURY AMERICA

Christians are an indispensable bulwark for the defense of American freedom.

Colleges like Wheaton are Christian because they have been founded by godly men and women in the fear of God for the purpose of educating their young people. This education includes not only the organized fields of human learning, but even more important, the Christian theistic view of the world, of man, and of man's culture in the light of Biblical and natural revelation.

Christian colleges, founded by freemen, are directed and staffed by freemen to the end of giving our young people freedom from ignorance, superstition, fear, and tyranny.

Christian colleges are independent of Government control or subsidy, and are dependent upon Almighty God and His people for their maintenance and enlargement. Thus they are free to teach the truth as they find it in the Bible and in the world around about us. Christian schools are free from the imposition of politicians and the blusterings of bureaucrats.

They are free to be themselves, and they propose to perpetuate that freedom for American youth.

The contribution of the Christian schools in mid-20th-century America can be best understood in the basic principles enunciated in the Declaration of Independence. On July 4, 1776, the Founding Fathers of our Republic declared:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed * * *."

"These truths are self-evident"—so obvious that they have no need of proof.

"All men are created"—we are created beings, the creatures of the Almighty; human beings, and not mere animals. We are free moral agents, responsible to our Creator and to our fellow men.

"Created equal": This equality is political, not intellectual, physical, nor economic. We are equals before the law.

"Endowed by their Creator": These rights are intrinsic to the human family because they were conferred by Almighty God, and not by the Government. Therefore, these rights given to us in the creation cannot be denied by Government.

"Life": Life is sacred because it is from the creative hand of God, and only for just causes can it be denied to the individual citizen.

"Liberty": The heritage of freemen.

"The pursuit of Happiness": Each is free to define the good life for himself, and free to achieve it. All this liberty is under law, for obedience to law is the highest freedom.

"To secure these rights": Government is by the consent of the governed to the end that our God-given rights are made sure. Our inheritance is a "government of the people, by the people, and for the people," and not the tyranny of communism.

Christian schools are dedicated to the presentation of the gospel which makes men free, and to the perpetuation of the American way of life with all its liberty. The contribution of Christian schools to American life is more urgently needed today than it was in 1776. Human tyranny is more terrible now than then. Human bondage behind iron curtains and in slave labor camps is more burdensome than then. Freemen are less certain about their rights and their heritage of liberty than they were then.

In a very real sense the children in Christian schools, and their parents as well, are to be "Sons of Liberty," as courageous and uncompromising as were the followers of Sam Adams in 18th-century Massachusetts.

Freemen are free because they are responsible to a faithful Creator and to their fellow human beings. They are free because the open Bible is a lamp of liberty. They are free because life, liberty, and the good

life are rights given by the Creator. They are free because government is by the consent of the governed in the fear of God.

To perpetuate this freedom the Christian colleges of mid-20th century America must be strengthened, and by all means kept free of Government control or subsidy.

[From the Christian Science Monitor, June 8, 1961]

BAPTIST UNIT REJECTS U.S. SCHOOL LOANS

(By Bicknell Eubanks)

DALLAS.—Texas Baptists have broadened their traditional stand on absolute separation of church and state by turning a cold shoulder to Federal loans for its various educational and eleemosynary institutions.

The executive board of the Texas Baptist Convention agrees that Federal loans to church-supported schools, colleges, and charitable institutions, even though repaid with interest, violate the tradition of separation of church and state.

It is a stand which could cost the Texas Baptists millions of dollars.

The Baptist move is interesting at this time because there is a move in Washington now to allow Federal aid to private, including parochial, schools.

The action came in the form of a recommendation to the Texas Baptist Convention. While the executive board does not officially represent the Texas group as a whole, since individual Baptist churches operate independently, the action of the board, which has 191 members, might be interpreted as a fair reflection of the churches' sentiments in general.

SPELLS OUT PROPOSALS

The board voted to recommend that the convention adopt the recommendation which states that Federal loans to religious organizations for construction of schools, hospitals, or orphanages, "or for any other purpose under any circumstances," violates the Federal Constitution.

The most bitter opposition to the recommendation came from several board members who expressed doubt that Texas Baptists would be able to meet the cost of building college dormitories. Only 10 or 15 dissenting votes were cast out of the 191 members of the executive board.

It is not binding on the Texas Baptists, unless their State convention adopts the directive at its fall meeting.

On the matter of borrowing from the Government, the report insists that "since a church and its institutions cannot be separated, it is clear that the use of public credit for building church institutions is in effect using public taxes for religious purposes."

EFFECT REVERSED

Baptists were responsible for an amendment to the Hill-Burton Act which provides for loans instead of grants to religious institutions. The report said this provision had been intended to bolster the wall between church and state. It had an opposite effect, according to the report.

Leading the forces which favored the directive was Dr. W. A. Criswell, pastor of the First Baptist Church in Dallas, one of the largest churches in the world in membership. He told the board that if Baptists want to "stop the unwearying drive of the Roman Catholic hierarchy" to obtain funds for its institutions, "we must keep clean hands and a clean house."

Dr. E. N. Jones, a former college president, said such action might be costly. He agreed that all Baptists are committed firmly to separation of church and state. He warned, however, that many Baptist colleges are near their capacity in dormitory space and will have to limit enrollments unless new dormitories can be built. He said that if Baptist colleges have to raise dormitory fees, they might price themselves out of competition with State institutions.

CONTRACTS—NOT LOANS

Dr. Jones is a former president of Texas Technological College, a State school in Lubbock.

The committee report says grants for research purposes do not violate separation of church and state. It suggests they be called contracts, not grants. It says also that loans and grants to individual college students are all right.

It explains that tax exemptions of church properties do not violate separation of church and state and can be justified on the ground that "the power to tax is the power to destroy." It says special postal privileges are not a violation, either, since the entire postal system is, in effect, subsidized.

EXCERPTS FROM THE PAMPHLET "FEDERAL AID TO EDUCATION"

(By L. M. Gould, president, Carleton College)

The whole scheme of Federal aid serves to perpetuate the illusion that the Federal Government can do for the people what the people cannot do for themselves. We are easily blinded by the immediate advantage of Federal subsidy. Too many politicians help our people to beguile themselves with the illusion that subsidies and similar appropriations are outright gifts. The long look is difficult, but Federal aid is now and has always been a misnomer. There is no such thing, for every dollar must come from the taxpayers in the 48 States. The Federal Government produces nothing. Federal aid means paying large brokerage fees to the Federal bureaucrats for handling our own money for us.

The greatest illusion about the whole problem of direct Federal aid is that we could or should have it without Federal control. As Senator Taft stated so clearly in 1943, Federal aid without Federal control would be contrary to the very nature of our Government. To defend the authority of Congress to appropriate moneys without exercising supervision over their expenditure would be to defend the principle of irresponsibility in Government. The question was settled clearly by a unanimous decision of the Supreme Court in the October term, 1942, *Wickard* v. *Filburn*, which states, "It is hardly lack of due process for the Government to regulate that which it subsidizes."

One of the conventional arguments of the protagonists for Federal aid to education is that such Federal aid as we have had has not involved any controls. I have already pointed out that this kind of aid is not parallel to that proposed. Even so, Federal subsidies in the field of agricultural education have completely killed private initiative in that field. There are no private agricultural colleges in America today. Furthermore, this support has fastened a system of military training on the country. The institutions which receive such aid are required to offer military training. I am not objecting to military training. I am simply pointing out that this is a kind of Federal control.

The tendency of a federally controlled educational system would inevitably be to emphasize the views of the particular party in power. The bureaucratic control which the Federal Government could exercise over the selection of textbooks and the control of curricular matters would make this easy. Federal subsidy would inevitably become a political weapon. We all know that any political party in power uses every means at its disposal to perpetuate itself in power.

Democracy needs many voices. If free enterprise means what the words imply, it is only such if there be many different competing voices. Where there is but one voice, we have monopoly. When government speaks with but one voice, the result is political tyranny. But nowhere does democracy need to speak with so many voices as it does in education. The strength of American education has been its variety. We need our public schools and our private schools, our junior colleges, our independent colleges of liberal arts, our professional and technical schools, and our independent and tax-supported universities. We need them all. Only by preserving such variety can we keep equal opportunity for all—opportunity for each according to his desire and his capacity. Forcing all our educational institutions into a common mold would defeat the very purposes of democratic education. It would not be equalizing educational opportunity it would be standardizing opportunities with resultant drab uniformity and monotony.

Justice Holmes once said that the chief source of our strength was "free trade in ideas." Such "free trade" can only flourish in such a varied educational system as we now have.

[From Changing Times, December 1961]

COLLEGES HAVE ROOM FOR 40,000 FRESHMEN—CHANGING TIMES SURVEY FINDS JANUARY OPENINGS

More than 40,000 freshmen can be admitted by colleges across the country for the second term beginning in January, according to Changing Times, the Kiplinger magazine. In its fourth annual survey of 4-year accredited colleges, the magazine found that although most of these openings are at the large urban colleges, several small liberal arts institutions offer places, too.

"If you didn't get into college in the autumn but are qualified, chances are you can gain admission to an accredited college for the spring term in January," the editors of the magazine advise. "Surprisingly, the number of colleges reporting room for students was greater this year than last, probably because of new building programs."

Results of the survey, published in the current edition of the magazine, show that of the 459 institutions which replied, 249 had space for 30,000 more freshmen than actually registered for the fall term. "But, all told, only about 30 percent of the openings reported were for students who could live on campus," the article adds.

The Changing Times questionnaire asked colleges to say what types of students might apply with some hope of acceptance. "Most, of course, want students with good marks, good test scores and evidence of 'leadership' and strong motivation," the magazine reports. "But many colleges also want to spread their geographic representation. And a sizable number are willing to consider C or C-plus students.

"Generally," the article states, "expenses are up over last year. Estimated total costs for campus students at Whittier, for example, (not counting travel and personal expenses) went from $1,600 to $2,000; at George Washington in District of Columbia, from $1,700 to $1,848; at Berea from $500 to $550; at MIT from $2,616 and $2,800; at Bennington from $3,000 to $3,050."

The magazine also queried colleges on acceptance of transfers, and found that the schools which responded accepted around 21,000 sophomore and 17,000 junior transfers this year, and expect to take around 23,000 sophomore and 22,000 junior transfers next year.

The editors of the magazine predict that from now on applications will pour into admissions offices at a steadily increasing rate, with a sharp jump around 1964 and a steeper climb after that. Nevertheless, they state, there undoubtedly will be quite a few openings again next autumn, and those reporting vacancies this year are pretty good bets for next year.

A complete report, listing over 450 accredited 4-year colleges which took part in the survey, their openings and typical total expenses, is available for 75 cents from Changing Times Reprint Service, 1729 H. Street NW., Washington 6, D.C.

The CHAIRMAN. The Chair states that the time remaining to the gentleman from Pennsylvania [Mr. KEARNS] is 9 minutes, and the time remaining to the gentlewoman from Oregon [Mrs. GREEN] is 10 minutes.

Mr. KEARNS. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. SCHADEBERG].

Mr. SCHADEBERG. Mr. Chairman, I came to the floor today with an open mind as to this legislation determined to do what I believe to be in the best interests of our people and of our colleges. I have just called the presidents of three of the colleges in my district in Wisconsin and I would like to report the result of my conversations.

All three emphatically voiced opposition to this bill. They did so because they are fearful that loans will mean Federal interference in their affairs. They feel that if the Federal Government would spend less for unnecessary programs—which are always declared to be necessary to meet critical needs—the money left in the States could purchase more per dollar than if it goes by way of a Washington bureau.

As to the grants—two of the presidents were flatly opposed, stating the people will meet the needs without Federal Government handouts. The other said that if the grant is one-third they could make up that amount as well as the two-thirds and that the control of that one-third would be far out of proportion to what is received. All were fearful that this program would be the "foot in the door" for increasing Federal funds for salaries. Finally, all three insisted that the academic agencies do not speak for them in that at no time have they ever had an opportunity to discuss the issues on which these agencies speak out so vociferously.

On the basis of the expressed opinions of those who would certainly be in a position to receive the so-called benefits the bill would provide, I must oppose the bill.

I believe in education as much as any Member of this body. I believe, however, in education free from the hands of political control. Let us encourage our institutions to go forward. Let us not force them to be drawn into a Federal program that will mean control.

Mrs. GREEN of Oregon. Mr. Chairman, I yield such time as he may desire to the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Chairman, I rise to voice my support of H.R. 8900, a bill which would provide much needed and vital assistance for higher education in America.

I also want to commend the gentlewoman from Oregon [Mrs. GREEN], for her vigorous leadership on this proposal.

The proposed measure would authorize Federal financial assistance for college academic facilities through a program of matching grants and long-term loans for the construction of academic facilities. In accomplishing this purpose, the bill would authorize the appropriation of $180 million for fiscal 1962 and each of 4 succeeding fiscal years for grants and a sum of $120 annually for loans for each of 5 fiscal years. In the House report on the proposal, it is estimated that the cost of all programs of the bill, including administrative expenditures, is approximately $1.5 billion—House Report No. 1064.

H.R. 8900 represents a sound means through which the Federal Government may assist our colleges and universities which are laboring today against a number of handicaps to quality education. I hardly need to enumerate for this body the varied facts of our time which issue forceful challenges to American higher education.

Again and again notable authorities in the field of education and education administration have directed the attention of the Congress to the major conditions which underscore the need for the speedy enactment of a program of Federal aid to higher education.

We well know that the explosion of new knowledge, the explosion in population, and the explosion in the demand for specialists and quality college graduates are three such major crises in higher education. Education directly affects our progress as a free people and our hopes for more abundant living. As President Kennedy stated in his message on education to the Congress: "Our progress as a nation can be no swifter than our progress in education. Our requirements for world leadership, our hopes for economic growth, and the demands of citizenship itself in an era such as this all require the maximum development of every young American's capacity."

These words of the President have been echoed by professional and lay study groups concerned with education throughout the Nation. When the Secretary of Health, Education, and Welfare, Mr. Ribicoff, appeared before the Special Subcommittee on Education of the House Education Committee to report on the reasons for President Kennedy's sense of urgency about the construction of academic facilities as a major area of need, he emphasized:

> The facts that support the need for prompt assistance to colleges and universities for the construction of physical facilities can be identified very specifically and briefly.
>
> First, the Nation's colleges and universities must spend, between now and 1966, at least $8.6 billion for physical facilities, in order to accommodate increased enrollments and to provide adequate facilities for the numbers of students they now have.
>
> Second, projections of anticipated resources for investment in physical plant by these institutions, taking into account every source of income now anticipated for this purpose, indicate that resources will fall short of facilities needed to the extent of $2.9 billion by 1965, $3.5 billion by 1966, and $5.2 billion by 1970.

Mr. Ribicoff went on to point out:

> It is conservatively estimated that enrollments in higher education will increase from 3,610,000 in the fall of 1960 to 6,006,000 in the fall of 1970. The accommodation of this increase of 2.4 million will cost the Nation's colleges and universities some $15.4 billion for added facilities. In addition, they must remedy present deficiencies.

These facts and figures in Secretary Ribicoff's statement are supported by a detailed study by the U.S. Office of Education which presents the physical facilities needs of American higher education, 1961–70. They are facts and figures which cannot and must not be ignored.

At the outset I called attention to the fact that numerous professional and lay groups concerned with education have urged action by the Congress for Federal assistance in meeting higher education needs. On January 23, of this year, the American Council on Education, American Association of Junior Colleges, Association of American Colleges, Association of State Universities and Land-Grant Colleges, and the State Universities Association joined in a statement on higher education legislation. In this statement it is pointed out:

> All major elements of higher education are united in support of Federal action to provide optional loans or matching grants for assistance in the construction of college classrooms, laboratories, and libraries. The specific legislation for such academic facilities which most nearly represents the judgment of colleges and universities and their national organizations is embodied in H.R. 7215 and H.R. 8900, bills voted out in 1961 by the House Committee on Education and Labor.

Moreover, the five-group statement reported:

> Careful and extensive studies have demonstrated that no program can offer the kind of overall assistance needed unless it includes both matching grants and low-interest loans.

H.R. 8900 would provide just that—a program of grants and low-interest loans, The bill provides for the allocation of one-half of the proposed grant funds to the States in the same ratio as the number of students enrolled in institutions of higher education in the State bears to the total national enrollment, with the other half of the grant sums allotted in the same ratio as the number of students in grades 9 to 12 in the State bears to the total of such students in all States. Under the loan provisions of the act, the Commissioner is authorized to make loans to institutions of higher education to construct academic facilities to be repaid over a period up to 50 years.

The grant and loan features of H.R. 8900 make the legislation flexible and thereby enable colleges and universities to participate in a manner most fitting to their needs. For example, it is pointed out in the House report that initially only loans for academic facilities were included in the bill. However, many institutions of higher education would not be able to fully participate in such a loan program for the construction of non-income-producing facilities without raising student tuition fees and eliminating contemplated teacher salary increases. Moreover, the Special Subcommittee on Education reported that many institutions of higher education were limited by restrictions in State constitu-

tions which prohibited the borrowing of money for the construction of non-income-producing facilities.

Mr. Chairman, H.R. 8900 embraces the basic recommendations by the President for aid for college classroom construction. Moreover, through its flexible program of grants and loans it is a measure which can be meaningful to a large number of our institutions of higher education. I believe that the measure should be promptly considered and enacted by this Congress.

I should like to address myself at this time to another phase of the total needs of higher education in America. This important problem is not met by H.R. 8900. I refer to the need by large numbers of our high school graduates for financial assistance in meeting the cost of higher education.

Only a few weeks ago we learned of a publication by Nicholas DeWitt, an associate of the Russian Research Center, Harvard University. The DeWitt study, published by the National Science Foundation, "Education and Professional Employment in the U.S.S.R.," points up the all-out emphasis the Soviet Union is giving to the education and training of individuals especially in fields related to science and technology. Since the release of the DeWitt study, President Kennedy has made a special appeal to parents, teachers, and school boards to give serious attention to the development of American talent.

We well know, of course, that prior to the DeWitt study, and for many years even prior to the 1957 sputnik, educators were very much concerned with the need to emphasize quality education for the especially demanding and difficult challenges which confront us.

Studies prepared by public and private agencies have for some time focused upon the loss to America of much valuable talent and skill because of the economic barrier to higher education for many superior high school graduates. In his statement during the first session of this Congress before the special Subcommittee on Education of the Committee on Education and Labor former Secretary Fleming reported:

> These studies about the need for financial assistance by qualified high school graduates are in substantial agreement on the following points:
>
> 1. Despite the remarkable growth of college enrollments, experts estimate that from 160,000 to 200,000 youths of high ability annually fail to attend college and that from 60,000 to 100,000 of these might be reached if financial assistance could be made available to them.

And at the same time the tuition charges of colleges and universities continue to rise. A recent study prepared by the American Council on Education about tuition increases shows, for example:

> In 14 large privately controlled institutions, the tuition and fees charged * * * were 278 percent above those charged in 1928; a comparable figure for room and board was 82 percent.
>
> Increases in tuition and fees range from a low of 187 percent for resident students in * * * 12 small publicly controlled institutions to a high of 354 percent for the 14 medium sized privately controlled institutions. Room and board increases range from a low of 82 percent in * * * 22 men's institutions to a high of 126 percent for * * * 20 large publicly controlled institutions.

On the question of the cost of higher education to the parents, the study goes on to point out:

> In terms of costs to the parents, the accelerated rate is even more impressive when one determines the proportions of these increases for selected periods of time.
>
> As a rough approximation, one can say that of the total increase in tuition and fees between 1928 and 1960, one-third of the increase occurred in the last 4 years; one-third in the preceding 8 years, and one-third in the preceding 20 years."[1]

On the basis of even the briefest attention to the various factors affecting the cost of college, one must conclude that scholarships for qualified students are also a priority for education. It is my hope, therefore, that this Congress will meet the problem of college classroom construction and scholarships for capable high school graduates through appropriate legislation. Let us begin with the enactment of H.R. 8900.

Mrs. GREEN of Oregon. Mr. Chairman, I yield such time as he may desire to the gentleman from Illinois [Mr. GRAY].

Mr. GRAY. Mr. Chairman, I rise in support of H.R. 8900. Before giving my reasons for supporting this worthwhile measure I want to highly commend the gentlewoman from Oregon, Mrs. GREEN, the subcommittee chairman, the members of the subcommittee, and certainly would not want to leave out the chairman of the full committee, Congressman ADAM CLAYTON POWELL, for their hard work, extreme foresight to our needs, and the expeditious manner in which they have brought this bill out of the Rules Committee so early in the session. I also want to thank our leadership for their support.

Mr. Chairman, legislation authorizing additional assistance to institutions of higher education for construction, rehabilitation, and improvement of academic and related facilities is long over due. I am fortunate enough to represent a district in southern Illinois that is the home of Southern Illinois University. When I came to Congress 8 years ago, this school had an enrollment of less than 4,000 students. Today the enrollment at two campuses is over 15,000 students. Growing pains is not the word. We have found a great need for additional classrooms, additional dormitories, and other related buildings. The people of Illinois have fulfilled their responsibility by recently floating a large bond issue in an effort to keep pace with the large influx of students; however, additional finances are sorely needed. This bill that will provide loans and grants will be of tremendous help to institutions such as Southern Illinois University. As Chairman POWELL so ably pointed out on the floor today, we are at least 7 years late with this legislation. A journey of a thousand miles starts with the first step—so let us begin.

Mr. KEARNS. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, I would like to pay tribute to the excellent work done by the subcommittee that has prepared and handled this bill. Then, too, I would like to compliment the Members who have stayed here throughout the debate and who have thus become well informed as to the provisions of this important bill. Furthermore, at this time I would like to say that I am very happy to see standing behind the rail the former chairman of the Committee on Education and Labor, Mr. Graham Barden, for whom I know we all have great respect.

Mr. Chairman, as this debate comes to a close I feel that we on the Committee of Education and Labor—and I include the chairman of the committee as well—have made an obligation and a promise to this body today that the bill as it has been presented truly represents what we intend to have written into law.

Therefore, I feel that every one of us who is fortunate enough to be a member of the conference committee will carry this obligation to the conference room and we must hold the line on decisions and not permit new provisions pertaining to scholarships to be added to it.

Then, too, I want to say that I feel that in adopting this legislation, for which I shall vote, we will be avoiding the pitfalls of the legislation that was presented to us here under suspension of the rules at the end of the last session. This bill gives us an opportunity, as Members of Congress, to support legislation for higher education which this country can well avail itself of.

Again I want to compliment the members of the subcommittee, especially those on the minority, for the fine work they have done in presenting this legislation. And now I would like to discuss a few of the more important provisions of this bill and reemphasize some of the reasons I believe it should be enacted.

This bill will provide both loans and matching grants to institutions of higher learning for the construction of academic facilities. The total cost of the 5-year program will be $1.5 billion. Of this amount $600 million, or $120 million per year will be for loans and $800 million or $180 million per year will be for grants.

The grant funds will be distributed among the various States under the following formula. One-half will be given on the basis of present college enrollment in the State, and one-half will be given on the basis of student enrollment in the State in school grades 9 through 12.

The loan money will be distributed on the basis that no single State can receive more than 12½ percent of the total amount of the loans under the program. Moreover, all loans must be repaid within 50 years and the interest rate will be 3½ percent. To be eligible to borrow the money, the applicant must show that it is unable to borrow money from other sources on equally favorable terms. Finally, not less than one-fourth of the cost of the proposed project must be financed by non-Federal funds.

[1] "Is Education Becoming Too Expensive?" a graphic study indicating fixed charges to the student are rapidly on the rise, by Elmer D. West, director, Office of Statistical Information and Research, American Council on Education, Washington, D.C., 1961.

Further restrictions on both the loaning or granting of the money are to the effect that to be eligible the applicant must show that the project will result in urgently needed expansion, or if it is a new institution that it will result in newly created enrollment capacity. Moreover, the facility that is to be constructed cannot be a gym, athletic, or recreation facility and cannot be used for sectarian instruction.

Mr. Chairman, this type of Federal assistance is urgently needed.

As ranking minority member, I have heard literally weeks of testimony regarding Federal aid to education. In all this testimony there has been only one area of general agreement—the area of Federal aid to higher education for the construction of academic facilities.

Colleges and universities—both public and private—will be faced with a 30-percent enrollment increase by 1965. At the same time, the advent of the space age has created an immediate and urgent demand for more engineers, scientists and highly trained technicians. To meet this crisis additional academic facilities must be constructed now.

The Federal Government has historically supported and assisted higher education. As early as the 4th Congress a resolution to establish a national university, as recommended in President Washington's speech, was reported by the select committee.

Subsequently the so-called land-grant college bills were enacted which donated land to the States for colleges.

This has been followed by the GI bill, college housing loans, and the very successful National Defense Education Act.

Finally, this bill does not become involved in the controversy over aid to private schools. This assistance would flow to public and private schools alike. No differential is made. As it is restricted to colleges and universities there is no constitutional question. Historically, private colleges have received Federal assistance and have carried a tremendous part of the higher education burden.

Therefore, Mr. Chairman, I urge the adoption of this most important piece of legislation.

Mrs. GREEN of Oregon. Mr. Chairman, I yield 2 minutes to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Chairman, there are now more than 2,000 institutions of higher education providing education acceptable toward a degree. Approximately 600 of these institutions limit their offering to a 2-year program. Of the some 1,400 colleges and universities offering at least a 4-year program, one-third have enrollments below 500 students and an additional one-fourth have enrollments between 500 and 1,000. Slightly more than 10 percent of the 4-year colleges and universities have enrollments in excess of 5,000 students.

In West Virginia, there are 20 colleges and universities, consisting of 2 private junior colleges, 7 private liberal arts colleges for a total of 9 private institutions, and 11 State-supported institutions, consisting of 1 junior college, 1 technical institute, 7 teachers colleges, and 2 universities. Of the 20, 2 have enrollments below 500, 10 have enrollments from 500 to 999, 6 have enrollments from 1,000 to 2,499, and 2 have enrollments in excess of 2,500. Range in enrollments is from 163 in Greenbrier College to 8,282 in the University of West Virginia.

I have the privilege of representing six of these small colleges.

Not only does the small liberal arts college provide work leading to the bachelor's degree, but it also provides the basic educational background for study toward advanced degrees.

According to the Council for the Advancement of Small Colleges, many good small colleges have been operating below capacity, while some of the larger institutions must turn students away because of lack of facilities. Staffed by highly dedicated faculty, many of the small colleges offer good basic programs and some diversification, sometimes in classes too small to be really economical, especially in junior and senior level subjects.

Nevertheless, as a result of careful management and effective fund drives among alumni and friends, many of the private liberal arts colleges are able to compete with the out-of-State tuition charged in public universities. Students from these colleges have been transferring successfully to other institutions at both the graduate and undergraduate levels for years and their alumni have distinguished themselves in areas of service as well as in industry and government.

With a minimum of assistance through facilities loans, these institutions are in a position to absorb some of the increasing enrollments at a smaller total cost of additional facilities than if completely new institutions were constructed. In scattered communities throughout the country, these institutions offer expansion possibilities now, at a minimum of expense, thereby helping to stretch further the funds needed to establish new institutions in other localities.

Mrs. GREEN of Oregon. Mr. Chairman, I yield such time as she may desire to the gentlewoman from Washington [Mrs. HANSEN].

Mrs. HANSEN. Mr. Chairman, I rise in support of H.R. 8900, known as the College Academic Facilities Act, and to compliment my neighbor the gentlewoman from Oregon on her work and service to higher education today.

I now ask consent to place in the RECORD a telegram received from one of our own institutions of higher education, Washington State University. This telegram attests to the need for funds to help such institutions meet the growing need for facilities to accommodate ever-increasing enrollments.

I am particularly happy to note that junior colleges will be eligible for assistance under this legislation, as the State of Washington has been outstanding in the junior college field. We feel that they make a great contribution to the education of the young people of our State.

Also at this time, I wish to place in the RECORD a wire received from the officers of the Washington State Division of the American Association of University Women, expressing their strong support for H.R. 8900.

Finally, I sincerely trust that the committee will continue to study all needs of education at all levels and the relative abilities of various subdivisions of government to finance such programs. We need more knowledge, for example, of each State's ability to tax.

HON. JULIA BUTLER HANSEN,
House of Representatives,
House Office Building, Washington, D.C.:

President C. Clement French is away from Pullman but he would wish me to advise you that Washington State University's major capital outlay requirements, housing, dining, and other student revenue producing facilities excluded, will require expenditure of $5,700,000 annually during the next 6 years. Substantial part of projects provide for academic facilities. It is totally unlikely that State tax sources can provide even reasonably adequately for this institution specifically or for higher education generally in State. WSU is legally in a position to borrow some $6 million pledging tuition income for debt service payments but it is important that State sources, Federal grants and Federal loans are necessary if the enrollment increase is to be accommodated in appropriate quarters. Your vigorous support of H.R. 8900 is most important, in my judgment, to higher education in Washington and is earnestly requested.

S. TOWN STEPHENSON,
Dean of Faculty, Washington State University.

HON. JULIA BUTLER HANSEN,
U.S. House of Representatives,
House Office Building, Washington, D.C.:

Your support is asked for H.R. 8900, authorizing Federal loans and grants for construction of academic facilities.

Respectfully,

Mrs. R. R. MORRISON,
Higher Education Chairman, Washington State Division, American Association of University Women.
Mrs. AMOS GREGSON,
State Legislative Chairman.

Mr. KEARNS. Mr. Chairman, I have no further requests for time.

Mrs. GREEN of Oregon. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Chairman, the great unanimity of opinion that we seem to find on the floor today would seem to indicate that every time we have a meeting of the Education and Labor Committee, it is just a love feast. I want to assure everyone that such an idea involves gross exaggeration. The members of the committee have very deep convictions, and I do not know of any time before that I have known of so much unanimity of opinion as we find here today. This indicates that we must have a good bill before us.

As far as the total needs of the country is concerned in the field of education, this bill is like entering a mule in the Kentucky Derby. But at least the mule is going in the right direction. It is not claimed to be an answer to all education problems. But I think there is something more important to this legislation than how far we are going to go; the important thing is that we are headed in the right direction. We cannot say this about all legislation we have had in the past. We need to develop college facilities and expand the facilities so that with freedom of choice, a student can get the education he or she needs.

We are accumulating in this country right now 500,000 per year of unemployed, unskilled workers. At the same time we have shortages in most of the professional categories, especially in the field of electronics. What we need is to get additional college facilities so that those who have the capability of doing college work can get an education. Even if they are among those fortunate enough to not need financial help, they cannot enroll unless there are classroom facilities. Some of these 500,000 unemployed that are accumulating each year could find extremely useful places in industry if they have an opportunity to develop their talents.

I think this bill really goes in the right direction. If we preserve freedom of choice and still secure enough technicians we must have sufficient facilities available that the talented young person can choose his field of activity rather than to have his talents diverted.

I urge the adoption of H.R. 8900.

Mrs. GREEN of Oregon. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana [Mr. WAGGONNER].

Mr. WAGGONNER. Mr. Chairman, I rise in opposition, lest my other colleagues feel there is a unanimous consent here in this bill today. I rise to state my express disapproval of this proposed Federal aid to education, recognizing the fact that, to a large extent, progress in times gone by and progress in years to come, have been and will be directly related to our educational accomplishments and advancements.

There are those about this land today who feel that American education is at a standstill. I do not agree.

The Communists have said down through the years that they could conquer Americans without firing a single shot if they could destroy our faith in first, the courts of our land; second, our churces; and, third, our educational system.

People all over this country pushed the panic button when Russia beat us to the so-called punch and launched the first sputnik. We have lost a great deal of respect for our courts. Some even have lost respect for our churches.

Now it appears even the Congress of these United States has lost faith in our education system. I, for one, have not lost faith because I know it is not nearly so bad as some would have us believe. In fact, it is unsurpassed by any education system anywhere in the world.

We must only come to the realization that here in these United States we must accomplish with guidance that which the Communists seek to accomplish by regimentation and force.

Would any of you have it otherwise?

H.R. 8900 is Federal aid to education and you cannot explain it any other way.

I do not believe the statistics presented as a part of this presentation setting forth the need for this legislation. I do not believe that our education system has failed or is failing to meet the challenge of the times. I do not believe that the facilities or our higher education system are, for the most part, being utilized to the fullest extent.

I do not believe—as an advocate and stanch believer in fiscal responsibility—that the Federal Government is even as able as the local and State governments to put additional money into education. I do not believe the proponents of this bill even believe that controls will not be ultimately attached to this legislation.

I do not accept the premise that the States are unable to meet the needs of our growing education system.

I do not believe it is constitutional to make these loans or grants to church-supported schools, and I do not believe there is any wisdom attached to granting to the Commissioner of Education the powers authorized by this legislation. In short, I do not believe there is now, nor will there ever be, a need for this additional Federal aid to education except for those who are willing to admit to themselves, and to those who look on, that they are not capable or worthy of providing the youth of the States in these United States the education they so richly deserve.

I say to you that those of you who are willing to accept this Federal aid to education are saying for all to hear, "I'm not capable of providing for my own. Bring on the welfare."

Finally, let me say that I am completely opposed to Federal aid to education because there is no reconciliation in my mind for Government participation in the affairs of education. I believe the Constitution to mean what it actually says and not what some would have it say.

Mr. KASTENMEIER. Mr. Chairman, though the bill we are discussing today will do much to help provide needed classrooms and laboratories at our universities, I believe the bill is extremely weak in one respect: it neglects the growing problem of the gifted student who is financially unable to obtain an education.

Every year thousands of qualified high school graduates ask our colleges and universities for scholarships or other kinds of financial aid—and, far too often, these talented youngsters are unable to get any kind of financial help.

Every year more than 150,000 young men and women in the top academic brackets do not go on to college simply because they and their parents cannot afford it. This happens despite the fact that some scholarship programs do serve to aid a limited number of outstanding students. This is a terrible waste of valuable manpower.

The University of Wisconsin is one of many centers in the country which is doing its best to drive forward with the task of providing real education for these and other students in the sixties. I know that a well designed Federal scholarship program would do much to assist this and other great universities around the country. I would urge that the Senate approach to this bill—which includes scholarship assistance—be given careful consideration by the House.

Mr. WALLHAUSER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. WALLHAUSER. Mr. Chairman, I rise to speak in support of H.R. 8900, the College Academic Facilities Act, that is before us.

It is my strong belief, from personal observation of the needs of universities and colleges in my heavily populated State of New Jersey, that there is a pressing need for this legislation and that it is long overdue.

I agree wholeheartedly with the committee report declaration that higher education in the United States faces both a crisis and a challenge in the coming decade because of the so-called population explosion that is facing our universities and colleges.

It is a challenge that our institutions of higher education cannot meet alone. It is a challenge that our States and local governing bodies find difficult to answer because of so many other pressing needs.

This legislation will furnish definitive and constructive help to our universities and colleges in meeting the challenge and filling the demand of our country for scientists, engineers, doctors, teachers, and other needs for educated personnel.

Through this legislation our institutions of higher education will be assisted in expanding their academic facilities—the building and improvement of classrooms, laboratories, libraries, and related academic and service structures.

It is my sincere hope that this body will give overwhelming approval to this bill. We can no longer procrastinate. The time, and need, for action is now.

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, I rise in support of H.R. 8900, which would authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation or improvement of needed academic facilities, such as classrooms, laboratories and libraries.

In the 28th Congressional District of Pennsylvania, which I have the honor to represent here in Congress, there are five institutions of higher learning which would qualify for assistance under this action: the University of Pittsburgh, Carnegie Institute of Technology, Duquesne University, Mount Mercy College, and Chatham College.

Because of the tremendous expansion of college student populations, each one of these institutions is engaged in major capital improvement programs. Accredited junior and community colleges in Allegheny County would also be entitled to participate under the program.

These institutions provide education not just for Pittsburghers, or even Pennsylvanians, but for students from all over the United States. The problem of providing good education for the young people of our Nation is, therefore, not a local but a national problem.

H.R. 8900 recognizes this fact, but of necessity makes an allocation of the funds based in part on present student enrollment in assisting institutions.

Based on the total enrollment of 26,350 students in the 5 Pittsburgh institutions, or 13 percent of Pennsylvania's college population, the 5 Pittsburgh institutions should be entitled, over the

5-year period, to Federal grants of more than $7 million which, when matched with State and local funds and Federal loans, would mean $21 million for expansion and improvement of higher education in Pittsburgh over the next 5 years.

Mr. Chairman, we in Pittsburgh are proud of the fine educational opportunities offered by Pittsburgh colleges. We are proud of the improvements made by them to date. We want to help them expand and improve their facilities for the benefit of Pittsburgh, the tristate area, and the Nation.

Mr. Chairman, I urge my colleagues to give their support to this important piece of legislation.

Mr. ROBISON. Mr. Chairman, H.R. 8900, providing for a loan and matching grant program of Federal assistance to our institutions of higher learning, represents a considerable improvement over the original administration proposal in this field. That improvement came about, in great part, as the result of constructive suggestions made by the Republican members of the House Committee on Education and Labor during committee deliberations. One of the more active participants in this effort was my colleague from New York—and my congressional neighbor—the Honorable CHARLES E. GOODELL, of Jamestown, and he is to be highly commended for this service.

As a result, the bill has the united support of almost all of our Nation's colleges and universities as well as the associations that represent them nationally. It also has—as was demonstrated here today—strong bipartisan congressional support which is certainly refreshing after last year's inconclusive battle over Federal aid to education at the elementary and secondary school level.

I think that bipartisan support comes about because Congress is now dealing in an area of demonstrable—as compared to political—need, and in that segment of our national educational effort wherein the Federal Government has a legitimate and proper, as well as a traditional, role to play. In large measure, the task of providing education beyond the high school level is performed by institutions which are interstate if not national in character. As we all know, college and university students come from many States—not just from the State in which the institution happens to be located. They come, in increasing numbers, from foreign countries as well and it is good that they should. And so it is neither logical nor reasonable to expect local or State governments to provide all of the support needed by such institutions.

And, although alumni giving and industrial support of our private institutions of higher learning is reaching toward new heights, it is altogether too optimistic for anyone to assume that these traditional sources can supply all the funds needed to provide for the enrollment explosion which these colleges and universities face together with their publicly operated counterparts. College enrollments, totaling 3,600,000 students in 1960–1961, are expected to increase by more than 1 million, or 30 percent, in the next 5 years. By 1970, an estimated 6,006,000 students will be seeking admission to colleges and universities, a gain of 66 percent over current enrollments.

In view of America's ever-increasing demand and need for scientists, engineers, doctors, teachers, and other educated personnel, Federal assistance, here, would seem to be not only warranted but required in order to help close a widening gap between actual need and the maximum contributions that can be expected from State, local, and private sources.

To meet the needs of my own congressional district, I am pleased to note that funds will be available—in a combination of matching grants supplemented by loans where needed—not only for our Elmira College and rapidly growing Harpur College, but for Corning Community College and for Broome Technical Community College, as well. Nearby Cornell University and Ithaca College will also benefit. Over $16 million in matching grant funds will come to New York this next year under this program, plus up to $15 million more in long-term loans. These moneys, as allocated among the various institutions of higher learning in our State according to a table of priorities as determined by a State agency, can be used to construct, acquire, or improve academic facilities of all types, and for the equipping thereof, it being specifically stated, however, that no such moneys can be used for projects of an athletic or recreational type, or where admission might be charged to the public, or where used for sectarian instruction or as a place of religious worship, or in connection with any part of the program of a school or department of divinity.

Although the church-state problem here involved would appear to be a minor one—at least as compared to that involved in the lower education bills where school attendance is compulsory—I am of the opinion that it might have been better clarified than in the bill before us; however, if the Senate does not take the time to do so, whatever objections I may have here may well be overcome by wise administration of this new program in a manner consistent with President Kennedy's often-asserted support of the principle of separation of church and state.

On the floor, the bill was further improved by removal of the original provisions which would have permitted what is known as back-door spending in connection with the loan program. I supported that amendment, because I think this is the only fiscally responsible course for us to follow, and I am pleased to note that the Federal dollars needed to go forward with this program after July 1 are already provided for in President Kennedy's so-called balanced budget.

One final thought: The bill provides the usual self-serving declaration against Federal controls, which is belied—in part—in another provision of the bill that authorizes Federal control over construction projects to the extent that the same will be undertaken in an economical manner, and will not be of elaborate or extravagant design or materials. Thus, while I think the national interest dictates my support of this bill, it is worth noting that independent pursuit of truth and knowledge is always difficult even under the best of conditions, and that it would be well if our Nation's educators, at the level of higher learning into which the Federal Government now moves deeper than ever before, will remain constantly vigilant to insure that the independence of their institutions remains inviolate.

Mr. ALGER. Mr. Chairman, so far as this Member is concerned, there is no point in debating the various provisions of this bill, the College Academic Facilities Act, when several basic premises are incorrect, a poor foundation for good legislation and impossible of correction.

Specifically, I refer to the error of our talking about Federal money to stimulate education. There is no Federal money, since the money for this and other Government programs comes from the only source of all public money, that is the taxpayers' pockets in the local communities. Not only is there no Federal money, the Federal Government is in debt hundreds of billions of dollars, and President Kennedy is demanding increased spending in seventy or more new areas beyond the already stupendous scope of Federal spending.

Second, the public expenditure of the taxpayers money by the Federal Government, unfortunately, is killing the private expenditure. Federal spending, therefore, will not supplement private spending but ultimately will replace it to the detriment of our higher educational institutions. Much like have your cake and eat it, the advocates of this bill want all the blessings of private contributions to our institutions of higher learning, but also want to augment the private effort with public expenditures. This is erroneous, the public expenditure will replace, not supplement, the private expenditure to the detriment of better education.

Third, Federal regulations in any bill involving Federal expenditures are right and necessary to safeguard the taxpayers Federal investments, but are wrong when imposed in the educational field.

Education of freemen must be kept free and that means also free of Federal Government control. The applicants appealing to the State commissioner, the setting of priorities, the State commissioner appealing to the Federal Government for the Federal allocation comprise a framework of almost unlimited Federal regulation depending on the whim of the Federal Government representatives who administer the program.

Fourth, the necessary separation of church and state now conflicts with the denominational schools of higher education receiving loans or grants. Witness the language in both the bill and report—page 6, first paragraph of report—and in the bill:

> The term "academic facilities" shall not include * * * any facility used or to be used for sectarian instruction or as a place for religious worship or any facility that is used or to be used primarily in connection

with any part of the program of a school or department of divinity.

Fifth, one clear-cut example of Federal regulation and the miscarriage of regulation is amply demonstrated by the imposition once again of the Davis-Bacon law whereby the Secretary of Labor determines the wages that will be paid the workmen that construct these educational facilities and from whose arbitrary decisions there is no recourse in court. He is the prosecutor, the judge, the jury, regardless of the merits or the need for Davis-Bacon wage-setting provision. No one can disavow the unquestioned Government control that accompanies the taking of Federal funds. This is but one example.

Unfortunately, poor legislation such as this, that is, the errors that result from the Federal Government invading a field not constitutional and not the role of the Federal Government, results in clouding the issue of who is for better education and how best is it to be obtained. In opposing this bill, of course, I am not disapproving higher education for any and all who seek it. I yield to no one in appreciating the need for education and for all of us to help as best we can to see that our youth get the finest education that is possible.

Education is not something to be granted or given by the Federal Government. The Federal Government cannot give anything to anyone that it does not first take away from the taxpayers. Further, education must be sought and wanted by the student. Students, like all of us, get out of their studies only what they put in. They must want and seek the education. In this country our private financial sources can meet this need without enforced taxation.

It is tragic that in a society grown great through freedom we now endeavor to stay great by enforced taxation, Federal programs, and the substitution of Federal Government schemes for private initiative.

Mr. WHITENER. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD and include extraneous matter.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WHITENER. Mr. Chairman, I have been greatly troubled by the proposals contained in H.R. 8900. I am very much interested in doing all that I can to assist colleges and college students, but I feel that there are constitutional limitations upon the action which the Congress may take.

Another thing that bothers me about this legislation is that it proposes an expenditure of more than $1 billion during the next 5 years at a time when we are being asked to raise the authorized debt limit of the Federal Government in the amount of $10 billion.

These are some of the considerations that impel me to vote "No" on the bill.

I have had several communications from fine private citizens and college officials in the country urging me to vote for the legislation. I have also had communications from outstanding people urging that I vote against the proposal. The decision which I have made has been based upon my own judgment after carefully listening to all of the debate on the legislation.

I would like at this point to include as a part of my remarks a letter which I received today from Dr. Charles F. Carroll, superintendent of public instruction of North Carolina, who is one of the Nation's outstanding educators and Christian laymen. Dr. Carroll's letter is as follows:

JANUARY 29, 1962.

Hon. BASIL L. WHITENER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN WHITENER: It is my understanding that the Rules Committee has given approval to H.R. 8900 authorizing $180 million grants and $120 million loans annually for 5 years for construction of academic facilities for public and private, including sectarian, colleges and universities.

I contend that churches and religious bodies establish and operate schools and colleges and universities for the primary purpose of propagating their respective doctrines and creeds. Therefore, I believe that direct or indirect financial support in any manner for such educational operations is in reality support for a particular religion, creed, faith, and practice.

If my contention is correct to any degree, is not a grant of public money to a sectarian college or university in absolute violation of this principle of separation of church and state? I feel it is.

Does a grant of public money to a nonpublic college or university violate sound public policy?

Finally, with respect to a loan by the Federal Government to any nonpublic school or college or university, what safeguard is there against eventual forgiveness? I feel very strongly there should be eternal vigilance in this connection.

Thanking you for your consideration of the foregoing aspects of a very significant piece of legislation, and with all good wishes, I remain

Sincerely yours,

Charlie,
CHAS. F. CARROLL,
State Superintendent of Public Instruction.

Mr. EVINS. Mr. Chairman, certainly we have had many examples of Federal aid to education in the past in various forms. We could mention the Land Grant Colleges Act, the Smith-Hughes Act, the Veterans Education and Training Act, the donation of surplus properties for purposes of education following the war, the Rural Libraries Act, and the school hot lunch program, among others. Certainly, also the National Defense Education Act, in which loans for college students have been made available, is a significant milestone in the advancement of education. Grants by the National Science Foundation for scientific studies and scientific research likewise represent significant steps and advances for education. The college dormitories loan program has contributed much to the building of dormitories for colleges throughout the Nation, including colleges and universities in my own State of Tennessee. I can specifically mention Tennessee Tech, a splendid technical college in the district which I have the honor to represent and Middle Tennessee State College, another splendid college in my district.

I have favored these programs and I favor the general principle of Federal aid to education, without Federal control. My concern with the present bill is that a large measure of Federal control is implicit in the bill and that funds can be used and may be used for other than purposes of public education. We should maintain inviolate the principle laid down in the Constitution of separation of church and state, and although a statement is made in the report that none of the funds authorized in the pending bill are to be used for sectarian instruction or as a place for religious worship, and that the funds are not to be used primarily in connection with any part of the program of a school or department of divinity. I have an honest concern these funds can and may be improperly used in violation of this announced principle and the provision of the Constitution.

Moreover, Mr. Chairman, it is specifically stated in the bill that the Federal Commissioner of Education may reject any application submitted by a State commissioner of education.

Therefore, Mr. Chairman, I am opposed to the bill and shall cast my vote against the pending measure.

Mr. BRADEMAS. Mr. Chairman, I am pleased to include in the RECORD today the text of an excellent address on higher education delivered by the distinguished chairman of the Subcommittee on Special Education, the gentlelady from Oregon [Mrs. EDITH GREEN], the author of H.R. 8900.

The address of Mrs. GREEN was delivered on January 23, 1962, in Washington, D.C., at a meeting of the American Council on Education.

The text of her address follows:

SPEECH TO THE AMERICAN COUNCIL ON EDUCATION, JANUARY 23, 1962, WASHINGTON, D.C.

(By Hon. EDITH GREEN, of Oregon)

When Alexander Pope said "Hope springs eternal in the human breast"—he must have had some members of the Education Committee in Congress in mind—for it seems as if we've been trying to obtain passage of education bills ever since Pope wrote that line in his "Essay on Man."

I am particularly pleased to appear before this group today, because I know that the American Council on Education is greatly concerned with, and dedicated to, the cause of better education in our Nation, both today and in the crowded years ahead.

In my 7 years of service on the House Committee on Education and Labor, I frequently have regretted the lack of closer communication between the academic community and the Congress.

Certainly we must find ways of working together even more closely if we are to achieve national legislation to assist our colleges and universities in meeting the national needs.

STATE OF EDUCATION

As chairman of the subcommittee handling higher education legislation, may I say that we have appreciated the expert testimony—the wise counsel of presidents, administrators of colleges and universities, and of the spokesmen for the American Council on Education. We have looked to you for the facts on the state of higher education today, and on its future needs. And, we particularly appreciate the unanimity expressed today in support of H.R. 8900—the

legislation to provide Federal assistance for constructing college academic facilities.

We are talking, not about a need that may or may not occur, but about one that most certainly will occur. No amount of wishful thinking will alter the course of events—the colleges and universities will be asked to double enrollments in the next decade.

We hope this legislation will help you in meeting the demands that our country and our Federal Government is making—certainly it is not the key which will solve all problems since grants have to be matched and loans must be repaid. But I, for one, sincerely believe that it will help.

Now the time is drawing near for a decision in Congress on this bill. As you know, the House Rules Committee will hold a hearing tomorrow on this bill, H.R. 8900. I am hopeful that the Rules Committee will act favorably on it and that the bill may be brought before the House for a vote soon.

If the Rules Committee clears the bill—and I believe that it will—then we will again turn to you for help. We need your assistance in alerting your colleagues to the progress of the legislation. And if your colleagues are interested in the passage of this bill, it is urgent that they so advise the Congressmen from their districts.

PROBLEM OF ATTENTION

There are, as of today, 432 Members of the House of Representatives. There are only seven members of the subcommittee which conducted hearings on this legislation and these seven are closely acquainted with the needs of higher education. On the full Committee on Education and Labor there are 31 Members. But there are 401 other Members of the House who cannot give so much study in this area and who are not as cognizant of the situation confronting higher education institutions. Therefore—I again suggest they would be glad to know your views.

H.R. 8900 may not represent perfection to you, but in my judgment it is the best bill possible from a legislative standpoint. I never have seen a major bill in Congress that did not include some compromise, or compromises, which were necessary in order to pass any legislation at all. This bill is no exception.

Originally, only loans were proposed for construction of urgently needed classrooms, laboratories, and libraries. Later the subcommittee included grants, too, after hearing convincing testimony that a loan program, alone, would not do the entire job of aiding colleges and universities—particularly the State institutions—in providing the classrooms needed to accommodate the students of the sixties.

The subcommittee, after considerable discussion, reached a compromise that earmarked 60 percent of the bill's total funds for grants, and 40 percent for loans. Some of us originally wanted a 50–50 division between grants and loans. Others preferred a 70–30 ratio. But in the end, the academic facilities provision, containing the 60–40 compromise, received a unanimous vote in the subcommittee.

H.R. 8900 covers both public and private colleges and universities. To any who may object to inclusion of the private institutions, may I say that I have compiled a list of present Federal grants and loans to higher education institutions, public and private, denominational and nondenominational. This list shows that the Federal Government has been lending money, under the college housing program, to denominational colleges for the past decade. The National Science Foundation has awarded research grants to these colleges—and so has the National Institutes of Health. And the National Defense Education Act makes no distinction between public and private colleges in advancing funds for student loans, or providing for graduate fellowships.

This list, giving a breakdown of loans and grants by States and congressional districts, will be published later as a committee document.

SCHOLARSHIPS NOT INCLUDED

Today, I shall not discuss scholarships for college students, because scholarships are not included in H.R. 8900. I have read with interest the report of your scholarship advisory group, headed by Dr. John F. Morse. Later, I may ask you for additional counsel on this subject as we turn to possible legislative proposals.

Returning to H.R. 8900, there are two questions which have been asked most frequently about specific wording in the bill—questions relating to the definition of "academic facilities." One question is whether we may be going farther than the committee intended in barring Federal funds for facilities used for sectarian instruction. We are asked whether this might be interpreted to exclude classrooms for a philosophy course that might include some study of various religions.

May I say that the subcommittee discussed this point at length and concluded that funds should not be spent for classrooms for courses with any sectarian instruction whatsoever. If a college administrator wants to schedule such courses, I am sure that he can manage to locate them in another building—one not constructed with the aid of Federal funds.

Another frequently asked question relates to the ban against using funds in the bill for gymnasiums, stadiums, or other facilities specially designed for athletic activities. I must say that I never have had so many athletic coaches visit my office as I have since this bill was approved by the subcommittee. I never knew before what close friends the athletic coaches here in the East are with those in my own congressional district in Oregon.

Let me emphasize that the subcommittee is not opposed to the President's physical fitness program. We are not against football or basketball games. But we feel there is an urgent need for classrooms, laboratories, and libraries, and we intentionally limited the bill to this pressing need.

As far as athletic facilities are concerned, it has been my observation that local groups, alumni organizations, and State legislative bodies have been quite successful in obtaining funds for these athletic facilities, also.

If I may digress for a moment, we have heard a great deal of discussion on the need for a talent search to find the brilliant students who might not go on to college, and to encourage them to obtain a higher education. I wish that the scientists, the mathematicians, the heads of humanities departments had the budget that football and basketball coaches have in their talent search.

QUALIFICATIONS

On two occasions in recent years, a coach from the Air Force Academy has visited my office to ask if I would appoint a young man from my congressional district to the Academy. On his first visit, I told the coach that my appointments were based on the results of civil service examinations and if the young man received the highest score, he would be appointed. Then I asked the coach why he was interested in this youth. "Well, he's a good football player," the coach replied. The following year the coach returned and asked if I would at least name the young man as an alternate so they could send him to a prep school to prepare him for the Academy. I explained that he was almost at the bottom of the list academically. This didn't seem to make a great impression—he was still a good football player.

"Tell me," I asked him, "does the physics department at the Air Force Academy have a budget comparable to the athletic department's for scouting possible cadets?"

I did not get a very responsive reply.

Now, may I take a few moments to express to this group some concerns I have—concerns as an individual interested in our educational system, and concerns as chairman of the subcommittee handling higher education legislation.

In recognition of the great need for scientists and engineers, Dr. James Van Allen has warned that our national ambitions in space exploration have outrun our scientific competence. I am aware of reports that the National Aeronautics and Space Administration will need 13,000 additional scientists and engineers for its man-on-the-moon project—not counting those who will be needed by industries working under NASA contracts.

CONCERN FOR BALANCE

But I am concerned whether, in the emphasis we are placing on mathematics, science and engineering, we are neglecting other important fields.

At the time the National Defense Education Act was being drafted, a minority of us argued unsuccessfully that our fundamental concern should be to invest sufficiently and wisely in the development of highly skilled and broadly responsible men and women who will make possible, not only scientific and military progress, but advances in the humanities and in all the fields of mankind's highest endeavors.

We surely have reached the time when the understanding of human behavior and the complexities of the human mind and emotions is important to our Nation's survival and to our future as a leading nation.

My second concern, as the reports on scientific manpower needs come to us, is: Are we using our highly trained scientists and engineers to the maximum extent, or do the cost-plus contracts encourage hoarding of these skilled people? If we have a serious shortage, could better use be made of the ones we now have? Also—with the cost-plus contracts—allowing very high salaries—are colleges and universities placed at such a great competitive disadvantage that education may really suffer. If so, what is the remedy?

Another concern is whether research grants given in the interests of national security are changing the role of the universities. I am interested in a question raised by the science adviser to President Eisenhower: "Are universities going into the business of handling research contracts, rather than education?"

When several higher education institutions receive more than 50 percent of their total operating budgets from Government research grants, what is the total impact upon the institution? Is it devoting the kind of effort, the amount of energy necessary for the education of students?

CONTROL AND THE MILITARY

My fourth concern deals with the increasing attacks from right-wing groups, and the effect they may have on academic freedom. I cannot understand why those people who cry out most loudly against any Federal aid for schools, on grounds that it would lead to Federal control of curriculum and personnel, are the very ones who now are the most vocal in defense of the military educating the public. I always have opposed curriculum planning by the Department of Health, Education, and Welfare, and I'm equally opposed to having it planned by the Pentagon or related groups.

Finally, let me mention one other concern I have, and that is the need for an overall survey of the role the Federal Government is playing in higher education at the present time.

Today, Chairman POWELL assigned to our Special Subcommittee on Education the task of making an overall study of all educational programs of the Federal Government. This is a subject in which I have been greatly interested for some time. A brief preliminary

study which I made nearly three years ago showed that about 35 Federal agencies were involved in educational programs of various kinds. The Department of Health, Education, and Welfare actually handles less than half of the Government's total educational programs. The Department of Defense has a sizable segment of these programs, and so does the Department of Agriculture.

I have compiled a list of all the education bills which were introduced in the House of Representatives during the 85th Congress. Only slightly more than half of these were referred to the Committee on Education and Labor. The others went to the Interstate and Foreign Commerce Committee, the Armed Services Committee; in fact, every committee in the House had jurisdiction over some educational bill.

We want to look into all these educational programs to find out if overlapping exists, if our educational dollars are being spent wisely, and, more importantly, if the programs are serving the needs of the Nation today.

INCREASE FOR DECLINE

For example, we keep increasing funds for agricultural extension work at a time when the census shows that the rural population is declining while the urban population increases. The Department of Commerce today told me that in the last 10 years there had been an increase of 29 percent in urban population and a decrease of eight-tenths of 1 percent in rural population. Are these additional funds for agricultural extension really necessary, or would the money be better spent upon an urban extension program? I don't know; but we hope to find the answers.

We are awarding scholarships worth several thousands of dollars per man per year in our military academies. Is the education the cadets are receiving commensurate with this expenditure? Outside of the Academies—how many young men are being educated by the military and where and for how much? Again, I don't know the answer, but it is something we may well wish to look into.

The National Science Foundation, the National Institutes of Health, the Atomic Energy Commission, and, more recently, the National Aeronautics and Space Administration award fellowships or training grants to the colleges and universities. Is there any duplication here? These are separate agencies whose work falls under the jurisdiction of several different congressional committees.

These are but a few examples of the areas which might be covered in an overall study of Federal educational programs. We hope to undertake this study immediately. In the meantime, we have no intention of delaying action on this urgently needed legislation.

In conclusion, may I say that there are many of us in Congress who will join you in working for those perfect schools we may never attain. But if we fight only for the attainable, we will reach for less.

As President Kennedy said: "Our progress as a nation can be no swifter than our progress in education." We appeal to you to help us speed this legislative process by your active support in the immediate weeks ahead. Thank you.

Mr. ROUSH. Mr. Chairman, I rise in enthusiastic support of the bill which is before us today. I have, since 1949, served as a trustee of Huntington College of Huntington, Ind. For many years, I served as a member of the executive committee of that institution. I have had a very close association with the other four colleges in my district. I know of their need. It is an ever-pressing need.

These colleges are relatively small, private schools. They are staffed and administered by dedicated, conscientious people using their limited resources carefully and diligently but fighting a discouraging battle in their attempts to fulfill the purpose for which they exist, namely to educate our young people. They are well aware of the challenges of the present era. They are deeply aware of the limitations the lack of finances impose upon them in their attempts to meet these needs, these challenges, and upon the fulfillment of their purposes.

In my State, by 1964, the number of high school graduates jumps 25 percent and then another 15 percent in 1965. This means a tremendous increase in college enrollment, for in addition to increased interest in higher education, we will be confronted with an increase in those eligible to enroll in our colleges and universities.

This bill is a step forward in our attempts to keep up with an ever-increasing need for library, classroom, and laboratory facilities.

The development of the human mind has been the strength of our democracy. It will continue to be so. To neglect every opportunity to enlarge upon our efforts in this regard would not be worthy of our heritage nor a fulfillment of our promise for the future.

Mr. Chairman, I support this legislation.

Mr. PHILBIN. Mr. Chairman, let us take note of the fact that this is not an ordinary bill. It is an urgent appeal and effort to support our higher educational system, to enable it to meet the extraordinary, imperative, and definitely foreseeable needs of first priority that will be placed upon it within the next few years and, indeed, in many respects and places are now being placed upon it.

To be sure, this Nation is facing a serious challenge from the Communist bloc nations that could, in some conceivable circumstances, present a situation of gravest danger. While we are satisfied and assured, as well as we can be, in this rapidly moving scientific age, of our current ability to provide reasonably for the national security and to visit havoc, indescribable and awesome, upon any aggressor, we must also recognize that we are engaged in a fierce, overall competition to determine whether, in the long run, we will be able to maintain our position in the world against those who propose to test our resources and our strength by every means within their power.

We are clearly aware of the dire consequences of one scientific breakthrough and all that it might imply. On the other hand, we have no reason to believe that this type of breakthrough may not well be multiplied in our favor, and it would not be beyond reasonable expectation that the advantages we now enjoy may increase both in number and in quality and widen still further the impressive gap in national potential, as well as military capacity, that now separates the free world from the slave world.

But we cannot shut our eyes to the dire and most serious plight of our colleges, the continuing and altogether unbelievable pressure upon their facilities caused by the population explosion and by the normal advances of civilization.

Nor can we be unmindful of, or oblivious to the inability of our colleges and higher institutions of learning, both in the humanities and the scientific fields, in the undergraduate, as well as the graduate, levels to cope successfully with the quickening flood of young Americans seeking to seize the opportunity for adequate higher education which has for so long been the proud boast of this Nation.

Already, thousands and thousands of young men and women are feeling the pinch of inadequate facilities and the pressure of steadily rising standards that are denying to very many fine, aspiring young people these days the cherished training which they seek.

Moreover, in the engineering and scientific fields, where our needs are so crucial, and our stakes are so high, we must make sure that we build educational facilities and patterns that will not only afford opportunities for our youth, but will encourage them and attract them toward careers in science and technology, so vital to the defense, as well as the broader purposes of advancement and progress which are dynamically moving our Nation forward to incredible heights.

I believe that the evidence clearly shows that these are burdens of a serious and very onerous nature that our higher educational system is no longer able to carry and at the same time adapt itself to the critical needs and requirements of present and future that will continue to be felt with sharper impact as the Nation moves forward in the almost miraculous progress of the space age.

The evidence shows that the normal resources of colleges and universities and technical and other specialized schools can no longer carry these heavy burdens. Private philanthropy can no longer carry them. The States and subdivisions of government can no longer do this vast and compelling job adequately.

The time has come for this Congress to tackle the challenging problems of education with boldness, imagination, and courage. This bill will not do the full job, but it will be an excellent start and will lay the groundwork and foundations for other direct assistance and support by the Federal Government in the field of higher education, and of education in general, which is of such great moment and consequence to us all.

I am sure that the membership of this great deliberative body whose able Members are drawn from every part of our country is prepared to grapple courageously with these critical problems of adequate education and training for our youth and I have every confidence that this bill will pass with an overwhelming vote. I urge that end upon the Members of the House.

Mr. DONOHUE. Mr. Chairman, in the light of the current and increasing Communist challenge, there is nothing more obvious, to meet and turn back this challenge, than our national need to perseveringly produce more and better

trained scientists, engineers, doctors, teachers, and other educated personnel.

This measure before us is designed precisely to provide this Nation with the most urgent and essential services of these specially trained and disciplined people in the various sciences and arts.

The only possible source from which such personnel can come are institutions of higher education, and the authoritative testimony that has been revealed clearly shows they cannot do the job with their current resources; they need material, help, and encouragement. The cold statistics tell us that the current college enrollment of over 3½ million students is bound to increase by more than 1 million in the next 5 years, and practically double by 1970.

To meet the pressing demands of today, and prepare for the enrollment crush of tomorrow, these higher educational institutions must rehabilitate and expand their academic facilities or else they will be forced to turn away thousands of qualified applicants and deprive the Nation of their trained talents during the most perilous hour of our history.

To avoid such catastrophe, this measure authorizes assistance, in the form of loans and grants, to these higher educational institutions for the construction and improvement of classrooms, laboratories, libraries, and related facilities fundamental to the operation of modern collegiate and graduate institutions and production of technically trained personnel.

The loan provisions of this measure have been patterned substantially after the loan provisions of the college housing program which has already contributed so much to our national progress in this area. The eligibility requirements are clearly defined and in the exact vein of programs already tested and accepted.

The prohibitions against any attempt or form of Federal control in the methods of instruction or administration of any educational institution involved are clearly defined and amply sufficient to prevent any Federal interference. That is certainly what practically all of us want to closely guard against, and the language of this measure surely accomplishes it.

The objectives of this bill, and the means defined to accomplish them, are firmly in accord with the foundation traditions of American policy and progress, and I earnestly hope the bill will be approved without extended delay.

Mr. BRADEMAS. Mr. Chairman, one of the finest editorials I have seen on the need for the passage of H.R. 8900, which the House of Representatives today considers, is the following editorial, entitled "College Aid Measure," which was published in the January 20, 1962, issue of the La Porte (Ind.) Herald-Argus. The editorial follows:

COLLEGE AID MEASURE

The U.S. Senate will begin debate shortly on a $2.7 billion college aid measure which has been reported out of committee to the Senate floor. Backed by strong administration support, the bill has an excellent chance of passage in the Senate but in the House the issue may be in doubt or a compromise measure may be the ultimate fruit.

The bill recognizes some hard educational facts of life; that there are already 3.9 million young people in institutions of higher learning and that this number is expected to reach 7 million by 1970 while colleges and universities struggle to keep up with the overwhelming need for more classrooms, more equipment, more dormitories, more campus. Also that by the U.S. Office of Education estimates 60,000 of 100,000 high school seniors graduating in the top third of their classes this May and June won't go to college because of financial reasons. And this goes on every spring.

The Senate bill calls for $1.5 billion over a 5-year period for construction of classrooms, laboratories, and libraries. These funds would be disbursed in the form of low-interest loans to be paid off by the colleges over a long period of time. A companion bill stalled in the House would offer both loans and outright grants because of financial limitations of many colleges and universities making it impossible or difficult for them to undertake heavy loan obligations. (There is already a law whereby colleges can borrow funds to build dormitories and dining halls or other revenue-producing buildings. Nearby Valparaiso University has taken advantage of this loan law several times.)

The Senate measure would also provide for about 212,000 4-year scholarships of up to $1,000 a year to be awarded by State education officials to talented but needy students. This would cost about $924 million. The Senate bill also calls for $250 million in matching grants to help build public junior colleges.

One reason the Senate bill, with its loans-only provision, will probably pass is that Catholic colleges and universities would probably be eligible for loans but not for outright grants.

If they are to cope with the enrollment explosion of the coming decade colleges and universities must have hundreds of millions to expand. And if we are going to make sure as a people that the highest possible number of young people with the best brains and the most solid character get their chance in college halls then we must do more to dissolve the financial barriers which confront many of these students.

Congress should make sure that legislation to help meet these tremendous needs is enacted this session.

Mrs. GREEN of Oregon. Mr. Chairman, in closing debate on this bill I can think of nothing more fitting than to read a telegram which was just received during this last hour by our esteemed Speaker of the House, one of the strongest supporters of aid to education. All last year the gentleman from Massachusetts [Mr. McCORMACK] was one of the most enthusiastic supporters of this bill for academic facilities for colleges and universities across this land. His interest in education and universities in his own State is well known. His help on this bill has been tremendous. Through his effective leadership, this bill was scheduled for floor action during this first month of this session.

As I said, he received this telegram just a very short time ago from the president of Harvard University and has asked me to read it:

CAMBRIDGE, MASS., *January 30, 1962.*

HON. JOHN W. MCCORMACK,
House Office Building,
Washington, D.C.:

Urge you support House bill 8900 concerning Federal assistance in construction of college classrooms, laboratories and libraries. Passage this bill especially important to enable U.S. public institutions to meet enrollment demands. Although Federal aid for building construction is only a first step in long range need to support higher education it is the most important legislation in field of higher education now before you. All major associates of public and private colleges endorse this legislation and hope for your support in its passage.

NATHAN M. PUSEY,
President, Harvard University.

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 this Act may be cited as the "College Academic Facilities Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress hereby finds that the security and welfare of the United States require that this and future generations of American youth be assured ample opportunity for the fullest development of their intellectual capacities, and that this opportunity will be jeopardized unless the Nation's colleges and universities are encouraged and assisted in their efforts to accommodate rapidly growing numbers of youth who aspire to a higher education. The Congress further finds and declares that these needs are so great and these steps so urgent that it is incumbent upon the Nation to take positive and immediate action to meet these needs through assistance to institutions of higher education in providing classrooms and other academic facilities.

Mrs. GREEN of Oregon (interrupting the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

Mr. GROSS. Mr. Chairman, reserving the right to object, is there going to be any attempt made here to limit debate to a minute and a half on amendments to this bill?

Mrs. GREEN of Oregon. I assure the gentleman that neither the Chairman nor I have any desire to close anyone from debate.

Mr. GROSS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

The remainder of the bill reads as follows:

PART A—GRANTS FOR CONSTRUCTION OF ACADEMIC FACILITIES

Appropriations authorized

SEC. 101. (a) In order to enable the Commissioner of Education (hereafter in this Act referred to as the "Commissioner") to make grants to institutions of higher education for the construction of academic facilities in accordance with the provisions of this part A, there is hereby authorized to be appropriated the sum of $180,000,000 for the fiscal year ending June 30, 1962, and each of the four succeeding fiscal years. In addition to the sums authorized to be appropriated under the preceding sentence, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1963, and each of the three succeeding fiscal years, for making such grants the difference (if any) between the sums authorized to be appropriated under the preceding sentence for preceding fiscal years and the aggregate of the sums which were appropriated for such preceding years under such sentence.

(b) Sums appropriated pursuant to subsection (a) of this section shall remain

available for reservation as provided in section 107 until the close of the fiscal year next succeeding the fiscal year for which they were appropriated.

Allotments to States

SEC. 102. (a) Of the funds appropriated pursuant to section 101 for any fiscal year (1) one-half shall be allotted by the Commissioner among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-half as the number of students enrolled in institutions of higher education in such State bears to the total number of students enrolled in such institutions in all the States; and (2) the remaining one-half shall be allotted by him among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such remainder as the number of students enrolled in grades nine to twelve (both inclusive) of schools in such State bears to the total number of students in such grades in schools in all the States. For the purposes of this subsection, (A) the number of students enrolled in institutions of higher education shall be deemed to be equal to the sum of (i) the number of full-time students and (ii) the full-time equivalent of the number of part-time students as determined by the Commissioner in accordance with regulations; and (B) determinations as to enrollment under either clause (1) or clause (2) of this subsection shall be made by the Commissioner on the basis of data for the most recent year for which satisfactory data with respect to such enrollment are available to him.

(b) The amount of each allotment to a State under this section shall be available, in accordance with the provisions of this part A, for payment of the Federal share (as determined under sections 106(b)(3) and 122(d)) of the development cost of approved projects for the construction of academic facilities within such State by institutions of higher education. Sums allotted to a State for the fiscal year ending June 30, 1962, shall remain available for reservation as provided in section 107 until the close of the next fiscal year, in addition to the sums allotted to such State for such next fiscal year.

(c) All amounts allotted under this section for the fiscal year ending June 30, 1963, and each of the three succeeding fiscal years, which are not reserved as provided in section 107 by the close of the fiscal year for which they are allotted, shall be reallotted by the Commissioner, on the basis of such factors as he determines to be equitable and reasonable, among the States which, as determined by the Commissioner, are able to use without delay any amounts so reallotted. Amounts reallotted under this subsection shall be available for reservation until the close of the fiscal year next succeeding the fiscal year for which they were originally allotted.

State commissions and plans

SEC. 103. (a) Any State desiring to participate in the grant program under this part A shall designate for that purpose an existing State agency which is broadly representative of the public and of institutions of higher education in the State or, if no such State agency exists, shall establish such a State agency, and submit to the Commissioner through the agency so designated or established (hereafter in this part A referred to as the "State commission"), a State plan for such participation. The Commissioner shall approve any such plan which—

(1) provides that it shall be administered by the State commission;

(2) sets forth, consistently with basic criteria prescribed by regulation pursuant to section 105, objective standards and methods (A) for determining the relative priorities of eligible projects for the construction of academic facilities submitted by institutions of higher education within the State, and (B) for determining the Federal share of the development cost of each such project (unless such plan provides for a uniform Federal share for all such projects);

(3) provides (A) for assigning priorities solely on the basis of such criteria, standards, and methods to eligible projects submitted to the State commission and deemed by it to be otherwise approvable under the provisions of this part A; and (B) for approving and recommending to the Commissioner, in the order of such priority, applications covering such eligible projects, and for certifying to the Commissioner the Federal share, determined by the State commission under the State plan, of the development cost of the project involved;

(4) provides for affording to every applicant, which has submitted to the State commission a project, an opportunity for a fair hearing before the commission as to the priority assigned to such project or as to any other determination of the commission adversely affecting such applicant; and

(5) provides (A) for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State commission under this part A, and (B) for the making of such reports, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his functions under this part A.

(b) The Commissioner is authorized to expend not exceeding $3,000,000 during each of the first two fiscal years of the program under this part A in such amounts as he may consider necessary for the proper and efficient administration of the State plans approved under this part A, including expenses which he determines were necessary for the preparation of such plans.

Eligibility for grants

SEC. 104. An institution of higher education shall be eligible for a grant for construction of an academic facility under this part A only if such construction will, either alone or together with other construction to be undertaken within a reasonable time, (1) result in an urgently needed substantial expansion of the institution's student enrollment capacity, or (2) in the case of a new institution of higher education, result in creating urgently needed enrollment capacity.

Basic criteria for determining priorities and Federal share

SEC. 105. (a) As soon as practicable after the enactment of this Act the Commissioner shall by regulation prescribe basic criteria to which the provisions of State plans setting forth standards and methods for determining relative priorities of eligible construction projects, and the application of such standards and methods to such projects under such plans, shall be subject. Such basic criteria (1) shall be such as will best tend to achieve the objectives of this part A while leaving opportunity and flexibility for the development of State plan standards and methods that will best accommodate the varied needs of institutions in the several States, and (2) shall give special consideration to expansion of undergraduate enrollment capacity. Subject to the foregoing requirements, such regulations may establish additional and appropriate basic criteria, including provision for considering the degree to which applicant institutions are effectively utilizing existing facilities, provision for allowing State plans to group or provide for grouping, in a reasonable manner, facilities or institutions according to functional or educational type for priority purposes, and, in view of the national objectives of this Act, provision for considering the degree to which the institution serves students from two or more States or from outside the United States; and in no event shall an institution's readiness to admit such out-of-State students be considered as a priority factor adverse to such institution.

(b) The Commissioner shall further prescribe by regulation the basic criteria for determining the Federal share of the development cost of any eligible project under this part A within a State, to which criteria the applicable standards and methods set forth in the State plan for such State shall conform in the absence of a uniform statewide Federal share specified in or pursuant to such plan. The Federal share shall in no event exceed 33⅓ per centum of the development cost of a project covered by an application approved under this part A.

Applications for grants and conditions for approval

SEC. 106. (a) Institutions of higher education which desire to obtain grants under this part A shall submit applications therefore at such time or times and in such manner as may be prescribed by the Commissioner, and such applications shall contain such information as may be required by or pursuant to regulation for the purpose of enabling the Commissioner to make the determinations required to be made by him under this part A.

(b) The Commissioner shall approve an application covering a project for construction of an academic facility and meeting the requirements prescribed pursuant to subsection (a) if—

(1) the project is an eligible project as determined under section 104;

(2) the project has been approved and recommended by the appropriate State commission;

(3) the State commission has certified to the Commissioner, in accordance with the State plan, the Federal share of the development cost of the project, and sufficient funds to pay such Federal share are available from the applicable allotment of the State (including any applicable reallotment to the State);

(4) the project has, pursuant to the State plan, been assigned a priority that is higher than that of all other projects within such State (chargeable to the same allotment) which meet all the requirements of this section (other than this clause) and for which Federal funds have not yet been reserved;

(5) the Commissioner determines that the construction will be undertaken in an economical manner and will not be of elaborate or extravagant design or materials; and

(6) the Commissioner determines that (in addition to the assurance required by section 121 and such assurance as to title to the site as he may deem necessary) the application contains or is supported by satisfactory assurances—

(A) that Federal funds received by the applicant will be used solely for defraying the development cost of the project covered by such application,

(B) that sufficient funds will be available to meet the non-Federal portion of such cost and to provide for the effective use of the academic facility upon completion, and

(C) that the facility will be used as an academic facility during at least the period of the Federal interest therein (as defined in section 108).

(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

Amount of grant—Payment

SEC. 107. Upon his approval of any application for a grant under this part A, the Commissioner shall reserve from the applicable allotment (including any applicable reallotment) available therefor, the amount

of such grant, which (subject to the limits of such allotment or reallotment) shall be equal to the Federal share (ascertained by him under section 106(b)(3)) of the development cost of the project covered by such application. The Commissioner shall pay such reserved amount, in advance or by way of reimbursement, and in such installments consistent with construction progress, as he may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application covering such project or upon revision of the estimated development cost of a project with respect to which such reservation was made, and in the event of an upward revision of such estimated cost approved by him he may reserve the Federal share of the added cost only from the applicable allotment (or reallotment) available at the time of such approval.

Recovery of payments

SEC. 108. (a) The Congress hereby finds and declares that, if a facility constructed with the aid of a grant or grants under this part A is used as an academic facility for twenty years following completion of such construction, the public benefit accruing to the United States from such use will equal or exceed in value the amount of such grant or grants. The period of twenty years after completion of such construction shall therefore be deemed to be the period of Federal interest in such facility for the purposes of this part A.

(b) If, within twenty years after completion of construction of an academic facility which has been constructed in part with a grant or grants under this part A—

(1) the applicant (or its successor in title or possession) ceases or fails to be a public or nonprofit institution, or

(2) the facility ceases to be used as an academic facility, or the facility is used as a facility excluded from the term "academic facility" by section 122(a)(2), unless the Commissioner determines in accordance with regulations that there is good cause for waiving the application of this paragraph to such facility or use,

the United States shall be entitled to recover from such applicant (or successor) an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal grant or grants bore to the development cost of the facility financed with the aid of such grant or grants: *Provided*, That the authority to waive the application of paragraph (2) of this subsection shall not apply to any case in which a facility (A) is used for sectarian instruction or as a place for religious worship or (B), although not used for a purpose described in clause (A), is used primarily for any part of a program of a school of divinity (as defined in section 122(a)(2)). Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

Administration of State plans

SEC. 109. (a) The Commissioner shall not finally disapprove any State plan submitted under this part A, or any modification thereof, without first affording the State commission submitting the plan reasonable notice and opportunity for a hearing.

(b) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State commission administering a State plan approved under this part A, finds—

(1) that the State plan has been so changed that it no longer complies with the provisions of section 103(a), or

(2) that in the administration of the plan there is a failure to comply substantially with any such provision,

the Commissioner shall notify such State commission that the State will not be regarded as eligible to participate in the program under this part A until he is satisfied that there is no longer any such failure to comply.

Judicial review

SEC. 110. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under this part A, or with respect to his final action under section 109(b), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located, a petition for review of such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(b) Upon the filing of the petition referred to in subsection (a) of this section, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The judgment of the court affirming or setting side, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United State Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

PART B—LOANS FOR CONSTRUCTION OF ACADEMIC FACILITIES

Lending authority

SEC. 111. The Commissioner may, in accordance with the provisions of this part B, make loans to institutions of higher education or to higher education building agencies for construction of academic facilities.

Loan limit for any State

SEC. 112. Not more than 12½ per centum of the funds provided for in this part B in the form of loans shall be used for loans to institutions of higher education or higher education building agenices within any one State.

Eligibility conditions, amounts, and terms of loans

SEC. 113. (a) No loan pursuant to this part B shall be made unless the Commissioner finds (1) that not less than one-fourth of the development cost of the facility will be financed from non-Federal sources, (2) that the applicant is unable to secure the amount of such loan from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to loans under this part B, and (3) that the construction will be undertaken in an economical manner and that it will not be of elaborate or extravagant design or materials.

(b) A loan pursuant to this part B shall be secured in such manner, and shall be repaid within such period not exceeding fifty years, as may be determined by the Commissioner; and shall bear interest at a rate determined by the Commissioner which shall not be more than the higher of (1) 2¾ per centum per annum, or (2) a per annum rate that is one-quarter of 1 percentage point above the rate of interest paid by the Commissioner on funds obtained from the Secretary of the Treasury as provided in subsection (d) of this section.

(c) In order to obtain funds for loans under this part B, the Commissioner may from time to time issue notes and obligations for purchase by the Secretary of the Treasury. The maximum aggregate principal amount of such notes and obligations outstanding at any one time shall be such amount as may be specified from time to time in appropriation Acts, but the amount so outstanding at any time shall not exceed (1) the initial sum of $120,000,000 until June 30, 1962, inclusive, and (2) thereafter, $120,000,000 plus such additional sums as are equal to a rate of annual increase of $120,000,000 in such initial sum as of July 1 of each of the calendar years 1962 to 1965, inclusive.

(d) Notes or other obligations issued by the Commissioner under this part B shall be in such forms and denominations, have such maturities, and be subject to such terms and conditions as may be prescribed by the Commissioner, with the approval of the Secretary of the Treasury, and shall bear interest at a rate determined by the Secretary of the Treasury which shall be not more than the higher of (1) 2½ per centum per annum, or (2) the average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the issuance by the Commissioner and adjusted to the nearest one-eighth of 1 per centum. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations of the Commissioner issued under this part B and for such purpose is authorized to use as a public-debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and other obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public-debt transactions of the United States.

(e) There are hereby authorized to be appropriated to the Commissioner such sums as may be necessary, together with loan principal and interest payments made by institutions of higher education or higher education building agencies assisted hereunder, for payments on notes or other obligations issued by the Commissioner under this section; but the amount of any such payments received after June 30, 1966, from institutions of higher education and used by the Commissioner as payments on notes or other obligations issued by him shall not constitute a basis for obtaining equivalent funds from the Treasury in order to make new loans under this part B.

General provisions for loan program

SEC. 114. (a) In the performance of, and with respect to, the functions, powers, and duties vested in him by this part B the Commissioner, notwithstanding the provisions of any other law, shall—

(1) prepare annually and submit a budget program as provided for wholly owned Government corporations by the Government Corporation Control Act, as amended; and

(2) maintain an integral set of accounts which shall be audited annually by the General Accounting Office in accordance with the principles and procedures applicable to commercial transactions as provided by the Government Corporation Control Act, as amended, and no other audit shall be required: *Provided*, That such financial transactions of the Commissioner as the making

of loans and vouchers approved by the Commissioner in connection with such financial transactions shall be final and conclusive upon all officers of the Government.

(b)(1) Funds made available to the Commissioner pursuant to the provisions of this part B shall be deposited in a checking account or accounts with the Treasurer of the United States. Receipts and assets obtained or held by the Commissioner in connection with the performance of his functions under this part B, and all funds available for carrying out the functions of the Commissioner under this part B (including appropriations therefor, which are hereby authorized), shall be available, in such amounts as may from year to year be authorized by the Congress, for the administrative expenses of the Commissioner in connection with the performance of such functions.

(2) The Commissioner is authorized (A) to prescribe a schedule of fees which, in his judgment, would be adequate in the aggregate to cover necessary expenses of making inspections (including audits) and providing representatives at the site of projects in connection with loans under this part B, and (B) to condition the making of such loans on agreement by the applicant to pay such fees; and, if such fees are prescribed, the Commissioner's expenses for such purposes shall be considered nonadministrative. For the purpose of providing such services, the Commissioner may, as authorized by section 123(b), utilize any agency, and such agency may accept reimbursement or payment for such services from such applicant or from the Commissioner, and shall, if a Federal agency, credit such amounts to the appropriation or fund against which expenditures by such agency for such services have been charged.

(c) In the performance of, and with respect to, the functions, powers, and duties vested in him by this part B, the Commissioner, notwithstanding the provisions of any other law, may—

(1) prescribe such rules and regulations as may be necessary to carry out the purposes of this part B;

(2) sue and be sued in any court of record of a State having general jurisdiction or in any district court of the United States, and such district courts shall have jurisdiction of civil actions arising under this part B without regard to the amount in controversy, and any action instituted under this subsection by or against the Commissioner shall survive notwithstanding any change in the person occupying the office of Commissioner or any vacancy in such office; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Commissioner or property under his control, and nothing herein shall be construed to except litigation arising out of activities under this part B from the application of sections 507(b) and 2679 of title 28 of the United States Code and of section 367 of the Revised Statutes (5 U.S.C. 316);

(3) foreclose on any property or commence any action to protect or enforce any right conferred upon him by any law, contract, or other agreement, and bid for and purchase at any foreclosure or any other sale any property in connection with which he had made a loan pursuant to this part B; and, in the event of any such acquisition (and notwithstanding any other provisions of law relating to the acquisition, handling, or disposal of real property by the United States), complete, administer, remodel and convert, dispose of, lease, and otherwise deal with, such property: *Provided*, That any such acquisition of real property shall not deprive any State or political subdivision thereof of its civil or criminal jurisdiction in and over such property or impair the civil rights under the State or local laws of the inhabitants on such property;

(4) enter into agreements to pay annual sums in lieu of taxes to any State or local taxing authority with respect to any real property so acquired or owned;

(5) sell or exchange at public or private sale, or lease, real or personal property, and sell or exchange any securities or obligations, upon such terms as he may fix;

(6) obtain insurance against loss in connection with property and other assets held;

(7) subject to the specific limitations in this part B, consent to the modification, with respect to the rate of interest, time of payment of any installment of principal or interest, security, or any other term of any contract or agreement to which he is a party or which has been transferred to him pursuant to this section; and

(8) include in any contract or instrument made pursuant to this part B such other covenants, conditions, or provisions (including provisions designed to assure against use of the facility, constructed with the aid of a loan under this part B, for purposes described in section 122(a)(2)) as he may deem necessary to assure that the purposes of this part B will be achieved.

PART C—GENERAL PROVISIONS FOR LOAN AND GRANT PROGRAMS

Labor standards

SEC. 121. (a) The Commissioner shall not approve any application for a grant or loan under this Act except upon adequate assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction assisted by such grant or loan will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5), and will receive compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in the workweek, as the case may be; but, in the case of any nonprofit educational institution, the Commissioner may waive the application of this subsection in cases or classes of cases where laborers or mechanics, not otherwise employed at any time in the construction of the project, voluntarily donate their services for the purpose of lowering the costs of construction and the Commissioner determines that any amounts saved thereby are fully credited to the educational institution undertaking the construction.

(b) The Secretary of Labor shall have, with respect to the labor standards specified in subsection (a) of this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

Definitions

SEC. 122. As used in this Act—

(a)(1) Except as provided in subparagraph (2) of this paragraph, the term "academic facilities" means structures suitable for use as classrooms, laboratories, libraries, and related facilities necessary or appropriate for instruction of students, or for research, or for administration of the educational or research programs, of an institution of higher education, and maintenance, storage, or utility facilities essential to operation of the foregoing facilities.

(2) The term "academic facilities" shall not include (A) any facility intended primarily for events for which admission is to be charged to the general public, or any gymnasium or other facility specially designed for physical education or athletic or recreational activities, or (B) any facility used or to be used for sectarian instruction or as a place for religious worship, or (C) any facility which (although not a facility described in the preceding clause) is used or to be used primarily in connection with any part of the program of a school or department of divinity. For the purposes of this subparagraph, the term "school or department of divinity" means an institution, or a department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

(b)(1) The term "construction" means (A) erection of new or expansion of existing structures, and the acquisition and installation of initial equipment therefor; or (B) acquisition of existing structures not owned by the institution involved; or (C) rehabilitation, alteration, conversion, or improvement (including the acquisition and installation of initial equipment, or modernization or replacement of built-in equipment) of existing structures; or (D) a combination of any two or more of the foregoing.

(2) The term "equipment" includes, in addition to machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, all other items necessary for the functioning of a particular facility as an academic facility, including necessary furniture, except books and except items of current operating expense such as fuel, supplies, and the like; the term "initial equipment" means equipment acquired and installed in connection with contruction as defined in paragraph (1) (A) or (B) of this subsection or, in cases referred to in paragraph (1)(C), equipment acquired and installed as part of the rehabilitation, alteration, conversion, or improvement of an existing structure which structure would otherwise not be adequate for use as an academic facility; and the terms "equipment," "initial equipment," and "built-in equipment" shall be more particularly defined by the Commissioner by regulation.

(c) The term "development cost", with respect to an academic facility, means the amount found by the Commissioner to be the cost, to the applicant for a grant or loan under this Act, of the construction involved and the cost of necessary acquisition of the land on which the facility is located and of necessary site improvements to permit its use for such facility, but excluding any cost incurred before, or under a contract entered into before, the enactment of this Act. There shall further be excluded from the development cost—

(1) in determining the amount of any grant under this Act, an amount equal to the sum of (A) any Federal grant which the institution has obtained, or is assured of obtaining, under any law other than this Act, with respect to the construction that is to be financed with the aid of a grant under this Act, and (B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant; and

(2) in determining the amount of any loan under this Act, an amount equal to the amount of any Federal financial assistance which the institution has obtained, or is assured of obtaining, under any law other than this Act, with respect to the construction that is to be financed with the aid of a loan under this Act.

(d) The term "Federal share" means a percentage (as determined under the applicable State plan) not in excess of 33⅓ per centum of the development cost of a project covered by an application for a grant for the construction of an academic facility under part A of this Act.

(e) The term "higher education building agency" means (1) an agency, public authority, or other instrumentality of a State authorized to provide, or finance the construction of, academic facilities for institutions of higher education (whether or not

also authorized to provide or finance other facilities for such or other educational institutions, or for their students or faculty), or (2) any corporation (no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual) (A) established by an institution of higher education for the purpose of providing academic facilities for the use of such institution, and (B) upon dissolution of which all title to any property purchased or built from the proceeds of any loan made under part B of this Act will pass to such institution.

(f) The term "institution of higher education" means a public or other nonprofit educational institution in any State which—

(1) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such certificate;

(2) is legally authorized within such State to provide a program of education beyond high school;

(3) provides an educational program for which it awards a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit toward such a degree; and

(4) is accredited by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this paragraph or, if not so accredited, is an institution whose credits are accepted, on transfers, by not less than three institutions which are so credited, for credit on the same basis as if transferred from an institution so accredited: *Provided, however,* That the requirements of this paragraph (4) shall be deemed to be satisfied in the case of an institution applying for assistance under this Act, if the Commissioner determines that there is satisfactory assurance that upon completion of the project for which such assistance is requested, or upon completion of that project and others under construction or planned and to be commenced within a reasonable time, the institution will meet such requirements. For the purposes of this paragraph the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of education or training offered.

(g) The term "high school" does not include any grade beyond grade 12.

(h) The term "nonprofit educational institution" means an educational institution owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(i) The term "public educational institution" does not include a school or institution of any agency of the United States.

(j) The term "State" includes, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

Federal administration

SEC. 123. (a) The Commissioner may delegate any of his functions under this Act, except the making of regulations, to any officer or employee of the Office of Education.

(b) In administering the provisions of this Act for which he is responsible, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

(c) The Commissioner, with the approval of the Secretary of Health, Education, and Welfare, may appoint one or more advisory committees to advise and consult with the Commissioner with respect to the administration of any of his functions under this Act. Members of any such committee, while attending conferences or meetings of the committee, shall be entitled to receive compensation at a rate to be fixed by the Secretary of Health, Education, and Welfare but not to exceed $75 per diem, and while away from their homes or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently. The provisions of section 1003 of the National Defense Education Act of 1958 shall apply to members of such committees.

Method of payment

SEC. 124. Payments under this Act to any individual or to any State or Federal agency, institution of higher education, or any other organization, pursuant to a grant or loan may be made in installments, and in advance or by way of reimbursement, and with necessary adjustments on account of overpayments or underpayments.

Administrative appropriations authorized

SEC. 125. There are hereby authorized to be appropriated for the fiscal year ending June 30, 1962, and for each fiscal year thereafter, such sums as may be necessary for the cost of administering the provisions of this Act, including the cost of payments for the administrative expenses of State commissions.

Supergrades

SEC. 126. The Secretary of Health, Education, and Welfare is authorized, subject to the procedures prescribed by section 505 of the Classification Act of 1949 (5 U.S.C. 1105), to place a total of ten positions in the Office of Education in grades 16, 17, and 18 of the General Schedule in addition to positions placed in or authorized for such grades in such Office prior to the enactment of this Act. Such positions shall be in addition to the number of positions authorized to be placed in such grades by subsection (b) of such section 505.

Prohibition against Federal control

SEC. 127. Nothing contained in this Act shall be construed as authorizing a department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over, or impose any requirements or condition with respect to, the personnel, curriculum, methods of instruction, or administration of any educational institution.

Mrs. GREEN of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. GREEN of Oregon: Page 2, line 19, strike out "1962" and insert "1963".

Page 2, line 23, strike out "1963" and insert "1964".

Page 4, line 16, strike out "1962" and insert "1963".

Page 4, line 21, strike out "1963" and insert "1964".

Page 17, lines 17 and 20, strike out "1962" and insert "1963".

Page 17, line 21, strike out "1965" and insert "1966".

Page 19, line 6, strike out "1966" and insert "1967".

Page 32, line 16, strike out "1962" and insert "1963".

The question is on the committee amendments offered by the gentlewoman from Oregon [Mrs. GREEN].

The committee amendments were agreed to.

Mrs. GREEN of Oregon. Mr. Chairman, I offer another amendment.

The Clerk read as follows:

Amendment offered by Mrs. GREEN of Oregon: Beginning with line 21, on page 32, strike out everything down through line 6 on page 33, and renumber section 127 as section 126.

The committee amendment was agreed to.

Mr. SMITH of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Iowa: On page 17, strike out all beginning at line 9 and running through line 10 on page 19, and insert in lieu thereof the following:

"(c) In order to enable the Commissioner of Education to make loans to institutions of higher education for the construction of academic facilities in accordance with the provisions of this part B, there is hereby authorized to be appropriated the sum of $120,000,000 for the fiscal year ending June 30, 1963, and each of the four succeeding fiscal years. In addition to the sums authorized to be appropriated under the preceding sentence, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1964, and each of the three succeeding fiscal years, for making such grants the difference (if any) between the sums authorized to be appropriated under the preceding sentence for preceding fiscal years and the aggregate of the sums which were appropriated for such preceding years under such sentence".

Mr. SMITH of Iowa. Mr. Chairman, this applies to the loan provision exactly the same appropriations procedure as under the grant section. If you will look at the bill, on page 2 you will find exactly the same language, with the exception that we substituted "loans" for "grants." We thought when we originally considered this matter, that we had treated it adequately, with reference to this matter of back-door financing. As a matter of fact, we felt we did better than with this amendment. But some people have an aversion to the word "Treasury." Since our goals were the same and to have complete unanimity of opinion, we offer this amendment.

Mr. BECKER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from New York.

Mr. BECKER. This, then, substitutes the $120 million that will be appropriated. Is that correct, for the fiscal year ending 1963 and the subsequent years?

Mr. SMITH of Iowa. That is correct.

Mr. BECKER. That has nothing to do with the provision on grants in aid of $180 million? That will be in addition?

Mr. SMITH of Iowa. That is right.

Mr. BECKER. Are there any provisions in the budget this year to take care of any of these funds?

Mr. SMITH of Iowa. There is $300 million in the budget this year.

Mr. BECKER. Then none of this is deficit spending. That is all in the budget, the so-called balanced budget that has been proposed?

Mr. SMITH of Iowa. Yes, that is right. We provide for $120 million in loans and $180 million in grants. That is $300 million, and that is in the budget.

Mr. BECKER. It is in the budget?

Mr. SMITH of Iowa. Yes.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Iowa.

Mr. GROSS. If the tax revenues are not sufficient to meet the spending, then there will be a deficit.

Mr. SMITH of Iowa. And if the tax revenues are in excess, then there will not be.

Mr. GROSS. But there will be some deficit spending.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. SMITH].

The amendment was agreed to.

Mr. MATTHEWS. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I am among those who have some concern about this bill. I appreciate the tremendous effort that the committee has put into the bill, but I am apprehensive, frankly, and right up to this time I have not made up my mind just exactly how I am going to vote on this particular measure.

One thing, Mr. Chairman, that worries me greatly is the idea of separation of church and state. That worries me. One reason I have opposed a new all-out program of Federal aid to education, to build public schools, to pay for schoolteachers' salaries, is this troublesome question of church and state. The important thing to me is to do that which I think is right and what is best for my beloved country. I know each of you feels the same way. So you can understand and you can appreciate my apprehension.

I feel that this is a new program. I first thought this was an established program, that there was no new pattern. I know the great university that is in my own home city, and the junior colleges in my district have received money from the Federal Government. The fact that we do have Federal programs is an accomplished fact. The question now is—what of the future?

Now, in particular, is it not true that for the first time under the provisions of this bill we give grants for academic facilities, and we also give grants for the first time for academic facilities for sectarian schools; is that correct or is it not correct? Can someone answer that question for me? Let me ask the distinguished gentlewoman from Oregon, for whom I have tremendous respect, that question. I know we have other programs. I know the gentlewoman in her fine discussion a few minutes ago talked about all of the various programs we have, but this is the question: Is this not a new program? For the first time do we not make provisions for grants to sectarian schools for facilities?

Mrs. GREEN of Oregon. No. I would like to say to my colleague from Florida that this is not the case. Grants have been made by the Federal Government to all types of colleges and universities, private, public, church-related, and nonchurch-related, for the past 20 years.

Mr. MATTHEWS. I am grateful to the gentlewoman, and if this bill passes I am going to ask her to give my schools just as much as she gets for her schools. But the point I am worried about is this: If this does not establish some kind of a precedent and if it does not establish some kind of a new or different type of program. For example, I know we have a college housing and students' loan program—fine, splendid programs. Now, in this bill, we have not only a loan program for college housing but we have a loan program for facilities that are not income producing in secular institutions; is that not true?

Mrs. GREEN of Oregon. I am sorry; I could not hear the gentleman.

Mr. MATTHEWS. As I say, heretofore we have had fine programs for college housing, loan programs, but now is it not true that we have a loan program in addition to college housing for other academic facilities in secular institutions that are not income producing?

Mrs. GREEN of Oregon. That is exactly correct. As I stated a few moments ago, during the past years we have provided places for students to sleep and eat but we have not provided the classrooms in which they could work. In the gentleman's own State of Florida we have provided funds for Stetson University, in the district represented by the gentleman from Florida [Mr. HERLONG]. Stetson University received during the past 5 years $105,416 from the Department of Health, Education, and Welfare. Now, that might be part loans and part grants. This is a church-related college. This same college received from the National Science Foundation $193,205 as well as funds from other sources amounting to $2,926,000.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. MATTHEWS. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MATTHEWS. I am most grateful. I will try to be the catalyst to answer questions.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I would simply say that there are hundreds—I think that would be a conservative estimate—hundreds of colleges in the United States that are church related or other private colleges, as well as public colleges, that have received both grants and loans in substantial amounts during the last several years.

Mr. MATTHEWS. Would not the gentlewoman say that is from old programs, the National Institutes of Health, National Defense Education Act, college housing, but now we are getting into a new field? For the first time we are getting into the field where they are going to get money to build libraries let us say in secular institutions. I am trying to establish to my own satisfaction whether or not this is a new departure, because if it is, how in the world can I be consistent in the position I have taken previously? This is a personal problem I have, and I believe others have the same problem.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I wonder if the gentleman has any idea of the millions of dollars now being contributed by the National Institutes of Health in the form of research grants to these very same schools the gentleman is now talking about to do very important research in the fields of science and medicine. There has been no question of religious conflict in this kind of work.

Mr. MATTHEWS. That is true, but again, as I recall, it is one kind of a program, and what I am worried about is getting into an entirely new field of using tax money to support secular education. I appreciate the observation which the gentleman has made.

Mr. HIESTAND. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the gentleman from California.

Mr. HIESTAND. I greatly respect the opinion of the gentlewoman from Oregon [Mrs. GREEN] but I disagree. This is a new program.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield further?

Mr. MATTHEWS. I shall be delighted to yield further to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, we have been making grants—outright grants—to colleges and universities for various kinds of research projects through various Government agencies for many years. The only difference is whether the money is going to be spent for a particular research facility or whether it might be spent for a classroom at another location on the same campus. I see no new ground-breaking precedent here. As I said, we have supplied the bricks and mortar and the lumber for dormitories in which the students might sleep and eat. I see no difference in supplying the classrooms and laboratories in which the students are taught. That is the primary purpose of our colleges and universities.

Mr. Chairman, the American Civil Liberties Union, an organization which is concerned, I think, in this area, declared on August 21, 1961, that it sees no constitutional bar to the granting of Federal building loans or grants to church-related colleges and universities which concentrate on higher education rather than the inculcation of religious dogma. The testimony before the subcommittee established, in my opinion beyond any shadow of a doubt, that this bill would not accomplish its purpose, as far as the public institutions are concerned, if we did not make grants. There are 44—or at least over 40—States that have legal restrictions on loans for non-revenue-producing facilities. So, if we limit this bill to loans, we would be denying the land-grant colleges and the State universities of over 40 out of the 50 States the opportunity to participate in this program. I think there is an overwhelming amount of evidence for making both the grants and loans available.

Mr. MATTHEWS. I thank the gentlewoman from Oregon. She has made a very convincing statement.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I yield to the gentleman from Louisiana for the purpose of asking the gentlewoman from Oregon a question if the gentlewoman from Oregon would care to answer.

Mr. WAGGONNER. Would the gentlewoman choose to say that she sides with the American Civil Liberties Union rather than with the opinion of the President of the United States on what is constitutional and what is not?

Mrs. GREEN of Oregon. I am not siding with anyone here. The President of the United States has recommended both grants and loans for medical colleges and dental colleges. I have not heard the President of the United States make any statement to the effect that grants and loans to institutions of higher education are unconstitutional. I do not know what the President's position is with reference to the constitutionality of loans and grants to higher education institutions. I think none of us is able to decide this. Constitutional lawyers argue on both sides of the question. There has been a dearth of Supreme Court test cases. I suppose that we could resolve ourselves into a 435-member Supreme Court and make a decision. But the precedent that has been established convinces me that this is the program we should enter into immediately.

Mr. BECKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have a concern for this legislation, as I have for all Federal aid legislation, but a concern somewhat dissimilar to that of my colleague from Florida, for whom I have the highest respect. I do not have the same concern he has about the question of separation of church and State in Federal aid to education legislation. What I am basically concerned with is simply this, and through the years I have been here, Federal aid to education has been discussed. It is not so much the question of appropriating dollars, that we seem to think we can solve all the evils and problems of the Nation—by appropriating more and more money—or in the field of education like building more and more classrooms and more and more college facilities. I think we should remember the testimony on this subject, by Admiral Rickover before the Appropriations Subcommittee of the House of Representatives in 1959. He said what we must have is better basic education in our school systems, starting with the grammar school, through the secondary school, and up through the higher education level.

Mr. Chairman, with reference to all this legislation—the bait—offered for Federal aid to education, is getting better teachers, by just spending more money.

Mr. Chairman, I think it is fundamental that unless our basic educational programs are changed and bettered, unless the standards are greatly improved, we cannot turn out better teachers. Mr. Chairman, we have great teachers throughout our country, based upon the education they received in schools.

Mr. Chairman, two Commissioners of Education, one under President Truman and one under President Eisenhower, took the same identical position that unless we improve the basic systems of education, we are not by appropriating more dollars going to have better education itself.

Mr. Chairman, I wonder how many Members know that the Federal Government today is supporting some 400 programs of Federal aid to education? This is in our educational systems, in our colleges, in our military and in foreign countries all over the world, which amounts to billions of dollars. I think I am correct in making that statement because it is in the report that there are 400 programs and with these billions of dollars, what has happened to our basic education?

Why are we not turning out mathematicians; and technicians; why are we not turning out more doctors; why are we not turning out the professional people we need? Simply because we are not putting hard core educational standards into effect. I am quite sure the chairman of the Committee on Education and members of the committee must know that colleges throughout our country, in the past 5 years, have had to reduce their standards. We have had to reduce standards of entry because the standards of education in the schools sending students to colleges, have not met the college standards.

I say to you, Mr. Chairman, that unless we take into consideration not the spending of dollars alone, but the matter of urging high basic standards of education we are not going to improve anything by building more college facilities, more dormitories, or more classrooms throughout this country. Otherwise we are just going to get the same type of education we have today. I submit to you, Mr. Chairman, that as laudable as this legislation may seem, we must first get at the root of the problem, and improve our basic education and not just appropriate dollars.

Mr. FOGARTY. Mr. Chairman, the most important argument for Federal aid to higher education is that the intellect of the young is an essential natural resource that must be developed as equipment for future service in society. Economic justification for Federal assistance is a secondary point.

Our college-age population is expected to double over the next 10 years, and already our institutions of higher education are crowded. Although the colleges and universities themselves are making every possible effort to extend quality instruction to the maximum number of students by better utilization of faculty and facilities, the present capacity can care for only a small percent of the expected increase in student body. The need for additional funds for instruction has already taken precedence over physical facilities to the extent that about 12 percent of our college and university buildings are in need of replacement and another 10 percent are in need of serious renovation. This is in addition to the need for new construction to enlarge existing institutions or establish new ones in strategic geographic locations. The traditional sources of State revenues and private philanthropy, while making great efforts, will not be able to keep pace with demands of the magnitude expected. Many States with the least resources out of which to pay are already making the greatest effort, percentagewise, in support of higher education.

Increased tuition, when it rises faster than the cost of living as it has for a number of years, defeats the ultimate national goal by making college impossible for many. Presently, with the advent of junior colleges and with increasingly high tuition in private colleges, about two-thirds of the Nation's college students are in public institutions; and it is estimated that much of the anticipated enrollment increase in the next decade will occur in public colleges and universities, with the problem of financing falling on the already overburdened State governments unless the Federal Government gives some assistance—and gives it now.

In the fall of 1961, Rhode Island had almost 20,000 degree-credit students enrolled in its 11 colleges and universities. This was an increase of only a little over 2 percent over that of the previous year, compared with 7.8-percent increase in the Nation as a whole. Forty-four percent of the degree-credit students in Rhode Island were in its two public institutions.

Rhode Island property taxes as a percent of personal income are slightly higher than the national average, and we have a 3-percent sales tax; but still the demands for public service in the State are such that we simply do not have the money needed to expand low-cost public higher education to the extent this is needed if Rhode Island is to provide its share of the human resource development needed for the country's growth.

We have no public junior colleges and only two institutions designed specifically to offer terminal-occupational training below the bachelor's degree. In a State as heavily populated and as heavily urbanized as Rhode Island, we are desperately in need not only of funds with which to expand the facilities of existing institutions but, more especially, of funds with which to extend within commuting distance of more of our young people higher education programs of a type and quality to insure that none of our vital human resources are wasted.

Mr. HALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HALL: Page 23, strike out part C establishing labor standards, including section 121 (a) and (b).

Mr. HALL. Mr. Chairman, I feel that there is a major inconsistency in this bill, to wit: On page 7 of the report it states under paragraph 2(c) that the construction will be economical and it will not be elaborate or of extravagant design or materials. This presumes, Mr. Chairman, that neither shall there be an expenditure for elaborate or extravagant labor costs. Yet page 14, section 121 of the report states that "before making a loan or grant the Commissioner will obtain assurances that the laborers and mechanics employed by contractors—and subcontractors—in working on a project will be paid wages at rates as determined

by the Secretary of Labor in accordance with the Davis-Bacon Act."

The history of that act in my State of Missouri—especially in rural areas—has been that it has artificially increased labor costs on public works projects by imposing wage scales in metropolitan areas on smaller communities where such construction is planned or instituted. Undoubtedly, this will increase construction costs and seems directly contrary to the "economy" statement on page 7. It would seem that "wage standards," should be "prevailing wages," in individual areas with local determinations based on normal bargaining between employer and the union representatives without third-party interference, on the part of the Government.

The Missouri prevailing wage law had a drastic effect on local school construction and caused definite increases to the taxpayers for such construction, thereby causing a limited amount of funds to construct "less building." The Federal law generally tends to be even more arbitrary than the State law. In any event, I feel that there should be an effort by all of the Congress to strike out part C establishing labor standards, including section 121 (a) and (b) on page 23 of this bill.

Mr. POWELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would like to say that this section is already the law in similar construction legislation which this body has passed in more or less the same form, as in the Hill-Burton Act, the College Housing Act, Depressed Areas Act, and in somewhat similar form even in the Highway Construction Act. Therefore, I ask that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. HALL].

The question was taken; and on a division (demanded by Mr. HALL) there were—ayes 39, noes 61.

So the amendment was rejected.

The CHAIRMAN. Under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8900) to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities, and to authorize financial assistance for undergraduate study in such institutions, and for other purposes, pursuant to House Resolution 527 he reported the bill back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER. 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 question is on the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the 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. The question is on the passage of the bill.

Mr. HIESTAND. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. HIESTAND. I am.

The SPEAKER. The gentleman qualifies. The Clerk will report the motion.

The Clerk read as follows:

Mr. HIESTAND moves that the bill H.R. 8900 be recommitted to the Committee on Education and Labor.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. POWELL. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken and there were—yeas 319, nays 80, answered, not voting 34, as follows:

[Roll No. 8]

YEAS—319

Adair	Corman	Hansen
Addabbo	Curtin	Harding
Addonizio	Curtis, Mass.	Hardy
Albert	Curtis, Mo.	Harris
Andrews	Daddario	Harrison, Va.
Anfuso	Daniels	Harrison, Wyo.
Arends	Davis, James C.	Harsha
Ashley	Davis, John W.	Harvey, Ind.
Aspinall	Delaney	Harvey, Mich.
Auchincloss	Dent	Hays
Ayres	Denton	Healey
Bailey	Derounian	Hechler
Baker	Derwinski	Herlong
Baldwin	Diggs	Holland
Baring	Dingell	Horan
Barrett	Dominick	Huddleston
Barry	Donohue	Hull
Bass, N.H.	Dooley	Ichord, Mo.
Bass, Tenn.	Downing	Inouye
Bates	Doyle	Jennings
Beckworth	Dulski	Joelson
Bell	Durno	Johnson, Calif.
Bennett, Fla.	Dwyer	Johnson, Md.
Bennett, Mich.	Edmondson	Johnson, Wis.
Blatnik	Elliott	Jones, Ala.
Blitch	Ellsworth	Jones, Mo.
Boggs	Everett	Judd
Boland	Fallon	Karsten
Bolling	Farbstein	Karth
Bolton	Feighan	Kastenmeier
Bonner	Fenton	Kearns
Bow	Finnegan	Kee
Boykin	Fino	Keith
Brademas	Flood	Kelly
Bray	Flynt	Keogh
Breeding	Fogarty	King, Calif.
Brewster	Forrester	King, N.Y.
Bromwell	Fountain	King, Utah
Brooks	Frazier	Kirwan
Broomfield	Frelinghuysen	Kluczynski
Brown	Friedel	Knox
Broyhill	Fulton	Kornegay
Buckley	Garland	Kowalski
Burke, Ky.	Garmatz	Kunkel
Burke, Mass.	Giaimo	Kyl
Byrne, Pa.	Gilbert	Laird
Byrnes, Wis.	Glenn	Landrum
Cahill	Gonzalez	Lane
Cannon	Goodell	Langen
Carey	Goodling	Lankford
Cederberg	Granahan	Latta
Celler	Grant	Lesinski
Chamberlain	Gray	Libonati
Chelf	Green, Oreg.	Lindsay
Chenoweth	Green, Pa.	McCulloch
Clark	Griffin	McDonough
Coad	Griffiths	McFall
Cohelan	Gubser	McIntire
Collier	Hagan, Ga.	Macdonald
Conte	Hagen, Calif.	MacGregor
Cook	Halleck	Mack
Cooley	Halpern	Madden
Corbett	Hamilton	Magnuson
Mailliard	Peterson	Slack
Marshall	Pfost	Smith, Iowa
Martin, Mass.	Philbin	Smith, Va.
Mathias	Pike	Spence
Meader	Pilcher	Stafford
Miller, Clem	Pillion	Staggers
Miller, George P.	Pirnie	Steed
Miller, N.Y.	Powell	Stephens
Milliken	Price	Stratton
Mills	Pucinski	Stubblefield
Minshall	Purcell	Sullivan
Moeller	Quie	Teague, Calif.
Monagan	Randall	Thomas
Montoya	Reece	Thompson, La.
Moore	Reifel	Thompson, Tex.
Moorehead, Ohio	Reuss	Thomson, Wis.
Moorhead, Pa.	Rhodes, Ariz.	Thornberry
Morgan	Rhodes, Pa.	Toll
Morris	Riehlman	Tollefson
Morrison	Rivers, Alaska	Trimble
Morse	Roberts	Tupper
Mosher	Robison	Udall, Morris K.
Moss	Rodino	Vanik
Moulder	Rogers, Colo.	Van Zandt
Multer	Rogers, Fla.	Vinson
Murphy	Rooney	Wallhauser
Natcher	Roosevelt	Walter
Nedzi	Roudebush	Watts
Nelsen	Roush	Weis
Norblad	Ryan	Westland
Nygaard	St. Germain	Whalley
O'Brien, Ill.	Santangelo	Wharton
O'Brien, N.Y.	Saund	Wickersham
O'Hara, Ill.	Schenck	Widnall
O'Hara, Mich.	Schneebeli	Willis
O'Konski	Schweiker	Wilson, Calif.
Olsen	Schwengel	Wilson, Ind.
O'Neill	Scranton	Wright
Osmers	Seely-Brown	Yates
Ostertag	Shelley	Young
Patman	Shipley	Younger
Pelly	Shriver	Zablocki
Perkins	Sibal	Zelenko
	Sikes	
	Sisk	

NAYS—80

Abbitt	Findley	Murray
Abernethy	Fisher	Norrell
Alexander	Gary	Passman
Alger	Gathings	Poage
Andersen, Minn.	Gavin	Poff
Anderson, Ill.	Gross	Ray
Ashbrook	Haley	Rousselot
Ashmore	Hall	Rutherford
Becker	Hemphill	St. George
Beermann	Henderson	Saylor
Belcher	Hiestand	Schadeberg
Berry	Hoeven	Scherer
Betts	Jensen	Scott
Bruce	Johansen	Short
Burleson	Jonas	Siler
Church	Kilburn	Smith, Calif.
Clancy	Kilgore	Taber
Cramer	Kitchin	Taylor
Cunningham	Lennon	Teague, Tex.
Dague	Lipscomb	Tuck
Devine	McMillan	Utt
Dole	McSween	Waggonner
Dorn	Mahon	Weaver
Dowdy	Martin, Nebr.	Whitener
Evins	Mason	Whitten
Fascell	Matthews	Williams
	Michel	Winstead

NOT VOTING—34

Alford	Hoffman, Ill.	Rains
Avery	Hoffman, Mich.	Rivers, S.C.
Battin	Holifield	Rogers, Tex.
Casey	Hosmer	Rostenkowski
Chiperfield	Jarman	Selden
Colmer	Loser	Sheppard
Davis, Tenn.	McDowell	Smith, Miss.
Dawson	McVey	Springer
Ford	May	Thompson, N.J.
Gallagher	Merrow	Ullman
Hébert	Nix	Van Pelt

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mrs. May for, with Mr. Hoffman of Illinois against.

Mr. Hébert for, with Mr. Casey against.

Mr. Thompson of New Jersey for, with Mr. Rogers of Texas against.

Until further notice:

Mr. Holifield with Mr. Hosmer.

Mr. Rains with Mr. Avery.

Mr. Gallagher with Mr. Battin.
Mr. Ullman with Mr. Chiperfield.
Mr. McDowell with Mr. Ford.
Mr. Alford with Mr. McVey.
Mr. Nix with Mr. Merrow.
Mr. Sheppard with Mr. Springer.
Mr. Loser with Mr. Van Pelt.

Mr. FORRESTER changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

Mrs. GREEN of Oregon. Mr. Speaker, I offer an amendment to the title of the bill.

The Clerk read as follows:

Amendment offered by Mrs. GREEN of Oregon: Amend the title so as to read:

"To authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities."

The amendment was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. POWELL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, I ask unanimous consent to insert certain material following my remarks during the debate on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. CONTE. Mr. Speaker, I ask unanimous consent that Mr. ASHBROOK have permission to include extraneous matter in his remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

WHY PURCHASE U.N. BONDS?

Mr. BECKER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BECKER. Mr. Speaker, we are receiving a message from the President today, requesting Congress to authorize the purchase of $100 million of United Nations bonds, to help bear the expense of those countries which have failed to pay their just share. Before we agree to purchase of these bonds, let the United Nations invoke article 19 of the United Nations Charter and challenge the right of defaulting countries, more than 2 years in arrears, to vote in the General Assembly. There are many other matters to be taken into consideration as to world operations today such as:

The United States shipping to Egypt, during the past year, 200,000 tons of corn 250,000 tons of dry milk, 20,000 tons of fat, and 18,000 tons of cottonseed and soya oil. Egypt, receiving these benefits from the United States directly, has kept the Suez Canal closed to a great ally of the United States and a fellow member of the United Nations; namely, Israel.

Along with the benefits accruing to nations, membership in the U.N. entails an obligation to respect the rights of member nations as well as to refrain from acts of aggression. India, another recipient of our beneficence, resorted to aggression in Goa to serve its national purpose.

Are these the things we are supposed to pay for by the purchase of these $100 million of U.N. bonds?

The United Nations is forcing the issue in the Congo, why not in India and in Egypt?

Mr. Speaker, I can hardly see the logic of purchasing these bonds, to carry the burden for some 87 defaulting nations, some of whom I have mentioned above, are in violation of provisions of the United Nations Charter. Are we not, by this process, aiding and abetting these acts? Are we not then, financing the very things we oppose in principle?

I notice in today's issue of the New York Times, where Great Britain intends to purchase $12 million worth of United Nations Bonds, by the end of 1963. In deciding the amount and timing of the purchases, Mr. Heath, Lord Privy Seal, emphasized that the Government will take into account the cash requirements of the organization and the extent to which other countries contribute.

This is certainly attaching strings with no definite agreement to purchase.

I cannot conceive how we, the United States, can further condone the actions of the Soviets, India, Egypt, Indonesia, and others by paying their share of dues and assessments in the United Nations, by the purchase of these bonds and at the same time maintain our own sense of morality.

THE 1963 BUDGET FOR AMERICAN INDIAN PROGRAMS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD, and to include a statement by Mr. HALEY.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I wish to place in the CONGRESSIONAL RECORD a statement presented to the members of the subcommittee on Indian Affairs on January 29 by the Honorable JAMES A. HALEY, of Florida, chairman of the subcommittee. Chairman HALEY's statement points up some of the significant problems facing Congress and the Departments of the Interior and Health, Education, and Welfare in administering the affairs of the 380,000 Indians presently under Federal jurisdiction.

Within a few weeks the House will be asked to approve the budget for the Indian program for fiscal 1963. I wish to bring to the attention of the Members of Congress some pertinent data relative to the cost and scope of the program with which we on the Committee on Interior and Insular Affairs concern ourselves in forwarding legislation to the House for consideration.

In this respect, Mr. Speaker, I want to comment on the manner in which Chairman HALEY handles Indian legislation. No piece of Indian legislation is either too large or too small for Mr. HALEY. He studies each bill and proposal with skill and patience. He is firm, yet fair, with the Indians and their spokesmen as they present their testimony to the subcommittee, and he is generous with his time when they call at his office to discuss their problems.

This is especially commendable for a Member of Congress who has fewer than 100 Indians in his district. We are indeed fortunate that Mr. Haley continues year after year as subcommittee chairman.

Mr. Speaker, our Indian population is increasing more rapidly than other segments of our population. Their needs are increasing proportionately. The cost of our Indian program is mounting year by year. The combined budget request for the Bureau of Indian Affairs and the Division of Indian Health for fiscal 1963 is $262 million. This represents an expenditure of approximately $700 on behalf of every Indian man, woman, and child. I seriously doubt that we are receiving full value from our expenditures. It is time that Congress and the Federal authorities sit down together and arrive at an overall policy that is more in keeping with present day needs than the one we have been working with during the past 30 years.

Mr. HALEY's statement to the subcommittee follows:

STATEMENT FOR MR. HALEY RELATIVE TO INDIAN AFFAIRS EXPENDITURES FOR 1963

Fellow members of the Subcommittee on Indian Affairs, since this is the first meeting of the Subcommittee of Indian Affairs during the second session of Congress, I would like to make a short statement to bring the Indian program into perspective. I invite Commissioner Nash and other representatives who are here this morning from the Bureau of Indian Affairs to advise me if I am wrong in some of my data.

A recent news release from the Bureau of Indian Affairs stated that the annual growth rate for the Indian population during the 1950's was about 2.5 percent as compared with 1.7 percent for the entire country.

The best available estimate of the indigenous population of what is now the United States, excluding Alaska and Hawaii, for the year 1500 is about 846,000. The 1960 census showed 509,147 Indians living in the same area. At that time, practically all Indians were fullbloods.

Today the Indian population differs from that of the 1500 period. While fullblood Indians probably predominate on reservations in Arizona and New Mexico, they constitute a small minority elsewhere. On some reservations like the Turtle Mountain Reservation in North Dakota, for instance, a fullblood is rarely found.

Actually, there is no such a person as an Indian as far as a legal distinction is concerned. We in Congress have been derelict in not establishing a blood quantum requirement. In North Carolina's Eastern Band of Cherokees, only a 32nd degree of Cherokee ancestry is required for membership. In other states a person is considered

an Indian if he is so thought of by the persons of his community. In some cases a person is identified as an Indian merely on the basis of his membership in a tribe or band. Now an Indian can terminate or abandon his membership in a tribe or band and, thereby, cease to be an Indian for all legal purposes whenever he wishes to do so.

The total number of Indians now residing on reservations under Federal jurisdiction is approximately 285,000 according to the Bureau of Indian Affairs. The native population of Alaska includes about 14,000 Indians and 29,000 Eskimos and Aleuts.

I often, and I assume you do also, receive letters from irate constituents who are asking why Congress and the Federal Government do not do something for the Indians. In the 85th Congress our subcommittee made a detailed study of the relationships between the Federal Government and the American Indian. This Committee Print No. 38, proved to be a best seller and is now almost a collector's item. In the 86th Congress our subcommittee prepared a follow-up study of the indirect services and expenditures by the Federal Government for the American Indian. In this study, Committee Print No. 14 distributed widely in 1959 and 1960, we discovered that Indians received benefits from several departments and agencies of the Federal Government in addition to those they receive as American citizens. Obviously the first two departments we think of as being engaged in Indian business are Interior and Health, Education, and Welfare. The latter handles Indian health and sanitation programs through the United States Public Health Service which has established a Division of Indian Health. Other departments and agencies making sizable contributions to Indian service include Justice, General Accounting Office, Library of Congress, Smithsonian Institution, Department of Labor, the Indian Claims Commission, and to some extent the several arms of the Department of Defense.

In 1959 Indian affairs expenditures by the Departments of the Interior and Health, Education, and Welfare were approximately $158,500,000 as compared with $60 million in 1949 and $47 million in 1939.

Now, I have just had occasion to review the request of the Bureau of Indian Affairs and the Division of Indian Health in the Departments of the Interior and Health, Education, and Welfare, respectively, found in the 1963 budget. The Bureau is asking for $197,381,000 to run its share of the Indian program from July 1, 1962, to June 30, 1963. The chief items of expenditure are:

Education and welfare services	$82,827,000
Resources management	34,417,000
Construction	54,765,000
Road construction	17,000,000
General administration	4,372,000
Miscellaneous	4,000,000
Total	197,381,000

Indian Health Division in Public Health Service is asking for $65,054,000 for its contribution for the Indian program. The chief items are for:

Hospital and health service	$55,834,000
Health facilities construction	9,220,000
Total	65,054,000

The total amount for these two departments is about $262,435,000. The 1962 Budget provided for something in the neighborhood of $227 million. The 1963 Budget request calls for an increase of about $35 million unless my arithmetic is wrong. The other agencies of our Federal—not State or local—Government will provide perhaps $4 million in addition to this figure.

The Bureau of Indian Affairs employs at least 12,000 in the field and central offices, and the Division of Indian Health over 5,500. A great many of them are trained and fully qualified Indians who are doing a splendid job.

Now let us see how many Indians will benefit from these expenditures. The Bureau advises me that about 380,000 Indians living on or near reservations will share in these expenditures. In other words, there are about 380,000 Indians for whom the Bureau of Indians Affairs and the Division of Indian Health have some responsibility. These Indians include high-ranking Government and military personnel, oil company executives, college professors, as well as skilled and unskilled laborers. Let me hasten to add that by far the largest number fall into the category of unskilled laborers. If we divide the $262,435,000 by 380,000, we find that there will be about $700 expended on behalf of each Indian. In addition to this amount, each Indian will receive the same benefits that are accorded non-Indian American citizens.

I made this statement this morning because it may assist other members of the subcommittee in answering constituents who are unhappy over the manner in which many of our Indian citizens are living either on reservations where it is practically impossible to eke out a livelihood or in communities where they have migrated in hopes of bettering themselves economically.

THE REFUGEE "FAIR SHARE" LAW

Mr. WALTER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD, and to include a letter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, for the information of my colleagues, I wish to include in the RECORD at this point the third semiannual report of the Commissioner of Immigration and Naturalization relating to the administration of the so-called "Fair Share Act," Public Law 86-648, under which the Attorney General is authorized to parole certain refugees and subsequently grant them permanent residence in the United States. Commissioner Farrell's report reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., January 15, 1962.

Hon. JOHN W. MCCORMACK,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: During the third 6-month period from July 1, 1961, through December 31, 1961, operations under the act of July 14, 1960 (Public Law 86-648), continued in the seven countries in which, on the recommendation of the Secretary of State, operations had been commenced during the first and second 6-month periods, viz, Austria, Belgium, France, Germany, Greece, Italy, and Lebanon. The number of refugees who registered under the act had been unexpectedly low during the first two periods, and declined further during the third 6-month period, a total of 3,635 registrations having been received during the period.

Including the third period, the number authorized by statutory "fair share" totaled 13,416 and the total number of refugees who had registered since the beginning of the program exceeded this number by only 744. Comparative figures for the first three periods are tabulated below:

	1st	2d	3d	Total
Authorized by statutory fair share	5,571	3,705	4,140	13,416
Pending beginning of period	0	500	1,059	------
Registered during period	6,334	4,191	3,635	14,160
Total registered (pending plus received)	6,334	4,691	4,694	------
Found qualified for parole	[1]4,570	[1]1,737	3,015	9,322
Rejected or otherwise closed	[1]1,264	[1]1,895	1,390	4,549
Pending end of period	500	1,059	289	------

[1]These figures have been adjusted from the figures shown in previous reports to reflect (in addition to cases previously reported as rejected or otherwise closed) cases closed through abandonment after tentative approval.

During the period covered by this report, 3,015 refugees were found qualified for parole. Criteria continued to be basically the same as used for visa issuance and immigration examination of immigrants. Processing of applicants continues to include interrogation by experienced immigration officers, medical examination including X-rays by physicians of the United States Public Health Service, fingerprinting of all applicants 14 years of age and over, and the examination of the records of security, intelligence and other agencies of this Government, as well as the records of countries of residence abroad.

The application of these criteria resulted in 736 denials of parole applications during the period covered by this report, as follows:

Ineligible	120
Security risks	102
Criminal	10
Medical rejects	3
Immorality	25
Undesirability	74
Split families (spouses and children left behind in country of origin)	93
Firmly settled	130
Spouses and children of above principals	179

In the processing of applications pending and received during the third period, 654 were closed because the applicants had taken advantage of resettlement in other countries or had withdrawn their applications for other reasons.

The following is a tabulation of the registrations received in the various countries since the beginning of the program:

Country	In camp	Out of camp	Total
Austria	721	1,222	1,943
Belgium	------	1,052	1,052
France	------	4,443	4,443
Germany	544	2,119	2,663
Greece	362	209	571
Italy	2,038	492	2,530
Lebanon	------	958	958
Total	3,665	10,495	14,160

To insure the carrying out of the basic purpose of the law, that the United States take its fair share of UNHCR mandated, emigrable, admissible refugees, who are not firmly resettled in their countries of present residence, with a view to the abolition of the refugee camps insofar as that is practicable by joint international effort, the priorities in considering applications, as set out in the report of July 13, 1961, were followed. Due, however, to the continuing small number of registrants during the third period, all categories were reached for processing before the period ended. Only 289 had not been interviewed. The following is a tabulation of the registrations received during the period, in

the order of the established priority classifications:

1. Status of refugee acquired prior to Jan. 1, 1958	862
(a) Camp residents	123
(b) Out-of-camp residents	739
2. Status of refugee acquired since Jan. 1, 1958	2,773
(a) Camp residents	680
(b) Out-of-camp residents	2,093

Information compiled through the comprehensive camp survey by Service officers during June 1961, as set out in the report submitted for the second period, has been brought up to date and reflects the following:

Country	Federal camps	Other camps	Nonnational refugee population	UNHCR eligible refugees	Current INS registrations
Greece	2	0	283	283	65
Italy	4	0	3,564	2,580	510
Austria	38	78	2,824	1,668	75
Germany	42	432	8,468	7,252	118

While some progress in closing so-called camps in the various countries is indicated, the "camp population" has not greatly decreased. Although two nonnational refugee camps in Italy have been closed or inactivated, the number of refugees in Italy has increased slightly. All but approximately 400 nonnational emigrable refugees in Italy are presently under some program for resettlement outside of that country. These persons have only recently arrived in Italy. There are only two camps remaining in Greece, one for Greek ethnics, which has a population of approximately 200, and the other for all other refugees. The 83 inhabitants of the latter constitute a very small percentage of the potential camp capacity. The ethnics have been given many opportunities to emigrate but remain in Greece by their own choice and live in the refugee camp because of a scarcity of low rental housing. The number of camps, both government operated and others, has been reduced in Austria. Housing is becoming available for persons who have been residing in these so-called camps. There continues to be a labor shortage in the Austrian economy. Refugees who can be considered for immigration have been given many opportunities to leave Austria and registrations are expected to continue very low and limited primarily to persons who recently arrived with documents and ask for asylum, and Yugoslavs who are granted political asylum. Some progress has been shown in closing camps in Germany, but as stated in the last report, when adequate housing is made available to nonnational refugees, it is either declined in favor of the low rent afforded by the substandard housing in these camps, or the space vacated in the camp is occupied by German refugees from East Germany. Since the number of Germans escaping through Berlin has been reduced from several thousand each month to practically none, the housing shortage will become less acute, and employment will be even more readily available in the booming economy of West Germany. There are no camps in France, Belgium or Lebanon.

The largest number of registrations has continued to be received from refugees in France, which is a country of initial asylum of recent fugitives or expellees from the Middle East and Yugoslavia. Approximately 600 registrations were received in Lebanon from persons who recently left Egypt and Syria. The largest potential number of refugees appears to be persons in North Africa and the Middle East who may leave that area to enter France and Lebanon.

Operations under this law during the period covered by this report have substantiated the observations set forth in the last report that the number of refugee-escapees in Europe, who desire to migrate to the United States, has been overestimated and that no U.S. legislation in the general area of immigration, no matter how broad in scope or how thoroughly and conscientiously implemented can result, in itself, in the elimination of refugee camps as the term is popularly applied.

Information from the cooperating U.S. voluntary agencies indicates that in many cases difficulty has been encountered in obtaining the necessary assurances of housing and employment.

Of the refugees approved for parole by the end of the third period, 114 were approved under section 2(b) of the act as "difficult to resettle" cases. An additional 380 have been referred to the voluntary agencies for documentation under this section.

The Congress has approved private laws authorizing permanent resident status for two aliens in the United States, with the provision that the number of refugees who may be paroled into the United States under the act of July 14, 1960, shall be reduced by a like number.

Upon receipt of assurances of housing and employment, 6,916 refugees had been referred to the Intergovernmental Committee for European Migration for transportation to the United States and 4,925 had arrived in the United States as of December 31, 1961. In compliance with the provisions of section 2(a) of the act, detailed reports received on individuals paroled into this country since May 15, 1961, are attached.

Sincerely,

R. F. FARRELL, *Commissioner.*

UNITED STATES MUST AID COLLEGES

Mr. LANE. 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 Massachusetts?

There was no objection.

Mr. LANE. Mr. Speaker, the needs of our talented young people; the obligation of the Nation to develop its intellectual resources; and the security of freedom which is threatened by the top priority given to education in the Soviet Union; require a massive effort to expand the facilities for higher education in the United States, as provided for in H.R. 8900, the College Academic Facilities Act.

College enrollments, which totaled 3,600,000 students in 1960–61, are expected to increase by more than 1 million, or 30 percent, by 1965.

Educators are bracing themselves to meet the demand of an estimated 6 million students who will be seeking the opportunity of a higher education by 1970.

Just to provide classrooms for them, our colleges and universities will have to spend $12.9 billion by 1970. This figure climbs to $18.8 billion when the cost of new residential buildings is added. Even with increased borrowing, and anticipated higher contributions from State, local, and private sources, these efforts will fail to close the gap by $1.5 billion in 1965, and $2.5 billion by 1970.

Unless help is forthcoming from the Federal Government, there will be no room for many youngsters who have proved their qualifications for a higher education. They and the Nation will suffer from this underdevelopment of college-educated specialists.

In the longrun competition between freedom and communism, the relative availability and excellence of the opposing educational systems, may well decide the issue.

The College Academic Facilities Act is a giant step forward in facing up to that challenge with determination and realism.

A beginning was made in 1950, when the Federal Government initiated the college housing program. Since then, some 600 higher education institutions, both public and private, have obtained loans totaling nearly $1.5 billion, to build domitories and other revenue-producing buildings for their students.

Now the urgent need is for assistance in constructing classrooms and other academic facilities.

Originally, the Special Subcommittee on Education confined itself to the question of providing loans for academic facilities. But testimony at the hearings brought home the fact that many schools and colleges would not be able to participate fully in a loan program for the construction of non-income-producing facilities without raising student tuition fees and eliminating contemplated teacher salary increases.

Both the opportunity for, and the quality of higher education, would be affected by a program limited to loans.

Therefore, as reported favorably by the subcommittee, the bill will provide matching grants of $180 million per year for 5 years for construction and/or rehabilitation of academic facilities (classrooms, laboratories, libraries, administration, maintenance, storage, and related facilities). In addition, long-term loans of $120 million a year, will be authorized for the same purpose. Loans must be repaid within 50 years; and will bear interest at a rate not more than the higher of 2¾ percent per year, or one-fourth of 1 percent above the interest paid by the Commissioner to the Treasury.

Under "grants," which account for 60 percent of the total amount authorized, the applicant must show that the project will result in an urgently needed expansion of the applicant's student enrollment capacity.

Applicants must also show that the project (a) will not be used primarily for physical education or for events for which admission is charged to the public, (b) is not used or will not be used for "sectarian instruction" or for "religious worship," or (c) will not be used primarily in connection with any part of the program of a school or department of divinity.

Governed by a fair formula, it is possible to determine the annual share of each State, based on 1957–58 data.

Of the $180 million in grants, the colleges and universities of Massachusetts would be alloted $6,207,530, ranking 8th among the 50 States, District of Columbia, Guam, Puerto Rico, and Virgin Islands.

Our institutions of higher learning must nearly double—within 9 years—facilities it took three centuries to build.

The College Academic Facilities Act will open the door to new classrooms, laboratories, and libraries that will train the teachers, scientists, engineers, doctors, dentists, public health workers and other educated personnel who are essential for our security—and progress.

NEED TO AUTHORIZE WORK RELIEF UNDER TEMPORARY AID TO DEPENDENT CHILDREN PROGRAM

Mr. RIEHLMAN. 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 York?

There was no objection.

Mr. RIEHLMAN. Mr. Speaker, a serious inadequacy exists in the temporary aid to dependent children program enacted last year. This inadequacy stems from the position taken by the Department of Health, Education, and Welfare that the practice of requiring able-bodied welfare recipients to participate in community work relief programs as a condition of receiving assistance would have to be abandoned in the case of benefits under the TADC program.

I have introduced a bill designed to correct this situation. It provides that receipt of welfare assistance under the temporary aid to dependent children program could be made contingent upon participation in local work relief programs.

I think it is important that this bill be given serious consideration, particularly in view of the administration's apparent desire to make the TADC program permanent.

The aid to dependent children program, title IV of the Social Security Act, has been in effect since 1936. Prior to the 1961 amendments, title IV provided for Federal participation in State plans to aid children who had been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent.

On May 8, 1961, the President signed into law the bill establishing as a part of title IV a temporary program of aid to dependent children of unemployed parents.

Since 1936 the law has required disbursements under ADC to be in the form of money payments and an initial ruling by the Social Security Board in February 1936, set forth in a letter specifying how money payments were to be used, stated that "Such funds may not be used for payments of wages to a child or in compensation for work done or services rendered by him." This has remained through the years as the accepted interpretation of the term "money payments" as used in section 406(b) of the Social Security Act.

The Secretary of Health, Education, and Welfare stated last year that the old Social Security Board's ruling had been reviewed several times since 1936 and each time had resulted in a decision that the language of the law did not provide authority for matching such payments as assistance.

The same definition of assistance governs under the new TADC program as governs all of a State's plan under the rest of title IV. The Public Assistance Bureau has made this clear, specifying in a letter dated May 26, 1961, that "any amounts paid to unemployed parents of needy children as wages or compensation for work done or services rendered are not appropriate for Federal financial participation, because such amounts are not assistance as defined in the Social Security Act."

The effect of this ruling is as follows: If a State wants to take advantage of the TADC program by transferring eligibles from its own home relief rolls, none of the funds paid such persons under TADC can be used either as compensation for participation in a work relief program or as a debit against which subsequent work relief could be credited. The Department feels there is no authority to use Federal funds to match amounts paid to an eligible parent for work performed or services rendered. In other words, an able-bodied man cannot be asked to work in return for any welfare benefits coming from Washington.

Prior to enactment of the temporary extension last year, no program of federally aided public assistance had been made available to able-bodied recipients who were able to, and could reasonably be expected to, participate in a work-relief program. What were the other federally aided public assistance programs? Old age assistance; aid to dependent children deprived of parental support by reason of the death, continued absence from the home, or physical or mental incapacity of a parent; aid to the blind; and aid to the permanently and totally disabled. No reasonable person could expect welfare recipients under any of these categories to participate in a work-relief program. In TADC we have for the first time a Federal public assistance program under which the recipient could be expected to perform work in return for relief.

The purpose of the TADC program appears to me to be to get assistance into the hands of needy children and their families that otherwise might not be available under programs in which the Federal Government participates. The purpose is to take care of a need, in this case a need caused by the inability of the family breadwinner to gain employment. The primary interest of the taxpayer has been served when this hardship has been alleviated. When this primary purpose has been accomplished it is difficult to understand a further assertion that it is in the interest of either the taxpayer or the recipient to require an able-bodied man who receives a welfare payment to remain idle rather than requiring him to perform a useful function in return for that payment. Experience has proven the contrary.

The basic purpose of the TADC program appears to be no different than that attributed to the State relief programs which it has in many instances supplemented. It stands to reason that the same justification for work relief which holds true in the case of State welfare programs, and which is apparently accepted by Federal welfare administrators, would be equally applicable to an assistance program in which the Federal Government participates.

Work relief programs are designed to cut the cost of government, to encourage relief recipients to help pay their way, to help these recipients gain self-respect, and to destroy the something-for-nothing philosophy. These are valid objectives no matter what level of government underwrites the program through which assistance is given to the needy of a community.

I think it is high time this unrealistic restriction is taken off the use of Federal funds.

WHERE DID THE ACREAGE COME FROM?

Mr. FINDLEY. 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 Illinois?

There was no objection.

Mr. FINDLEY. Mr. Speaker, on the basis of the annual summary crop report for 1961 it appears that the reduction in acreage devoted to major crops—from 1960 to 1961—was considerably less than the acreage retired under the 1961 feed grain program.

For the United States as a whole, the net reduction in acreage of 59 crops was only 55 percent as great as the acreage retired under the feed grain program. The discrepancy between the acreage placed under feed grain contracts and the reduction in acreage devoted to 59 crops totals 11.9 million acres. The reduction in acreage of all hay for harvest was only 161,000 acres.

This indicates that more than 11.7 million acres of land that was in rotation pasture, idle, or in noncropland uses in 1960 was either planted to crops or placed in the feed grain program in 1961.

In Illinois the reduction in acreage devoted to seven major cash crops was only 32.6 percent of the acreage placed in the feed grain program. In Iowa the reduction in acreage devoted to eight major cash crops was only 34.7 percent of the acreage placed in the feed grain program. The record was somewhat better in Indiana, Minnesota, and Nebraska.

Detailed figures supporting the above comments are attached.

Planted acreage changes in selected crops, United States, 1960–61

	Actual (thousand acres)	Percentage
Corn, all purposes	−14,746	−18.0
Sorghum for grain, silage and forage	−5,222	−26.7
Oats	983	3.1
Barley	186	1.2
Sweet potatoes	2	1.0
Wheat	729	1.3
Flaxseed	−488	−14.2
Rice	4	.2
Dry edible beans	−1	−.1
Dry field peas	28	8.7
Sugarbeets	151	15.4

Planted acreage changes in selected crops, United States, 1960–61—Continued

	Actual (thousand acres)	Percentage
Soybeans, grown alone for all purposes	3,682	15.1
Rye	43	1.0
Peanuts, for harvest	19	1.3
Tobacco, for harvest	32	2.8
Potatoes, Irish	109	7.7
Cotton	507	3.2
Total, 17 crops	−13,982	−5.4
Reduction in corn and sorghums	−19,968	−19.7
Increase in soybeans	3,682	15.1
Net change in other crops	1,522	.8
Net change in 59 crops planted or grown	−14,764	−4.5
Acreage signed up under 1961 feed grain program (corn and grain sorghums)	26,688	
Discrepancy between the acreage retired under the 1961 feed grain program and the net reduction in acreage devoted to 59 crops	11,924	
Reduction in 59 crops as a percentage of acreage signed up under feed grain program		55.3
Change in acreage of all hay for harvest	−161	−.2

Planted acreage changes in selected crops, United States, 1960–61

ILLINOIS

	Actual (thousand acres)	Percentage
Corn, all purposes	−1,919	−18.4
Sorghums, for grain, silage, and forage	−9	−47.4
Oats	421	22.0
Barley	5	6.8
Rye	7	3.9
Soybeans grown alone for all purposes	602	12.0
Wheat	146	9.0
Total, 7 crops	−747	−3.9
Reduction in corn and sorghums	−1,928	−18.5
Increase in soybeans	602	12.0
Change in 4 other crops	579	15.3
Net change, 7 crops	−747	−3.9
Acreage signed up under 1961 feed grain program (corn and grain sorghums)	2,293	
Reduction in 7 crops as a percentage of acreage signed up under feed grain program		32.6
Change in acreage of all hay for harvest	−129	−5.9

IOWA

Corn, all purposes	−2,184	−17.3
Sorghums, for grain, silage and forage	−36	−57.1
Oats	386	9.0
Barley	−2	−6.7
Rye	−5	−16.7
Soybeans, grown alone for all purposes	837	32.0
Flaxseed	−2	−12.5
Wheat	−12	−8.8
Total, 8 crops	−1,018	−5.1
Reduction in corn and sorghums	−2,220	−17.5
Increase in soybeans	837	32.0
Change in 5 other crops	365	8.1
Net changes, 8 crops	−1,018	−5.1
Acreage signed up under 1961 feed grain program (corn and grain sorghums)	2,936	
Reduction in 8 crops as a percentage of acreage signed up under feed grain program		34.7
Change in acreage of all hay for harvest	−151	−4.3

INDIANA

Corn, all purposes	−1,086	−20.1
Sorghums, for grain, silage and forage	−10	−32.3
Oats	−34	−4.0
Barley	5	9.4
Rye	30	15.8
Soybeans, grown alone for all purposes	320	13.0
Wheat	88	7.0
Total, 7 crops	−685	−6.7

Planted acreage changes in selected crops, United States, 1960–61—Continued

INDIANA—continued

	Actual (thousand acres)	Percentage
Reduction in corn and sorghums	−1,096	−20.2
Increase in soybeans	320	13.0
Changes in 4 other crops	89	3.8
Net change, 7 crops	−687	−6.7
Acreage signed up under 1961 feed grain program (corn and grain sorghums)	1,383	
Reduction in 7 crops as a percentage of acreage signed up under feed grain program		49.7
Change in acreage of all hay for harvest	7	.5

MINNESOTA

Corn, all purposes	−1,024	−15.0
Oats	−158	−4.0
Barley	36	4.0
Rye	26	33.3
Dry field peas	6	75.0
Soybeans, grown alone for all purposes	233	11.0
Flaxseed	−30	−5.1
Wheat	86	9.0
Potatoes, Irish	19	17.6
Sugarbeets	17	21.2
Total, 10 crops	−789	−5.1
Reduction in corn	−1,024	−15.0
Increase in soybeans	233	11.0
Change in 8 other crops	2	.03
Net change, 10 crops	−789	−5.1
Acreage signed up under 1961 feed grain program (corn and grain sorghums)	1,554	
Reduction in 10 crops as a percentage of acreage signed up under feed grain program		50.8
Change in acreage of all hay for harvest	487	13.9

NEBRASKA

Corn, all purposes	−1,171	−17.0
Sorghums, for grain, silage and forage	−569	−28.0
Oats	−76	−6.0
Barley	−50	−16.8
Rye	−8	−2.9
Dry edible beans	−3	−4.1
Soybeans, grown alone for all purposes	115	69.7
Wheat	33	1.0
Sugarbeets	14	20.2
Potatoes, Irish	−2	−12.2
Total, 10 crops	−1,717	−11.9
Reduction in corn and sorghums	−1,740	−19.5
Increase in soybeans	115	69.7
Change in 7 other crops	−92	−1.7
Net change, 10 crops	−1,717	−11.9
Acreage signed up under 1961 feed grain program (corn and grain sorghums)	2,408	
Reduction in 10 crops as a percentage of acreage signed up under feed grain program		71.3
Change in acreage of all hay for harvest	−105	−2.1

RACE, COLOR, OR CREED SHOULD NOT BE ONLY QUALIFICATION FOR JOBSEEKERS

Mr. SIKES. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SIKES. Mr. Speaker, I view with misgivings the announcement from the Department of Labor that a program for reporting compliance with nondiscrimination in Government contracts on racial and other minority groups will go into effect March 31. I can think of no way to more effectively destroy our scientific and technical capability; to hamstring the spirit of free enterprise; to throttle individual effort and ingenuity than to force through Government edict the employment of people whose only qualification is that they are members of a minority group. The Constitution says:

> There shall be no discrimination because of race, color or creed.

I foresee under this directive a situation where race, color, or creed may become the only qualification for employment. I question that any organization which must depend for continuity upon sensationalism and bias can make a contribution to the national effort and this I fear will be the outcome of efforts to justify the existence of this program. Initially 38,000 manufacturers with 50,000 plants are going to be harassed by questionnaires, crusaders, and just plain meddlers. This directive requires manufacturers employing 50 or more people and holding Government contracts worth $50,000 or more with the Federal Government to file a detailed report on what they are doing about employment discrimination and how many minority group members they employ. As a part of the program, the Government can terminate a contract if willful noncompliance is found, recommend criminal prosecution, publish the names of manufacturers or unions that fail to comply and recommend that Government agencies not do business with those firms failing to comply. Nothing is said anywhere in the directive about a manufacturer's right to hire people who will do an honest day's work and who know the job they are hired to do.

WASTE IN MILITARY HOUSING PROCUREMENT

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, I want to commend to the attention of the House a yearend report by the Comptroller General which comprises a review of housing allowances paid to U.S. military personnel occupying rental guarantee housing projects in France.

The report is a spot check of housing allowances in certain parts of France where American military personnel are stationed. It reveals that payments of excessive housing allowances of more than $2,345,000 occurred through sloppy business procedures in the past 6 years in France alone.

On the basis of this small sample, I believe it is safe to say that the taxpayer may have overpaid many millions of dollars through inefficient operations in military housing abroad. Housing allowances which are higher than actual rents, allowances based on unjustifiably high utility costs, poor administration, and ineffective review by higher authorities have cost the taxpayer dearly.

I think we would do well to note the following comment by the Comptroller General:

In view of the significance of our findings on a review that was restricted to a relatively small segment of the oversea housing for which housing allowances are prescribed, excessive payments in the past at other oversea locations may also have been extensive.

The Comptroller General mentions a number of instances in which the Department of Defense has heeded advice of the Comptroller General as to better ways of doing business. In one of these, mentioned in the report, $750,000 has been saved. The military authorities deserve the highest praise for their acceptance of these recommendations.

However, even a casual glance at the record indicates that the Department of Defense has not always taken its responsibilities seriously and has not been quick to adopt businesslike practices. I believe the Department of Defense has much to learn from the businesslike audits of the Comptroller General, and I would like to specifically endorse the recommendation he makes that periodic internal audits or inspections of rental cost reports be undertaken. Such continual auditing by independent agents would stimulate better practices and save large sums of money in operations throughout the world.

I feel I can do no better than to close by quoting these significant passages from the Comptroller General's report:

Although action has been taken by the Department of Defense during the past year to improve the processes for establishing worldwide housing allowances, we believe that, in order to assure the continued validity of reported costs, it is necessary to have the reports subjected to independent review and verification in the field. We are, therefore, recommending that the Secretary of Defense arrange for such periodic reviews at the installation level.

I hope that this recommendation will be acted upon without delay.

EQUAL EMPLOYMENT OPPORTUNITY

Mr. ROOSEVELT. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, denial of equal employment opportunity to millions of loyal citizens of the United States comprises today one of the most pressing internal problems of our Nation. Indeed, there can be little doubt that this internal problem also exerts an adverse effect upon the international relations of the United States.

Under leave to extend my remarks, I wish to submit a news article which appeared today, January 30, 1962, in the Washington Post. The article announces March 31, 1962, as the effective date of a program for manufacturers to report compliance with nondiscrimination clauses in Government contracts.

I should like, further, to commend President Kennedy and his Committee on Equal Employment Opportunity for this forthright implementation of the principle of equal employment rights. I might add, however, that the announcement shows certain limitations of executive authority. Believing that no American should arbitrarily be denied the opportunity to make a living because of age, race, religion, color, national origin, or ancestry, the Special Subcommittee on Labor, of which I am chairman, has recently concluded extensive hearings. The Committee on Education and Labor, under the chairmanship of the Honorable ADAM C. POWELL, of New York, is presently considering a subcommittee print of proposed Federal equal employment opportunity legislation. The executive branch has made clear its intention to implement protection of some Americans from discrimination in employment. Surely it makes clear commonsense for the legislative branch, the Congress, to afford the same basic protection to all Americans.

ANTIBIAS LAWS IN JOBS GO INTO EFFECT MARCH 31

(By Phil Casey)

The Kennedy administration took a big step yesterday toward curbing discrimination in employment among the Nation's larger industries.

Assistant Secretary of Labor Jerry R. Holleman announced that a program for reporting compliance with nondiscrimination demands in Government contracts will go into effect March 31.

Manufacturers employing 50 or more people and holding contracts worth $50,000 or more with the Federal Government will be required then to file a detailed report on what they are doing about employment discrimination and supply statistics on just how many Negroes and members of other minority groups they employ.

The administration is setting no exact standard for industry to meet.

NO NUMBERS GAME

"This is no numbers game," said Holleman, who is executive vice chairman of the President's Committee on Equal Employment Opportunity. "A numbers game can be a dangerous thing."

Nevertheless, the compliance report's answers to the detailed questions will indicate, he said, whether an employer is living up to his contractual pledge not to discriminate in employment.

This report is for manufacturers only. A separate report will be devised soon for construction and public utilities doing business with the Government.

The President's Committee worked nine months on the report, attempting to devise a system that wouldn't prove too unwieldy for either the Committee or for the manufacturers, said John G. Feild, the Committee's executive director.

BARS ALL DISCRIMINATION

President Kennedy's executive order creating the Committee provides for a clause in Government contracts prohibiting discrimination because of race, creed, color, or national origin.

Under the contracts, the Government can terminate a contract, if willful noncompliance is found, recommend criminal prosecution, publish the names of manufacturers or unions that fail to comply, and recommend that Government agencies not do business with those firms failing to comply.

The program will cover about 38,000 manufacturers with about 50,000 plants employing 15.5 million workers, Feild said.

As the program develops, Holleman said, the Committee plans to issue certificates of merit to employers showing the least-discriminatory policies and the greatest progress.

Though annual reports will be demanded only of the larger firms, all manufacturers doing business with the Government can be compelled to send in special compliance reports. No firm doing business with the Government is exempt from the moral and legal obligation to comply with the nondiscrimination clause in the contracts, Holleman said.

USE OF THE CONGRESSIONAL RECORD

Mr. LINDSAY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LINDSAY. Mr. Speaker, after a good deal of thought I have decided to join my distinguished colleague, the gentleman from Missouri [Mr. CURTIS], in pressing for a reorganization of the House rules relating to the use of the CONGRESSIONAL RECORD. Therefore, I have today introduced a resolution, originally drafted and introduced by the gentleman from Missouri, which requires that in the printing of the CONGRESSIONAL RECORD there be a change in type face for those items which appear in it, but which were not spoken on the floor of the House. This would permit those who read the CONGRESSIONAL RECORD to be able to distinguish between that which has been orally stated on the floor of the House and that which has not.

I have looked with growing concern on the practice of Members of the House inserting statements in the RECORD which appear to have been delivered on the floor when in fact they were not, and for all anyone knows, the Member was in his office, back home in his district, or sitting in an air-cooled movie. I am old fashioned enough to believe that oral debate is still the best method of discovering the truth on any subject. It seems to me that the floor of the House is the proper place for Members to state a public position on any important matter which later appears in the CONGRESSIONAL RECORD. The floor of the House is, as the gentleman from Missouri stated, "the testing ground of ideas, the place in which a proposal must stand or fall on its merits. It is also one of the major channels by which information of what occurs in the Halls of Congress gets back to the people, either directly or through the news media."

It is no secret that the CONGRESSIONAL RECORD does not accurately reflect floor debate. And we know, too, that a speech given in a special order, after the legislative business is completed, may be inserted in the CONGRESSIONAL RECORD as though orally given, even though the Member did not appear. Under the rules of the House a Member may, by leave of the House, revise or extend his remarks,

putting into the RECORD matters which were never said on the floor. For example, these comments which I now make were inserted in the body of the CONGRESSIONAL RECORD by permission but were never made orally on the floor of the House of Representatives by me. I do this deliberately in order to dramatize the point I am making. The gentleman from Missouri [Mr. CURTIS] made his point by the same means.

I would agree also with the gentleman that we do not wish to end the practice of permitting Members to make insertions and extensions of remarks in the CONGRESSIONAL RECORD without actually being present. This is a privilege that was given with good reason. Without it, the remarks on important subjects of 435 Members of this body could not, by the simple limitation of time, be made part of the RECORD. Indeed, without the privilege, time better used in the presentation of legislative matters for consideration could be consumed in reading a great deal of less important material into the RECORD. So the practice has a solid base. All that the gentleman from Missouri [Mr. CURTIS] and I ask is that the RECORD reflect the difference between something actually said on the floor and something inserted at a later time. This can be done by a simple change in type face.

By the same token, I do not wish to shut off the other use of the privilege—the original use as I understand it—of permitting a Member to put into more cogent language his statements made in the heat of debate. This is often necessary for the reasons of clarity. But in this area, too, abuses have arisen and the rule that the gentleman from Missouri and I have suggested would be applicable here also.

Mr. Speaker, in addition to presenting an honest record of debate and other proceedings on the floor of the House, I suspect that this proposal would have two collateral and highly beneficial effects.

First, it would undoubtedly cut down on the amount of unnecessary material that now appears in the CONGRESSIONAL RECORD, which in turn will save the taxpayers some money.

Second, it might stimulate greater attendance in the House of Representatives. Hopefully, the new rule would make it less attractive for Members to stay in their home districts on Mondays and Fridays, appearing in Washington for only 3 days and 2 nights in the middle of the week, as is the practice now of the well known "Tuesday to Thursday" club. Because of greater attendance, the proposed new rule might spur the House into high gear earlier in the session, thereby sparing some of the agony and some of the blunders made possible by leaving matters until the end of the session in the hot summer or early fall.

I should like to congratulate the gentleman from Missouri [Mr. CURTIS] on his thoughtful presentation of the problem in the past, and I am pleased to join him in his sensible approach toward a solution.

THE CHICAGO TRIBUNE AND IZVESTIA

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and include a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PUCINSKI. Mr. Speaker, on January 3, more than 3 weeks ago, the Tribune invited Izvestia to send one of its editors to Chicago to write a column a day for the Tribune in exchange for a column a day in Izvestia to be written by a Tribune editor in Moscow. Both writers were to be published uncensored.

Neither the Chicago Tribune nor anyone else has had any answer from Izvestia. It is a matter that I hope Mr. Alexei Adzhubei, the editor of Izvestia, will clear up during his present visit to Washington. The Chicago Tribune quite properly raises the question whether the Soviet Government, which controls Izvestia and all other means of communications in the Soviet Union, is afraid to let the Russian people read anything but the Kremlin's dogma.

Mr. Adzhubei has an excellent opportunity to demonstrate to the world just how sincere he is in advocating better understanding between East and West, by announcing—as editor of Izvestia—an acceptance of the Tribune invitation. Any effort by Mr. Adzhubei to delay a decision on the pretext that he must further consult with his advisers in Russia must lead us to the obvious conclusion that editors of the Soviet press have little, if anything, to say about the management of their publications in Russia.

Once this assumption is forced upon us by Mr. Adzhubei's continued silence, then we must properly draw the final conclusion that our Government is wasting its time in extending any special courtesies to this Soviet visitor because he is not free to report his observations in the Russian publication he serves as editor, regardless of what he might say to the contrary in this country.

Of course, Mr. Speaker, these conclusions can very easily be avoided by the simple devise of Mr. Adzhubei showing the Chicago Tribune the courtesy it is entitled to and responding to its invitation. In any event, his response would be interesting although we have long ago learned that those problems which communism cannot resolve, its exponents conveniently sweep under the rug by ignoring them.

I think the Tribune suggestion would give the entire world an opportunity to see how much diversity of views the Soviet system can stand.

The article referred to follows:

WE'RE STILL AWAITING IZVESTIA'S REPLY

On January 3, more than 3 weeks ago, the Tribune invited Izvestia to send one of its editors to Chicago to write a column a day for us in exchange for a column a day in Izvestia to be written by a Tribune editor in Moscow. Both writers were to be published uncensored.

The first response from Moscow was an unofficial statement by someone on Izvestia's staff, saying that no formal offer had been received. Accordingly, we sent a formal offer to Alexei Adzhubei, Izvestia's editor. Again no reply was received directly from Izvestia, but we were told, through United Press International's correspondent in Moscow, that Mr. Adzhubei was in Cuba and the decision would have to await his return.

We are still waiting. To newspapermen the world over, accustomed as they are and must be to making decisions speedily, it will seem strange that Russian editors must take so long to come to a conclusion.

We make no secret of our belief that the Russian Government that controls Izvestia and all the other means of communication in Russia is afraid to let the Russian people read anything but the Kremlin's dogma. We made our proposal, in part, to test this thesis. The longer Mr. Adzhubei remains silent the more probable it becomes that he and his father-in-law, Mr. Khrushchev, do not dare risk even one column of dissenting opinion a day for fear the Russian people will be subverted by it.

It isn't as if the Communist regime were so new in Russia that its leaders wished to prove their worth to their people before subjecting themselves to a little criticism. The bolsheviks have been in power, now, for 45 years, during which they have built a huge army and police force, increased the country's economic power, killed off tens of thousands of former comrades who were, or were thought to be, unfriendly to the regime, and exiled hundreds of thousands of others. You'd think that by this time the regime would not quake in its boots at the mere thought of an exchange of contributing editors with a foreign newspaper.

We thought there was at least a slim chance that the offer would be accepted. The long silence of Mr. Adzhubei suggests all too plainly that we were wrong.

MEMBERSHIP IN COMMUNIST ACTION ORGANIZATIONS

The SPEAKER. Under the previous order of the House the gentleman from California [Mr. DOYLE] is recognized for 30 minutes.

Mr. DOYLE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a copy of a bill I filed today, H.R. 9944.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DOYLE. Mr. Speaker, today, I introduced a bill, H.R. 9944, amending the Subversive Activities Control Act of 1950, the effect of which is to outlaw the Communist Party of the United States by making membership per se therein a criminal offense. The bill makes punishable the continuing or subsequent membership in any Communist-action organization after it is found to be such by a final order of the Subversive Activities Control Board. By reason of the recent decision by the Supreme Court of the United States in the case of the Communist Party of the United States of America, Petitioner, against The Subversive Activities Control Board, decided June 5, 1961, which upheld the Subversive Activities Control Board findings by which the Communist Party of the United States was determined to be a

Communist-action organization, my bill therefore, after its effective date, would make punishable continuing or subsequent membership in the Communist Party in the United States. The bill would necessarily repeal the registration requirements of the Subversive Activities Control Act of 1950 relating to Communist-action or Communist-front organizations, but it preserves the plan and the procedures of the Subversive Activities Control Act of 1950 in all other respects.

It is to be recollected that the Subversive Activities Control Act of 1950, which is title I of the Internal Security Act, established the Subversive Activities Control Board. That Board has the function of making a judicial determination on petition of the Attorney General, as to the character of certain organizations, whether Communist-action, Communist front or Communist infiltrated, as defined in the act. In proceedings on the petition, all parties in interest are accorded a full and open hearing in an adversary proceeding, with right to counsel, confrontation and cross examination of witnesses, and right of appeal to the highest courts.

Upon a final determination of the character of the organization, certain consequences follow under the act relating, for example, to employment in Government and defense facilities, disabilities under the National Labor Relations Act, tax exemptions, passports, and the dissemination of unlabeled propaganda. These functions of the Board and the consequences set up in the act are fully preserved in my amending bill filed on January 29, 1962. The amendment, however, repeals the requirements relating to registration by certain Communist organizations and members, but makes membership in any organization found by final order of the Subversive Activities Control Board as Communist-action thereafter to be punishable by fine or imprisonment or both. The bill, I believe, is so drawn as to meet all constitutional requirements and procedural due process.

At this point I wish to make it crystal clear that while it is true that I have been a member of the House Un-American Activities Committee for about 15 years now this present bill is not a bill from the House Committee on Un-American Activities; that committee has not considered the bill and, therefore, has not approved or endorsed the bill in any manner. However, I wish to state my appreciation to the legal staff of that important committee for their timely, generous and able advice and draftsmanship of the bill on legal and constitutional requirements and procedures. In like manner I wish to thank the House Legislative Counsel's office for their similar and most generous and able assistance.

This bill in no way amends or affects that portion of the Smith Act which by recent interpretation of the Supreme Court, in the case of Julius Irving Scales, Petitioner, against The United States, decided June 5, 1961, makes punishable "active and purposive membership" in the Communist Party. The bill sets up a separate offense which differs from the Smith Act membership clause as a matter of degree, in the same sense that the offense of assault and battery compares to the offense of aggravated assault and battery in the criminal law.

This bill, I believe, sets up an effective and expedient method of dealing with such crimes as membership in the Communist Party, eliminating protracted trials, many times necessarily resulting from present procedures and requirements, some of which are of months and even years of duration under the existing Smith Act.

The procedural advantages of my bill in cases of prosecutions for Communist membership, as contrasted with prosecutions under the Smith Act is, I believe, readily apparent. The relevant section of the Smith Act provides as follows:

> Whoever organizes or helps or attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence; or becomes or is a member of, or affiliates with, any such society, group, or assembly of persons, knowing the purposes thereof—
>
> Shall be fined, etc.

Under the Smith Act, therefore, in membership prosecutions in the Communist Party of the United States the Government has been compelled in each and every case against each and every separate defendant to prove as follows: to wit: First, that the defendant knowingly became or is a member of the Communist Party; second, that the Communist Party in the United States is such a society as advocates and teaches the overthrow and destruction of the U.S. Government by force and violence; third, that the individual defendant knew of such purposes of that organization; and fourth, that he actively and purposively participated as a member of such organization in such activities. Every separate prosecution requires repetitive proof of each of the foregoing, in each and every case. Therefore, experts and countless witnesses are required to testify on behalf of the Government of the history and nature of the Communist Party in the United States, over and over again. The proceedings are often necessarily protracted, and subjected to all the frustrations that can be devised by Communist attorneys, as occurred in the New York Smith Act trials before Judge Medina commencing in 1948. I believe it will be found by experience that most of all this repetitive proof is eliminated by the bill which I have introduced.

For, once a determination has been made as to the nature and purposes of the Communist Party organization in the United States under the procedure clearly set up in the Subversive Activities Control Act of 1950 as amended, and which I have heretofore referred to, and which organization has been found by final order of said Board to be Communist action, that major issue is laid at rest in the instant case. Thereafter, in separate prosecutions, the Government is merely faced under my bill with proving the one basic fact which is that the defendant knowingly continues his membership in the Communist Party of the United States; or, becomes a member in such Communist-action organization after such final order of the Board, and, thus the Government has thereby satisfied its burden of proof in membership prosecutions. There is no need to repeat that proof as to the nature of the organization and as to the defendant's knowledge of its nature and purposes, for that fact has been previously established for all membership prosecution cases, by reason of public notice of the preliminary findings of the Subversive Activities Control Board thereof has been given. It is presumed that the defendant's continuing or subsequent membership in such organization is with full knowledge of what has been previously determined by the Board and which has been proscribed by law. It should be apparent, therefore, most trials will be effective, expeditious, and comparatively inexpensive. We shall conserve the time and energies of our courts and investigative agencies and will clearly and definitely accord the defendant, in each case, all of the advantages of his constitutional rights and due process under law.

In the case of the Communist Party of the United States of America, Petitioner, against The Subversive Activities Control Board, decided June 5, 1961, hereinbefore referred to, the Subversive Activities Control Board has already found and made a final determination as to the nature of the organization involved, and the Supreme Court of the United States in that case affirmed the findings of that Board in that case to the effect that the Communist Party of the United States is in fact a tenacle of the world Communist movement; a conspiratorial agency engaged in deceit, espionage, terrorism, and organizational activities to accomplish its avowed purpose of overthrowing by force and violence the Government of the United States and establishing in the United States of America and throughout the world a Communist, totalitarian dictatorship under Soviet Union domination and control. These findings by the Board were based upon voluminous and conclusive evidence developed and proved in over 10 years of trial and litigation, before the Board and our courts, before both of which the defendant was at all times represented by legal council of its own choosing. This destinymaking decision by the Supreme Court of the United States on June 5, 1961, is, in my mind, no doubt well known to every active Communist or Communist sympathizer or Communist organization or conspiratorial agency of any sort engaged in deceit, espionage, terrorism, and organizational activities in violation of the Court's edict, and I surmise is probably fairly well known throughout the Communist world.

As a result of this world Communist conspiracy, of which the Communist Party, U.S.A., is an integral part and from which it takes its direction and does

its bidding, we are compelled to spend billions in our national defense and to counter subversive aggression; to endanger and in many cases to sacrifice the lives of thousands of our young men in our military services; we expend our resources which should have been dedicated and devoted to other truly useful and humanitarian purposes. Under such circumstances, certainly anyone who continues his membership in this Communist conspiracy or becomes a member of an organization in the United States found to be Communist-action, should justly be punished. For, he is, by such action, knowingly strengthening the organizational structure of the world Communist movement and thereby contributing to its odious and ugly purposes. I can see no possible legal obstacle or reason why a conspiratorial group organized to steal our liberty and property should not be punished for such activity, an activity which is far more dangerous and inimical to the interests of our society than an isolated criminal band of bank robbers.

While it is true that the caption of the bill does not specify that one of the purposes of the bill is to outlaw the Communist Party of the United States, nevertheless, I believe that desirable result will naturally flow from the text of the bill itself. For the text and purpose of the bill applies to any and every Communist-action organization in the United States, whether under the name of Communist Party or not. For instance, if the Communist Party of the United States of America changes its name, or any segment of the Communist Party of the United States changes its name, and deletes any and every indication of the fact so far as its name is concerned that it is a Communist Party organization or tries to so shape its name that the word Communist does not appear therein, I believe this bill is so drawn by the help and aid of my able legal advisers in the premises that any organization which is in fact a Communist-action organization in the United States will be encompassed and, therefore, in fact outlawed as well as any member of any such organization will be successfully prosecuted and upon due proof required will suffer the just penalties provided, set forth in section 15 (a) and (b) of this bill.

I believe that the penalties provided in my bill are just and reasonable and in keeping with the necessity to protect our national security against the Communist-action conspiracy, therefore section 15 (a) and (b) of the bill provides as follows:

SEC. 15. (a) Any individual who violates any provision of sections 5, 6, or 10 of this title shall be fined not more than $10,000 or imprisoned not more than five years, or both, for each such violation. Any organization which violates any provision of section 10 of this title shall be fined not more than $10,000 for each such violation.

(b) Whoever, on or after the effective date of the Subversive Activities Control Act Amendments of 1962, knowingly becomes or remains a member of any organization, with respect to which there is in effect a final order of the Board determining it to be a Communist-action organization, without regard to whether such order became final before, on, or after such effective date, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

Let us hope that when it becomes appropriate to consider this bill and enact it into U.S. statutes it will further strengthen the sinews of all freedom loving people in the United States of America, and their just determination to declare through law within constitutional limits that the people of the United States are united in their just and sound decision that those persons in the United States who are found to be in violation of the provisions of this bill shall be made aware in advance that if they are found to be in violation of this bill by reason of their continuing or subsequent membership in any Communist-action organization that then they can expect that the American people will not tolerate nor welcome their continued deliberate violation of the law of our beloved land.

H.R. 9944

A bill to amend the Subversive Activities Control Act of 1950 to provide penalties for becoming or remaining a member of Communist-action organizations, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Subversive Activities Control Act Amendments of 1962".

SEC. 2. Subparagraph (b) of paragraph (3) of section 3 of the Subversive Activities Control Act of 1950 (50 U.S.C. 782(3)(b)) is amended to read as follows:

"(b) any section, branch, fraction, or cell of any organization defined in subparagraph (a) of this paragraph."

SEC. 3. Section 4 of such Act (50 U.S.C. 783) is amended by striking out subsection (f).

SEC. 4. Subsection (a) of section 5 of such Act (50 U.S.C. 784(a)) is amended—

(1) by amending that portion of such subsection (a) which precedes subparagraph (A) of paragraph (1) to read as follows:

"SEC. 5. (a) When there is in effect a final order of the Board making a determination that any organization is a Communist organization, it shall be unlawful—

"(1) For any member of such organization, with knowledge or notice that such order has become final—"; and

(2) by amending that portion of paragraph (2) of such subsection (a) which precedes subparagraph (A) of such paragraph (2) to read as follows:

"(2) For any officer or employee of the United States or of any defense facility, with knowledge or notice that such order has become final—".

SEC. 5. Section 6 of such Act (50 U.S.C. 785) is amended to read as follows:

"DENIAL OF PASSPORTS TO MEMBERS OF COMMUNIST ORGANIZATIONS

"SEC. 6. (a) When there is in effect a final order of the Board making a determination that any organization is a Communist organization, it shall be unlawful for any member of such organization, with knowledge or notice that such order has become final—

"(1) to make application for a passport, or the renewal of a passport, to be issued or renewed by or under the authority of the United States; or

"(2) to use or attempt to use any such passport.

"(b) When there is in effect a final order of the Board making a determination that any organization is a Communist-action organization, it shall be unlawful for any officer or employee of the United States to issue a passport to, or renew the passport of, any individual knowing or having reason to believe that such individual is a member of such organization."

SEC. 6. Section 9 of such Act (50 U.S.C. 788) is amended to read as follows:

"PUBLIC REGISTER OF COMMUNIST ORGANIZATIONS; REPORTS TO PRESIDENT AND CONGRESS

"SEC. 9. (a) The Attorney General shall keep and maintain in the Department of Justice a register of Communist organizations which shall include the name and address of each organization with respect to which there is in effect a final order of the Board making a determination that such organization is a Communist organization. Such register shall be kept and maintained in such manner as to be open for public inspection.

"(b) The Attorney General shall submit to the President and the Congress on or before June 1 of each year (and at any other time when requested by either House by resolution) a report with respect to carrying out of the provisions of this title."

SEC. 7. That portion of section 10 of such Act (50 U.S.C. 789) which precedes paragraph (1) is amended to read as follows:

"SEC. 10. It shall be unlawful for any organization with respect to which there is in effect a final order of the Board making a determination that such organization is a Communist organization, or for any person acting for or on behalf of any such organization—".

SEC. 8. Section 11 of such Act (50 U.S.C. 790) is amended to read as follows:

"DENIAL OF TAX DEDUCTIONS AND EXEMPTIONS

"SEC. 11. (a) Notwithstanding any other provision of law, no deduction for Federal income tax purposes shall be allowed in the case of a contribution to or for the use of any organization if at the time of the making of such contribution there is in effect a final order of the Board determining that it is a Communist organization.

"(b) No organization shall be entitled to exemption from Federal income tax, under section 501 of the Internal Revenue Code of 1954, for any taxable year if at any time during such taxable year there is in effect a final order of the Board determining that it is a Communist organization."

SEC. 9. Subsection (e) of section 12 of such Act (50 U.S.C. 791(e)) is amended to read as follows:

"(e) It shall be the duty of the Board, upon application made by the Attorney General or by any interested party under section 13 of this title, to determine whether any organization is a Communist organization."

SEC. 10. Sections 13 and 13A of such Act (50 U.S.C. 792 and 792a) are amended to read as follows:

"PROCEEDINGS BEFORE THE BOARD

"SEC. 13. (a) Whenever the Attorney General has reason to believe that any organization is a Communist organization, he shall file with the Board and serve upon such organization a petition for a determination that such organization is a Communist organization. In any proceedings so instituted, two or more affiliated organizations may be named as joint respondents. Each such petition shall be verified under oath, and shall contain a statement of the facts upon which the Attorney General relies in support of such petition. Such proceedings shall be set for hearings at the earliest possible time and all proceedings therein before the Board or any court shall be expedited to the greatest practicable extent.

"(b) Any organization which by a final order of the Board has been determined under this section to be a Communist-front

organization may, not oftener than once in each calendar year, and any organization which by a final order of the Board has been determined under this section to be a Communist-infiltrated organization may, within six months after such determination, make application to the Attorney General for the cancellation of such determination. Within sixty days after the denial of any such application by the Attorney General, the organization may file with the Board and serve upon the Attorney General a petition for an order canceling the determination that such organization is a Communist organization.

"(c) Upon the filing of any petition pursuant to subsection (a) or subsection (b) of this section, the Board (or any member thereof or any examiner designated thereby) may hold hearings, administer oaths and affirmations, may examine witnesses and receive evidence at any place in the United States, and may require by subpena the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed relevant to the matter under inquiry. Subpenas may be signed and issued by any member of the Board or any duly authorized examiner. Subpenas shall be issued on behalf of the organization which is a party to the proceeding upon request and upon a statement or showing of general relevance and reasonable scope of the evidence sought. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing. Witnesses summoned shall be paid the same fees and mileage paid witnesses in the district courts of the United States. In case of disobedience to a subpena, the Board may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpena issued to any person, issue an order requiring such person to appear (and to produce documentary evidence if so ordered) and give evidence relating to the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. No person shall be held liable in any action in any court, State or Federal, for any damages resulting from (1) his production of any documentary evidence in any proceeding before the Board if he is required, by a subpena issued under this subsection, to produce the evidence; or (2) any statement under oath he makes in answer to a question he is asked while testifying before the Board in response to a subpena issued under this subsection, if the statement is pertinent to the question.

"(d) (1) All hearings conducted under this section shall be public. Each party to such proceeding shall have the right to present its case with the assistance of counsel, to offer oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. An accurate stenographic record shall be taken of the testimony of each witness, and a transcript of such testimony shall be filed in the office of the Board.

"(2) Where an organization declines or fails to appear at a hearing accorded to such organization by the Board pursuant to this section, the Board may conduct such hearing in the absence of such organization and may enter such order or determination under this section as the Board shall determine to be warranted by evidence presented at such hearing. Where in the course of any hearing before the Board or any examiner thereof a party or counsel is guilty of misbehavior which obstructs the hearing, such party or counsel may be excluded from further participation in the hearing.

"(e) In determining whether any organization is a 'Communist-action organization', the Board shall take into consideration—

"(1) the extent to which its policies are formulated and carried out and its activities performed, pursuant to directives or to effectuate the policies of the foreign government or foreign organization in which is vested, or under the domination or control of which is exercised, the direction and control of the world Communist movement referred to in section 2 of this title; and

"(2) the extent to which its views and policies do not deviate from those of such foreign government or foreign organization; and

"(3) the extent to which it receives financial or other aid, directly or indirectly, from or at the direction of such foreign government or foreign organization; and

"(4) the extent to which it sends members or representatives to any foreign country for instruction or training in the principles, policies, strategy, or tactics of such world Communist movement; and

"(5) the extent to which it reports to such foreign government or foreign organization or to its representatives; and

"(6) the extent to which its principal leaders or a substantial number of its members are subject to or recognize the disciplinary power of such foreign government or foreign organization or its representatives; and

"(7) the extent to which, for the purpose of concealing foreign direction, domination, or control, or of expediting or promoting its objectives, (i) it fails to disclose, or resists efforts to obtain information as to, its membership (by keeping membership lists in code, by instructing members to refuse to acknowledge membership, or by any other method); (ii) its members refuse to acknowledge membership therein; (iii) it fails to disclose, or resists efforts to obtain information as to, records other than membership lists; (iv) its meetings are secret; and (v) it otherwise operates on a secret basis; and

"(8) the extent to which its principal leaders or a substantial number of its members consider the allegiance they owe to the United States as subordinate to their obligations to such foreign government or foreign organization.

"(f) In determining whether any organization is a 'Communist-front organization', the Board shall take into consideration—

"(1) the extent to which persons who are active in its management, direction, or supervision, whether or not holding office therein, are active in the management, direction, or supervision of, or as representatives of, any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2; and

"(2) the extent to which its support, financial or otherwise, is derived from any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2; and

"(3) the extent to which its funds, resources, or personnel are used to further or promote the objectives of any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2; and

"(4) the extent to which the positions taken or advanced by it from time to time on matters of policy do not deviate from those of any Communist-action organization, Communist foreign government, or the world Communist movement referred to in section 2.

"(g) In determining whether any organization is a Communist-infiltrated organization, the Board shall consider—

"(1) to what extent, if any, the effective management of the affairs of such organization is conducted by one or more individuals who are, or within two years have been, (A) members, agents, or representatives of any Communist organization, and Communist foreign government, or the world Communist movement referred to in section 2 of this title, with knowledge of the nature and purpose thereof, or (B) engaged in giving aid or support to any such organization, government, or movement with knowledge of the nature and purpose thereof;

"(2) to what extent, if any, the policies of such organization are, or within three years have been, formulated and carried out pursuant to the direction or advice of any member, agent, or representative of any such organization, government, or movement;

"(3) to what extent, if any, the personnel and resources of such organization are, or within three years have been, used to further or promote the objectives of any such Communist organization, government, or movement;

"(4) to what extent, if any, such organization within three years has received from, or furnished to or for the use of, any such Communist organization, government, or movement any funds or other material assistance;

"(5) to what extent, if any, such organization is, or within three years has been, affiliated in any way with any such Communist organization, government, or movement;

"(6) to what extent, if any, the affiliation of such organization, or of any individual or individuals who are members thereof or who manage its affairs, with any such Communist organization, government, or movement is concealed from or is not disclosed to the membership of such organization; and

"(7) to what extent, if any, such organization or any of its members or managers are, or within three years have been, knowingly engaged—

"(A) in any conduct punishable under section 4 or 15 of this Act or under chapter 37, 105, or 115 of title 18 of the United States Code; or

"(B) with intent to impair the military strength of the United States or its industrial capacity to furnish logistical or other support required by its Armed Forces, in any activity resulting in or contributing to any such impairment.

"(h) After hearing upon any petition filed under this section, the Board shall (1) make a report in writing in which it shall state its findings as to the facts and its conclusions with respect to the issues presented by such petition, (2) enter its order granting or denying the determination sought by such petition, and (3) serve upon each party to the proceeding a copy of such order.

"(i) When any order of the Board making a determination that an organization is a Communist organization becomes final as provided in section 14(b) of this title, the Board shall publish in the Federal Register a statement of the substance of such order, and publication of such statement shall constitute notice to all members of such organization and to the public that such order has become final.

"(j) When any order has been entered by the Board under this section with respect to any labor organization or employer (as these terms are defined by section 2 of the National Labor Relations Act, as amended, and which are organizations within the meaning of section 3 of the Subversive Activities Control Act of 1950), the Board shall

serve a true and correct copy of such order upon the National Labor Relations Board and shall publish in the Federal Register a statement of the substance of such order and its effective date.

"(k) When there is in effect a final order of the Board determining that any such labor organization is a Communist organization, such labor organization shall be ineligible to—

"(1) act as representative of any employee within the meaning or for the purposes of section 7 of the National Labor Relations Act, as amended (29 U.S.C. 157);

"(2) serve as an exclusive representative of employees of any bargaining unit under section 9 of such Act, as amended (29 U.S.C. 159);

"(3) make, or obtain any hearing upon, any charge under section 10 of such Act (29 U.S.C. 160); or

"(4) exercise any other right or privilege, or receive any other benefit, substantive or procedural, provided by such Act for labor organizations.

"(l) When an order of the Board determining that any such labor organization is a Communist-infiltrated organization has become final, and such labor organization theretofore has been certified under the National Labor Relations Act, as amended, as a representative of employees in any bargaining unit—

"(1) a question of representation affecting commerce, within the meaning of section 9(c) of such Act, shall be deemed to exist with respect to such bargaining unit; and

"(2) the National Labor Relations Board, upon petition of not less than 20 per centum of the employees in such bargaining unit or any person or persons acting in their behalf, shall under section 9 of such Act (notwithstanding any limitation of time contained therein) direct elections in such bargaining unit or any subdivision thereof (A) for the selection of a representative thereof for collective bargaining purposes, and (B) to determine whether the employees thereof desire to rescind any authority previously granted to such labor organization to enter into any agreement with their employer pursuant to section 8(a)(3)(ii) of such Act.

"(m) When there is in effect a final order of the Board determining that any such employer is a Communist-infiltrated organization, such employer shall be ineligible to—

"(1) file any petition for an election under section 9 of the National Labor Relations Act, as amended (29 U.S.C. 157), or participate in any proceeding under such section; or

"(2) make or obtain any hearing upon any charge under section 10 of such Act (29 U.S.C. 160); or

"(3) exercise any other right or privilege or receive any other benefit, substantive or procedural, provided by such Act for employers."

SEC. 11. (a) Subsection (a) of section 14 of such Act (50 U.S.C. 793(a)) is amended—

(1) by striking out "subsection (g), (h), (i), or (j) of section 13, or subsection (f) of section 13A," in the first sentence of such subsection and inserting in lieu thereof "subsection (h) of section 13"; and

(2) by striking out the next to the last sentence of such subsection.

(b) Subsection (b) of such section 14 (50 U.S.C. 793(b)) is amended by striking out "section 13, or subsection (f) of section 13A", and inserting in lieu thereof "section 13".

SEC. 12. Section 15 of such Act (50 U.S.C. 794) is amended to read as follows:

"PENALTIES

"SEC. 15. (a) Any individual who violates any provision of sections 5, 6, or 10 of this title shall be fined not more than $10,000 or imprisoned not more than five years, or both, for each such violation. Any organization which violates any provision of section 10 of this title shall be fined not more than $10,000 for each such violation.

"(b) Whoever, on or after the effective date of the Subversive Activities Control Act Amendments of 1962, knowingly becomes or remains a member of any organization, with respect to which there is in effect a final order of the Board determining it to be a Communist-action organization, without regard to whether such order became final before, on, or after such effective date, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

"(c) No application or petition filed under subsection (b) of section 13 for cancellation of a determination that any organization is a Communist organization shall cause any prosecution commenced under this section to abate or affect any such prosecution for any offense committed during the time the final order or determination of the Board relating to that organization is in effect".

SEC. 13. Sections 7 and 8 of such Act (50 U.S.C. 786 and 787) are hereby repealed.

SEC. 14. (a) The amendments made by this Act shall not affect that portion of any final order of the Subversive Activities Control Board, issued before the effective date of this Act and remaining in effect on such effective date, determining that any organization is a Communist-action, Communist-front, or Communist-infiltrated organization, and such final order shall, for the purposes of the Subversive Activities Control Act of 1950 as in effect on and after the effective date of this Act, be held and considered to remain in effect as a final order of the Board making a determination that the organization involved is such a Communist organization until such determination is canceled as provided in the Subversive Activities Control Act of 1950 as in effect on and after the effective date of this Act.

(b) No proceeding instituted before the Subversive Activities Control Board under section 13 or 13A of the Subversive Activities Control Act of 1950, and no judicial review proceeding instituted under section 14 of such Act, before the effective date of this Act, and pending on such effective date, shall abate solely by reason of the amendments made by this Act.

SEC. 15. (a) The foregoing provisions of this Act shall become effective on the ninetieth day after the date of enactment of this Act.

(b) The effective date of this Act shall be the date computed under subsection (a) of this section.

LEAD AND ZINC ACT OF 1962

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. ICHORD] 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. ICHORD of Missouri. Mr. Speaker, today I am joining with our distinguished chairman of the Committee on Interior and Insular Affairs, the Honorable WAYNE ASPINALL, in the introduction of the Lead and Zinc Act of 1962. The passage of this legislation is a must if we are to continue to have a domestic lead and zinc mining industry.

Missouri produces more lead than any other State in the Union. My district, the 8th Congressional District of Missouri, produces approximately 125,000 tons of lead each year, which represents about 40 percent of the output of mines in the United States in each of the past 10 years. A lead smelter located at Herculaneum, Mo., has a capacity of about 115,000 tons of lead each year, and the value of the output is approximately $25 million. In 1952 better than 3,000 men were employed in lead-mining operations in my district. Today there are only 1,389 employees. National Lead Co. closed down its mining operations in Fredericktown, Mo., last year, leaving only the St. Joseph Mining Co. as a producer in the district. St. Joseph Lead Co. has also had to curtail its operations, having recently closed the mines at Bonne Terre, Mo., after nearly 94 years of operation. The payroll of St. Joseph has decreased from 2,555 in 1952 to 1,389 in 1961. The current price of 10 cents a pound threatens to cause further mine closings. Something must be done to aid this industry which has an investment of over $100 million, valued in terms of replacement costs.

The major cause of present conditions is the flood of all excessive amount of lead and zinc imports into this country in recent years. Our import policies have not been sound, and they have resulted in tremendous damage to our mining economy. Unneeded imports into this country since 1956 have reduced the share of the domestic producers of our annual market requirements of newly mined lead to approximately 40 percent. The result has been a surplus of metal stocks, lowered prices, mine closings, an extremely unhealthy industry, and widespread suffering of mining employees.

The Lead and Zinc Act of 1962 would provide an import tax on lead and zinc as follows:

First. A permanent tax of 2 cents per pound on lead and zinc metal and 70 percent of this, or 1.4 cents per pound, on ores and concentrates.

Second. A removable tax of the same amount on both metals that is applied if the domestic market of either metal goes below 13½ cents per pound and is removed when the market prices rise above 14¼ cents per pound.

Third. A compensatory tax on the lead and zinc content of imported manufactured goods. This is 2 cents per pound in addition to present levies with an increased amount on two zinc items. Lead and zinc entering the United States as manufactured goods directly displaces domestic mine production. These duty rates are proposed by the U.S. manufacturers of lead-zinc products.

Mr. Speaker, the passage of this bill is essential if we are to equalize present levels of low world mining costs compared to those under the higher living standards of the United States. Our Government has subsidized foreign production through barter purchases for our stockpiles and through development loans for foreign minerals exploration and plant expansion. It is now time for this body to correct the present inequities and establish a long-term stable lead-zinc mining industry so vital to our Nation.

IMPORTANCE OF MILITARY PROCUREMENT

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Indiana [Mr. WILSON] is recognized for 20 minutes.

Mr. WILSON of Indiana. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. WILSON of Indiana. Mr. Speaker, I take the well of the House today to address my colleagues on a subject of great importance to each and every one of us. That subject is military procurement.

At best any barrel of apples, no matter how carefully selected and handled, will contain a few rotten ones. If all are found to be sound at first, it is only a matter of time until some rotten ones will appear. Such is to be expected. I certainly do not expect military procurement to be ideal, but I can see room for much improvement.

My interest in military procurement stems from very sad experiences I have had in recent years. The old game of having friends of influence placed in authoritative positions is being worked to an excessive degree. Specification writing and rewriting, readvertising for bids until the right one is in the favored position is being practiced.

Mr. Speaker, I have much evidence in hand to indicate that a great number of questionable practices are hidden behind the disguise of highly secret, confidential, restricted, or some other such word or phrase. These practices in my opinion are costing the American taxpayers hundreds of millions of dollars.

Today I want to add another term, "collusion." I have every evidence that there are collusions in the procurement operations that are extremely expensive to our taxpayers and nauseating to would-be manufacturers. They are especially nauseating to me for I would like to see every legitimate manufacturer have an opportunity without submitting to undercover or illegitimate practices.

For many months I have been reviewing procurement transactions. In many instances the taxpayer has been penalized by contracts for services and materials which are delivered to the Government at prices a great deal higher than the value involved.

Mr. Speaker, one cannot condemn a company for seeking contracts according to the rules laid down in Washington regardless of how nauseating the deals may become.

On September 19, 1961, I spoke about the Navy Department Bureau of Ships Contract NObsr–85109 which was awarded without competition to a firm I designated "company R." This contract covered technical and professional engineering services in a highly classified security area in the preparation of specifications for Navy electronic equipment. It was only a small contract, the total price of which was approximately $500,000.

Two men, Navy contracting officers, in the Navy Bureau of Ships authorized this transaction in secret, restricted the bid for the service to a single firm, company R, and justified all this with a certification that "No other firm in the United States could do the job like it should be done."

These two men opened the bid in secret, awarded the contract in secret, and later extended the job for another year by simply modifying the previous contract; and this, too, was done in secret. Their names are Koch and Foley; these two civil servants who awarded $500,000 to company R, which allowed it to—

First. Hire Navy personnel to work in civilian capacities, recommending what types of electronics equipment the Navy should buy.

Second. Secure an inside track on any procurement actions that might stem from such recommendations.

Third. Guarantee a profit on the entire operation.

I have been successful in obtaining information from the General Accounting Office which indicates why it was so important for Koch and Foley to give this contract to one particular firm. That they did so is no reflection on the manufacturer. Company R simply played the game by the rules.

Company R used a host of retired naval personnel to create a friendly atmosphere where they could assure themselves a profitable contract doing the work of preparing specifications. I might add here that literally dozens of other firms would be happy to perform this same task at no charge, simply for the ancillary benefits certain to follow in subsequent procurement action. This takes for granted such firms would have the facilities to produce the items of electronic equipment around which they, themselves, wrote the specifications.

The fantastic part of all this is that the Koch and Foley team allowed company R an average of $56 per man per day for this service. The General Accounting Office report that I attach to my remarks—table No. 2—shows how much each man was actually paid by company R.

Add it up for yourself. Your answers will be the same as mine. Company R paid retired naval personnel and others about $300,000, a service for which company R received $481,000. This work could have been done for far less money by existing naval personnel who are currently stationed in the Navy Department, and it could have been accomplished by private industry at a lesser charge, but the Navy spent almost a half million dollars of taxpayers' money to do the work which simultaneously put company R in the catbird seat to pluck off the juciest contracts that would stem from the action.

Mr. Speaker, under unanimous consent, I insert at this point tables furnished me by the General Accounting Office which show the identity of those employed by company R under contract NObsr–85109 and their prior service connection, termination of naval service, and pay scale.

TABLE 1.—*Employees of company R performing engineering services for the Bureau of Ships, Department of the Navy, under contract NObsr 85109*

Name	Prior Navy service	Rank or rating	Date of discharge from the Navy	Date employed by R
F. W. Smith	Yes	Commander	Jan. 31, 1958	Feb. 25, 1958
H. L. Constant	Yes	do	Mar. 17, 1958	June 1, 1958
J. A. Volk	Yes	do	Apr. 28, 1957	Apr. 17, 1961
J. E. Husband	Yes	do	Dec. 1, 1960	Feb. 13, 1961
R. C. Johanson	Yes	Chief warrant officer	Apr. 30, 1961	May 8, 1961
A. Cerasoli	Yes	Gunners mate, 2d class.	Oct. 16, 1945	Mar. 6, 1961
S. K. Day	Yes	ETC	Feb. 1, 1957	Feb. 6, 1961
R. E. Green, Jr.	Yes	Lieutenant commander.	Mar. 1, 1961	Feb. 13, 1961
L. W. Van Antwerp	Yes	Rear admiral	Dec. 1, 1958	Dec. 1, 1958
N. Cherok	Yes	Lieutenant commander.	Jan. 1, 1961	Jan. 5, 1961
C. A. Brenner	Yes	ET2	Apr. 19, 1961 [1]	[1] May 4, 1959
J. Masse	No			June 20, 1953
R. Waldron	Yes	Lieutenant (junior grade).	July 10, 1959	Feb. 13, 1961
F. X. Burwell	No			Apr. —, 1948
L. D. Johnson	Yes	Radioman, 2d class	Dec. 12, 1938	Dec. 18, 1948
D. N. Whitenight	No			Mar. —, 1959
D. R. Preecs	Yes	ETCS	Jan. 20, 1961	Feb. 1, 1961
E. J. Smith	No			Jan. —, 1952
D. H. Heasty	Yes	Ensign	July —, 1946	Nov. —, 1948
C. L. H. Rusche	Yes	CRT	Sept. —, 1946	Mar. —, 1951
P. Rohatyn	No			Apr. 17, 1961
R. Peterson	Yes	Chief warrant officer (W–4).	Feb. 28, 1959	June 15, 1959
D. S. Place	No			Apr. 14, 1960
J. A. Broyles	Yes	ET1	Oct. 26, 1959	Jan. 16, 1961
W. L. Bunch	No			Jan. 19, 1959
H. J. DeMattia	No			May 19, 1961
T. Gillenwater	Yes	Lieutenant commander.	Dec. 31, 1957	June 9, 1958
P. M. Gormley	No			Apr. 12, 1958
J. Roman	No			Apr. 11, 1960
M. Williamson	Yes	Captain	July 1, 1960	Sept. 15, 1960
W. McAllister	No			Feb. 27, 1961
C. E. Manley	No			Apr. 7, 1956
J. R. James	No			Feb. —, 1956
J. P. Getty	No			Feb. —, 1959
G. Hunt	No			July —, 1959

[1] We were advised that Mr. Brenner's discharge from a Navy Reserve status was effective Apr. 19, 1961, but that he was released from active Navy duty several years earlier.

NOTE.—We were advised by T. D. Hobart, Chief Engineer of the Electronics-Electrical Design Branch of the Bureau of Ships, that he had inquired and found that none of the above personnel had been employed by the Department of the Navy in a civilian capacity.

TABLE 2.—*Company R employees working at the Bureau of Ships under contract NObsr-85109*

Name	Prior Navy service	Rank or rating	Annual salary at June 30, 1961	Amount of salary charged to contract NObsr-85109 to Aug. 31, 1961	Name	Prior Navy service	Rank or rating	Annual salary at June 30, 1961	Amount of salary charged to contract NObsr-85109 to Aug. 31, 1961
C. A. Brenner, Jr.	Yes	ETN-2	$8,112.00	$5,040.52	L. D. Johnson	Yes	RM2/c	$8,949.00	$7,942.68
J. A. Broyles	Yes	ET-1	8,580.00	5,006.94	C. E. Manley, Jr.	No		5,873.92	5,720.94
W. L. Bunch, Jr.	No		7,027.80	6,467.86	J. Masse	No		8,032.44	7,234.09
F. X. Burwell	No		8,072.22	8,411.48	W. McAllister	No		7,574.06	2,475.89
A. Cerasoli	Yes	GM2/C	10,463.00	3,099.10	R. Peterson	Yes	CWO-4	9,507.00	6,755.64
N. Cherok	Yes	Lieutenant commander	8,944.00	5,572.80	D. S. Place	No		10,982.40	10,952.81
H. L. Constant	Yes	Commander	8,900.00	8,512.64	D. R. Preecs	Yes	ETC-2 senior chief electrical technician.	7,410.00	3,877.77
S. K. Day	Yes	ETC chief radio	13,000.00	5,066.72					
H. J. DeMattia	No		9,567.22	2,707.39	P. Rohatyn	No		13,000.00	3,525.00
J. P. Getty	No		5,067.40	3,611.33	J. Roman	No		10,982.40	9,986.77
T. Gillenwater	Yes	Lieutenant commander	8,491.00	7,987.80	C.L.H. Rusche	Yes	Chief radio technican	11,758.00	4,750.05
P. M. Gormley	No		8,680.10	9,294.79	E. J. Smith	No		10,434.06	8,805.27
R. E. Green, Jr.	Yes	Lieutenant commander	8,398.00	4,328.75	F. W. Smith	Yes	Commander	9,338.00	5,156.10
D. H. Heasty	Yes	Ensign	9,535.00	2,876.78	L. W. Van Antwerp	Yes	Rear admiral	9,418.00	5,089.90
G. Hunt	No		5,244.20	4,680.50	J. A. Volk	Yes	Lieutenant commander	8,580.00	3,085.50
J. E. Husband	Yes	Commander	10,140.00	6,384.00	R. Waldron	Yes	Lieutenant (jg.)	7,474.00	3,724.17
J. R. James	No		6,035.64	6,336.09	D. N. Whitenight	No		8,281.52	8,746.64
R. C. Johanson	Yes	CWO/W2	9,368.00	2,900.57	M. Williamson	Yes	Captain	7,471.00	7,236.54
COMPANY R EMPLOYEES WORKING AT CONTRACTOR FACILITIES UNDER CONTRACT NObsr-85109									
D. G. Alex	No		9,766.38	6,983.80	R. L. Lauria	No		9,204.00	3,047.88
J. Aquilino, Jr.	No		8,840.00	2,584.00	J. M. Leopold	Yes	AETM 2/C	11,510.00	789.67
D. Apperson	Yes	SO/2	7,292.00	560.96	R. H. Liggett, Jr.	No		4,212.00	243.00
G. Ascher	No		9,029.02	2,771.68	R. E. Little, Jr.	Yes	CWO-3	7,713.00	444.96
W. Aydlotte	No		4,160.00	288.00	E. Longenecker	No		10,773.10	6,845.55
J. M. Boggott	No		3,380.00	162.88	E. MacLaren, Jr.	Yes	Chief aviation electrical technician.	8,929.00	4,481.44
R. Bodenheimer	Yes	Lieutenant commander	9,178.00	291.26					
J. F. Byrne	Yes	Rear admiral	10,400.00	3,620.00	D. H. Marsh	No		8,837.92	407.91
S. Caine	No		4,896.32	1,122.00	J. L. McIver	Yes	Gunners mate 3/C	7,198.00	415.33
R. L. Caton	No		3,640.00	210.00	F. F. Merrill	Yes	Lieutenant commander	10,140.00	3,744.00
G. L. Chandler	No		5,115.24	137.70	N. P. Miller	No		5,120.70	1,287.15
K. A. Clark	Yes	RNM 1/C	9,059.00	8,281.05	J. E. Morris	Yes	Lieutenant	6,760.00	5,258.50
T. E. Conley	No		3,432.00	204.06	B. Y. Ng	No		3,640.00	412.13
Robert Cosehen	Yes	Lieutenant (jg.)	8,320.00	2,480.00	E. L. Oakley	No		6,762.08	658.80
C. Drummond	No		5,460.00	703.50	K. Ohamoto	No		7,394.66	2,393.28
K. E. Early	No		4,212.00	1,463.97	T. M. Orndorff	No		6,110.00	1,081.19
C. M. Fisher	No		12,287.86	9,088.44	W. A. Pharres	No		11,091.86	2,396.86
S. R. Fox	No		3,640.00	1,582.02	G. T. Price	No		4,409.60	118.72
H. Franklin, Jr.	Yes	ET2	5,717.00	4,345.12	D. F. Quinn	Yes	ET-1	5,258.00	472.23
J. Friderickson	No		8,630.44	1,910.52	G. R. Reinhart	No		3,380.00	117.52
J. E. Galliher	No		3,640.00	476.00	H. C. Rollandim	No		7,663.76	574.86
C. G. Grapes	No		4,253.60	246.63	R. Rountree	No		6,158.10	2,942.67
J. L. Grissom	Yes	ET	8,750.00	2,828.57	H. J. Rue II	Yes	Lieutenant commander	10,962.00	1,306.96
E. B. Hagerman	No		10,400.00	3,040.00	G. B. Schaff	No		3,640.00	125.13
T. J. Hammer	Yes	ET-3C	10,400.00	1,860.00	E. N. Schumacher	Yes	FTC	8,431.00	680.90
W. A. Hilleary	Yes	HM3	6,618.00	1,017.96	J. C. Smith	No		7,436.00	2,545.32
K. L. Howard	No		10,633.48	7,966.07	T. J. Smith	Yes	SP(K)D1	8,222.00	104.38
J. A. Hughes	No		6,188.26	185.64	J. W. Spratlen	No		11,271.26	5,219.47
E. B. Johnston	No		12,297.74	271.53	J. H. Sutter	Yes	ET-2	6,319.00	2,455.16
R. P. Kasuzas	No		5,592.08	1,874.25	A. C. Tamburino	No		5,616.00	2,842.40
A. Kennedy	No		4,056.00	160.00	R. C. Wise	No		4,382.04	267.00
M. J. Krenitsky	No		3,640.00	242.00	J. M. Woythal	No		7,096.70	4,576.47
D. E. Longchamp	No		7,703.54	2,921.88					

NOTE.—There were 29 other company employees who performed services under contract NObsr-85109 but who had had less than $100 of their salary charged to this contract at Aug. 31, 1961.

SOCIAL AND CRIMINAL PROBLEMS OF DRUG ADDICTION

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 90 minutes.

Mr. HALPERN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HALPERN. Mr. Speaker, one of the most tragic social and criminal problems facing America today is that of drug addiction. The extent of this scourge, especially the infestation of thousands of American teenagers, has been superbly presented in a constructive, revealing series of articles recently published in the New York Journal-American.

I believe this series to be one of journalism's most valuable contributions to public service in recent times. It is more than an exposure of a stark, frightening reality—it is a clarion call for official action on every level of government.

Mr. Speaker, the monster of drug addiction must be destroyed. There must be stronger enforcement of existing laws, enlightened programs for hospitalization and aftercare, and an immediate attack on the source of supply—the pusher. As one who has long been in the fight against the dope evil—for many years as a New York State Senator, and now, as a Member of this House—I am convinced that the effort to wipe out this scourge must be a Federal, State, and local partnership. All levels of government must take an effective part in the offensive against this malignancy.

It is the obligation of this Congress to review this growing problem and to determine the most effective role the Federal Government should play in the elimination of this evil.

The Journal-American series has spurred tremendous interest. Its startling revelations are of great significance—not only to the people of New York, but they should be the concern of all the people of America.

These articles were initiated by this alert, public-spirited newspaper as a result of the dynamic perception of members of its staff, in the finest tradition of American crusading journalism. Several months ago, the Journal-American's ace newsman and assistant managing editor, James D. Horan, conceived the idea of exposing the vicious traffic in narcotics which has doomed countless thousands of teenagers. Enlisting the aid of Dom Frasca and John Mitchell, certainly two of the Journal-American's finest reporters, Horan descended quietly and unobtrusively—but decisively—on the circle of degradation and destruction, on the hopeless world of the teenaged addict. For weeks, the team toured various sections of New York City, carrying concealed tape recorders and posing as ordinary citizens, out for kicks. The horrors they unearthed are documented in these widely acclaimed articles.

The Journal-American series proved that there are no social limits to drug addiction—it can hit anywhere, anytime, anyplace. The picture is an ugly one—one of depravity, degradation and defeat. But it is only through such revelations as this series that an alarmed public can be informed of the true magnitude of this disease which threatens our society, and will demand action to defend themselves and their children. It is the responsibility of this Congress to answer these demands.

The public and official reaction to this series was immediate and electric. In succeeding days, I shall ask for permission to present some of the overwhelming response to the further attention of the House.

In the meantime, Mr. Speaker, I would like to present this series of articles, which began on Sunday, January 7, 1962, and commend them to the especial attention of my colleagues and the American people, through the forum of the Congress of the United States. By bringing these articles to the floor of the House, I sincerely hope to focus attention on this problem. It is a grim picture and one which calls for immediate action.

[From the New York Journal-American, Jan. 7, 1962]

DOPE—DANGER TO OUR TEENAGERS

The devastating effects of narcotics are being felt today in nearly every corner of the city. From Coney Island to Crotona Park—and beyond into the suburbs—heroin and other habit-forming drugs are being peddled to youngsters by unscrupulous pushers who derive a lucrative livelihood from the ranks of the so-called walking dead.

In no other city of America is the situation as grave. Narcotic use by youngsters has declined since 1950 in Chicago, is up slightly in Los Angeles—but nowhere near the level of use that exists today in New York.

Seventeen percent of all narcotics arrests in this city now involve persons under the age of 21.

FBI Director J. Edgar Hoover, citing the addict's increasing effect on crime rates, has warned:

"Of all the corruptors of youth, none is more terrible than the dope peddler who entices children to try narcotics. Such a calculated assault on the standards of youth should be met by the forces of good within each community, united behind stern law enforcement and punishment."

In response to the urgency of Mr. Hoover's warning, the New York Journal-American today begins a series of public service articles with a special report on the problem—and a blueprint for positive action, designed not only to stamp out the purveyor of illicit drugs, but also to help the youthful addict become cured and regain his rightful place in the community.

[From the New York Journal-American, Jan. 7, 1962]

DOPE—DANGER TO OUR TEENAGERS: 4,000 YOUNGSTERS ADDICTED TO NARCOTICS—PUSHERS EXPLOIT CITY'S STUDENTS

(By James D. Horan, Dom Frasca, and John Mitchell)

Teenage dope addiction in New York City is spreading like an epidemic.

Never before have so many adolescents found narcotics so easy to obtain.

Marihuana, heroin, cocaine, barbiturates: a diet of human degradation served up by the underworld to lure a new generation into the pit of addiction.

In New York City, those drugs are destroying the lives of more than 4,000 youngsters.

Four thousand "walking-dead"—not yet old enough to vote, but not too young to "mainline" or "skin-pop" their way to an early grave. And there are others. At least 4,000 additional young boys and girls tentatively toy with marihuana "reefers" (cigarettes) in cellar clubs and vacant lots, street corners and school basements.

After a 3-month survey, the New York Journal-American is able to establish the following facts:

Illicit drugs and habit-forming cough syrups containing codeine, an opium derivative, are being used commonly by some students in the schools of New York City.

Heroin and marihuana can be obtained with ease by youngsters in candy stores, tenement halls, private rooms—anywhere the pushers operate, which means almost everywhere.

"Pot" (marijuana) parties are as easy to attend as to arrange in Greenwich Village, mecca of thrill-seeking adolescents.

Youngsters from Connecticut, New Jersey, and upstate New York are being supplied with habit-forming drugs by pushers in New York City. Police report teenage narcotics use is on the increase in the suburbs.

The number of deaths attributed to narcotics has multiplied fourfold in New York City in the last decade.

TEEN ADDICTION SEEN ON THE RISE

Police statistics provide further evidence that teenage narcotic use is on the rise. In 1958, 1,014 persons out of a total of 7,195 arrested for narcotics violations were under the age of 21—one out of every seven.

In 1960, the last full year for which statistics are available, the ratio was 1,296 under the age of 21 out of a total of 7,769 arrested—or one out of every six.

In no other category of crime, with the single exception of auto theft, do young people play so large a role as they do in the use and possession of narcotics.

Narcotics, in turn, breed other crimes: burglary, robbery, shoplifting, purse snatching, prostitution. Deputy Chief Inspector Edward F. Carey, director of the Narcotics Bureau, estimates drug addicts are responsible for $200 million a year in property losses in New York City.

"That's $200 million lost each year through thefts and burglaries," Inspector Carey said. "I'm convinced addicts perpetrate at least 35 percent of all the crimes committed in this city."

The inspector bases his estimate on the assumption that nearly all addicts, unable to hold a steady job, must turn to crime to pay their one-way fare into oblivion.

The fare is not cheap. A dollar or more for a "reefer." For a "fix" (a shot) of heroin, $3 to as much as $15, depending on the drug's purity—the degree to which it has not been cut by mixtures of milk, sugar and quinine.

HABIT CAN COST VICTIM $100 A DAY

One 20-year-old addict interviewed by these reports said his heroin habit was costing him $60 a day. There are reports that others spend as much as $100 a day.

What addiction costs the adolescent in dollars is insignificant compared to the cost to his health. Today in New York there are 20-year-old addicts who have been using drugs since they were 15. They look like alumni of a Nazi concentration camp.

Their teeth are beginning to rot. Their gall bladders are inflamed. Their skin is turning yellow. Their stomachs are malfunctioning. Their veins are collapsing like wet spaghetti.

They twitch, they gasp for breath, they shake with pain. They suffer hallucinations more horrible than any that have ever danced before the eyes of an alcoholic.

And someday, long before their time, they die, as 200 addicts died in 1960 alone in a very specific way: death attributed to narcotics.

Dr. Milton Helpern, chief medical examiner, told this newspaper the number of deaths due to narcotics has been increasing yearly in New York City. He said the number has multiplied fourfold since 1950—from 57 that year to 200 in 1960.

"Most of these deaths," said Dr. Helpern, "involved addicts in their early years—the twenties chiefly." He conceded that to reach the fatal stages of addiction, many of these drug users would have had to take up narcotics in their teens.

"It's a grave situation," he said. "When all the records are in, I expect the number of narcotics deaths in 1961 will have exceeded the 1960 mark by at least 50."

Some 40 percent of the Nation's estimated 60,000 addicts are centered in New York.

First-class neighborhoods are no longer immune from the scourge. The police department reports narcotics have lately fallen into the hands of adolescents in some of the city's most fashionable areas.

NARCOTIC SCOURGE BREEDS IN SLUMS

But it is in the slums that the problem has reached its most serious proportions. An official study during the years 1949–52 found that 10 percent of the youths of Harlem in the 16–20 age group were using some form of drugs. The percentage may be even higher today.

Mark T. Southall, Democratic district leader of the 12th A.D. North, which encompasses most of Harlem, charged at a legislative hearing last month that the use of marihuana by teenagers in his district was "almost as prevalent as the use of regular cigarettes."

In the Greenpoint section of Brooklyn, a similarly depressed area, the consumption of drugs by teenagers has become almost as commonplace as their consumption of soft drinks.

Once the student drug user becomes a confirmed addict, however, the chances are he drops out of school. From here, he is on his way to ruin.

Depending on circumstance and his personality, he may do one of several things. Perhaps, without troubling anyone but his heartsick parents, he will stalk off twitchingly in the ranks of the walking dead.

Or beat his pensioned mother with a broomstick, as did addict David Malbin of Brooklyn whenever he demanded her money for his narcotics.

Or blast a Nassau policeman to death with a shotgun, as did Robert Moll last March 22 as he fled from the scene of a supermarket robbery in Manhasset, Long Island, the blood not yet dry on the skin puncture of his latest injection of heroin.

In their survey of this growing social problem, Journal-American reporters posing as drifters and "beat joint" habitues observed and talked to dozens of young drug users throughout the city.

Many narcotics users spoke freely of their experiences. They explained what types of drugs they used, how they used them, even why they used them.

But not one revealed from whom he got his reefers or his "horse"—the junkie's term for heroin. Not one disclosed the identity of a pusher.

To control narcotics that is what law enforcement agencies must know: Who is pushing it? And who is supplying the pusher?

"You can't stamp out the narcotics problem," says Deputy Police Commander Walter Arm, "unless you dry up the source. And that's an international question."

"What we're concentrating on in the city is the supplier. But with 24 ships and more

than 50 oversea flights arriving in New York every day, with hundreds of trains and thousands of buses and cars coming in daily, we'd need a million men to stop the supplier from getting his drugs."

Meanwhile, 4,000 young New Yorkers are dying on their feet—every one of them a marcher among the walking dead.

[From the New York Journal-American, Jan. 7, 1962]

A BLUEPRINT FOR POSITIVE ACTION TO SAVE OUR YOUTH

How can New York City curb the flow of illicit drugs to its children? What can be done to rehabilitate the addict with "a monkey on his back?"

To formulate a positive program that would help prevent the victimizing of adolescents by ruthless drug peddlers and speed the return of the youthful addict—in fact, any addict—to his rightful place in society, the New York Journal-American has solicited suggestions from law enforcement officials, legal and medical experts, civic groups, State legislators, and Federal officials.

From this survey emerged the following blueprint designed to save your child from destruction by narcotics:

THE PUSHER

1. Increase the penalty for the sale of narcotics.

Pushers convicted of selling narcotics in New York State may be sentenced to jail for 5 to 15 years. In Ohio, the minimum penalty is 20 years. As a result, addiction in Ohio has decreased 80 percent.

Recommendation: Legislate immediately for a mandatory minimum jail sentence of 20 years in New York State on conviction of illicit drug sale.

2. Stiffer jail terms for those who sell drugs to persons under 21.

The pusher who sells drugs to a minor in New York is liable for a jail sentence of only 7 to 15 years. The minimum term is only 2 years longer than that which applies to pushers who sell to adults.

Recommendation: Legislate for a minimum mandatory jail sentence of at least 25 years in New York for those who sell drugs to minors.

3. Facilitate issuance of search warrants to police officers.

Recent rulings by the U.S. Supreme Court regarding illegal search and seizure have made it more difficult for law enforcement officers to apprehend those suspected of illegal possession of narcotics.

Recommendation: Action by the legislature and judiciary to:

Eliminate the requirement that police must be positive of the validity of a search at night. Issue warrants to them if they can establish reasonable cause for the necessity of a search or raid after dark.

Establish the magistrate sitting in Manhattan night court as the regular source for search warrants requested by police in any borough at night. This would unsnarl the redtape that now develops when police officers attempt to obtain warrants from magistrates in their respective counties.

THE ADDICT

1. Create a government agency to deal directly and exclusively with addicts.

Addicts in New York State are the stepchildren of a half-dozen government agencies, each of which has duties and responsibilities totally unrelated to drug addiction.

Recommendation: Establishment of a State office of narcotics control, whose director, appointed by the Governor, would have broad powers to create diagnostic and treatment centers in existing hospitals, and to administer an aftercare program.

2. Require compulsory registration of addicts.

Police estimate addicts are responsible for 35 percent of the crimes committed in New York City. Two out of every three burglaries are committed by addicts.

Recommendation: Require fingerprinting and photographing of all addicts as an aid to law enforcement in New York City.

3. Substitute quarantine and aftercare for criminal punishment.

Jail does not cure the addict, nor do 6 brief months at Riverside Hospital, the city's treatment facility for young addicts.

Recommendation: Establish (a) a maximum security narcotics hospital and (b) a regional system of federally administered work camps in which young addicts can be quarantined from the urban influences that have contributed to their addiction.

Persons arrested and convicted for the use or possession of narcotics (where there is no presumed intention to sell it) should be committed to this special hospital providing they are adjudged addicts by a qualified physician.

Addicts with serious medical or pathological complications would remain in the hospital until released by a panel of physicians, or for a maximum of 3 years. Once released, they would be placed on probation for 2 years, with compulsory aftercare treatment.

Addicts less seriously "hooked" would remain in the hospital through the detoxification (withdrawal) period. Then they would be transferred to a work camp for at least 1 year.

The work camp would provide the addict with vocational training and outdoor labor in the fresh, country air—an intensive rehabilitation program designed to return him to his place in society.

Adult addicts paroled from the security hospital or from one of the work camps should be discouraged from returning to their old haunts, where environmental factors and former associates might lure them back to the narcotic habit. The aftercare program should be designed so that the paroled addict is encouraged to relocate himself, preferably outside the city in which he formerly lived.

[From the New York Journal-American, Jan. 8, 1962]

GREENWICH VILLAGE: HUB OF THE YOUNG ADDICTS

(By James D. Horan, Dom Frasca, and John Mitchell)

Greenwich Village is the mecca of the city's teenage dope addicts. They can buy narcotics of every description on street corners, in coffee houses, in taverns, and in private cellar clubs.

"Pot parties"—marihuana smoking parties—are commonplace. The guests range from girls of 13 to college youths. The hosts are pushers, most of them addicts themselves, and a midtown restaurant owner and a nationally known art director.

Both men recruit teenagers in the village for their wild parties which end in debaucheries. Evidence of their activities were obtained by the New York Journal-American in a series of recorded telephone conversations which have been turned over to the police department.

These reporters, posing as drifters or beat joint habitues, spent a week in Greenwich Village, mingling with teenage addicts, pushers, and juveniles from the metropolitan suburban areas seeking kicks.

What they witnessed were scenes of youthful degradation, misery, heartbreak, and hopelessness.

In the early hours of a recent morning, in a smoky, grimy private club located in the neighborhood of West 10th Street, a young blonde girl—who we will call Debbie—summed up the life of all teenage addicts in the village:

"I live in a $10-a-week room. I sleep all day and get up late in the afternoon. The first thing I do is to look for pot. If one of the kids have some, my problems are solved for that day. But God help me if I can't get any. Then I'm down, really down. My mouth feels like it is filled with cotton. My nerves are shot. I can't sit still. I can't keep my thoughts on one thing. That's when I start biting my nails."

She held up one hand. The nails had been bitten badly.

"Once I was broke and had to go without a fix for 2 days. By the time I got some I was ready to take the gaspipe. Once I did but the girl next door smelled the gas and they got me out. Sometimes I wish they hadn't * * *."

She reached inside her bag and took out a reefer. She lighted it and inhaled deeply, holding the smoke, then slowly letting it seep out from between her lips. After a few minutes she was smiling and relaxed, then began giggling.

"No problems tonight, honey," she called out to a passing couple.

When she left, the reporter asked another teenager sitting next to him:

"How old is she, about 20?"

"Fifteen, daddy-o and plenty of living," the girl replied.

The reporters visited 12 different spots. In each one teenagers were openly smoking marihuana against a background of throbbing bongo drums and wailing jazz. In addition to reefers, heroin—"horse"—was available for those who wanted bigger kicks.

One of the principal drug drops is a coffee shop located in the heart of the Village. It is known to every teenage addict in the Village. The owner will supply, through Harlem racketeers, every drug from marihuana to heroin.

If you are known he will openly sell you reefers and heroin. However, the addict must accompany him through the back door into a small yard.

A FACE AT THE DOOR, JUST LIKE A SPEAKEASY

This is the addict's "shooting gallery." Reporters watched a steady procession of teenage boys and girls entering the yard. When they came out they were obviously high.

The weirdest place visited by the reporters in their tour was a "private club" located in a cellar.

Admittance was reminiscent of the prohibition speakeasy. There was a knock on the door. A face appeared in the small diamond-shaped glass in the door. The reporters, in the company of the addict, were carefully scrutinized. After a moment the door was opened.

The lookout cordially greeted the addict and the reporters who were identified as "friends."

The lookout put out his hand. "Fifty cents each, folks."

After they paid, the reporters and their guide were escorted to a small table. The room, 26 by 15, was literally trembling with sound from a blaring juke box. The lights were dim. On the postage-size dance floor couples moved slowly to the music while off to one side, two boys and a girl were doing a mad solo dance. Their eyes were closed, their fingers snapping, their bodies twisting and jerking.

AND A GIRL GOES OUT TO GET THE SCRATCH

"They just had a fix," the girl guide told the reporters. "That kid over there has been on horse for a year. He's one of the best shoplifters in the city."

In a moment the reporters were joined by a young girl who threw her arms around the guide; it developed they were old friends.

"Man, do I need a fix," the newcomer said. She beckoned to the lookout who came over to the table.

"What kind of pie do you have?" she asked.

The lookout grinned. "Apple, cherry, and lemon."

"I want to pick my own piece," she said.

"For real?" he replied.

"For real," she said.

He took her to the kitchen in the rear of the club. In a few minutes the girl stormed back to the table.

"What's the matter—?" she was asked.

"He wouldn't give me a fix on the cuff," she said. She clenched her hands. "I just have to have a fix, honey," she said. Suddenly she jumped up and left.

"Where's she going?" the reporters asked.

The guide said, "To get scratch for a fix."

"How's she going to get it?"

The girl gave the reporters a silent look. The question was answered.

KIDS CAN HAVE A BALL IN SYD'S APARTMENT

During their tour of the Village drug drops the reporters constantly heard of "Syd's pot parties." It developed that "Syd" was a midtown businessman who is an important source of drugs for youngsters.

"The kids love Syd," one teenager said. "He always has plenty on hand and you can have a ball in his apartment."

The reporters' investigation of Syd's activities showed how youngsters hooked by drugs slide down the ladder of moral degradation, with a big assist from Syd.

A 17-year-old girl, who had been to some of Syd's "parties" allowed her telephone conversation with Syd to be taped.

ART GALLERY DIRECTOR 'WAY OUT' FOR KIDS

Here are excerpts from the taped conversation, which has been turned over to the police:

He: "Hello, honey. How are you?"

She: Hello Syd this is * * *"

She: "Long time no see. When's the next party?"

He: "I'm setting something up. Why don't you call me in a few days? By the way, who can you bring along?"

She: "You going to have plenty of pot, right?"

He: "Sure—pot and everything."

The girl then gave Syd the names of three teenage girls who had been at his parties previously and said she would bring them along. Syd agreed.

He: "Call me in a few days and I'll have the thing set up."

She: "I'll do that."

Syd: "You call me and we'll all swing, baby. (He lowered his voice to a whisper.) I have some crazy stuff up here * * * real crazy."

Another important source of drugs for teenagers who visit the Village for "kicks" is a well known director of a Manhattan art gallery. He is middle aged and was described by several youthful drugs users as being "way out." He is always eager to supply drugs to teenagers.

This is how he spoke to a teenage girl who permitted her telephone conversation to be taped. The call was made to his luxurious East Side apartment at 1 a.m. The tape also has been given to the police.

He: "Are you coming over now?"

She: "I'm with * * * I like to get nice and high tonight."

He: "Bring her along * * * I have plenty of candy."

She: "I can't. I sent my friend out to get some pot."

He: "But I have it here for you * * * grab a cab and come over and we'll get nice and high."

She: "Maybe tomorrow * * * if you want me to."

He: "Of course * * * but you're not listening to me * * * I have some right here * * * you don't have to stay long * * * you can take it with you."

She: "Let's make it tomorrow."

He: "You're an idiot, a real idiot * * * I got it here * * * why wait * * * taxis ride, don't they * * * I'll give you the money for the cab * * * you will be back before your friend returns."

She: "Let's make it tomorrow."

PUSHERS EASY TO FIND IN GREENWICH VILLAGE

In their tour of the Village these reporters saw scores of youngsters using drugs. Pushers are easy to find. The current price scale for reefers is a dollar to a dollar and a half. The difference in price is the quality of "grass" used in the cigarette. Heroin is $5 a fix. If the youngster has the "works" the hypo and the syringe—the cost is usually $4.

Reporters observed that the Village is excellently policed, especially on weekends. However, the flood of narcotics concentrated within this relatively small area is so great it would take a small army of undercover police agents to ferret out the pushers.

The racketeers who supply the teenagers have an uncanny ability to spot a police officer. How they are constantly on the alert for the law was demonstrated for one reporter who had gained access to an "exclusive"—for drug users—private club.

He was firmly but politely asked to remove his coat and place it on a rack. In the few seconds it took him to hang up the coat, the lookout had carefully but unobtrusively "frisked" him. He had patted the reporter on the back, brushed against him and even straightened his tie—all movements to see if he was a plainclothesman carrying a gun.

And as for the addicts, they maintain an undying loyalty to the pusher.

One puts it this way: "Without him I'm dead."

He was 16 and has been using heroin for a year.

[From the New York Journal-American, Jan. 9, 1962]

IS YOUR TEENAGER SAFE?—FATHER CHAINED SON IN FIGHT AGAINST DOPE

(By James D. Horan, Dom Frasca, and John Mitchell)

It was in the quiet of the afternoon. The stocky man in the gaudy sports shirt tiptoed down the narrow tenement alley. He peered up at the half-open window on the first floor, looked about, then carefully tossed a small cellophane bag through the curtains.

He lifted himself on tiptoe and whispered: "Can you reach it, Johnny?"

There was a muffled reply; the man hurried out the alley and disappeared.

Inside the room an emaciated 18-year-old boy stretched out on the floor as far as he could, reaching out for the tiny package. It was at his fingertips. Panting, gasping for breath, he clawed frantically forward, his fingernails digging into the carpet.

Finally he got it between his thumb and forefinger. Carefully, he pulled it to him. With his trembling hands he tore open the package, took the hypodermic needle and slowly injected the heroin into his scar-marked arm.

When it was finished he stretched out on the floor. He knew it wasn't any use to try to reach the bed.

The chains that bound him to the radiator weren't long enough.

The nightmarish story of how Johnny, the 18-year-old addict, was chained to the radiator of his bedroom, was told by his heartbroken father as he sat in their neat, four-room apartment on Manhattan's Lower East Side.

His face was furrowed with grief. His hands trembled and although he fought back the tears they slowly trickled down his cheeks.

"My wife is dead, we live alone," he sobbed. "My son is an addict. I go to work as a mechanic every day. When I found out that Johnny was on dope I did everything I could to keep him off the streets and away from the pushers. But it was hopeless. First he sold everything he had, even his dead mother's heirloom ring. Then when that was gone he stole things right here in the apartment.

"Nothing was safe. When he couldn't steal any more from me he stole from others. There was only one thing left to do—chain him like a dog to a radiator while I was out of the house."

He buried his face in his hands and shook with sobs.

"Do you know what I am saying? That I chained my own son, my flesh and blood. But this didn't do any good. The pushers got to him anyway. They would throw the stuff and the needle through the window. When I came home I would find him on the floor, glassy eyed, slobbering like a sick thing. Eighteen years old—just eighteen."

Rage took the place of grief. He shook his fists and cried out:

"Murderers. That's what they are—murderers of children. If I can get my hands on them I'll kill them. As God is my judge I'll kill them."

One of two clergymen who first heard the man's story explained why the pushers gave the boy dope when they knew he couldn't pay them while he was manacled to the radiator.

"The distributors need pushers, the most reliable ones are those in their debt—helpless addicts who themselves need drugs. So what the pushers did for this boy was to get him so deep in their debt and so relying on them as to his source of drugs that he would have to do anything they wanted. When the father came to me with this horrible story I didn't believe it at first. But he convinced me—he brought the chains to the rectory."

The priest also said he did everything he could to get Johnny to shake his habit "but it seems the words of God or the chains of man haven't helped this poor, pitiful 18-year-old boy."

What of the chains?

The clergyman shrugged. "The father has given up hope. He no longer chains his son."

How drugs have destroyed another family was told by a 21-year-old wife and mother of three in her tenement apartment on De Graw Street, in Brooklyn. She expects her fourth child next month.

Her young husband has long been an addict. He needs $30 a day to buy heroin. Recently he was given a 6-month suspended sentence for stealing shirts valued at $7.50 from a Brooklyn department store. He told police he stole the shirts to get money for "a fix."

HE'S LIKE AN ANIMAL UNTIL HE GETS A FIX

"Please—you have to help us; my children's lives are in danger," she told these reporters. "If I knew the pushers I would kill them. My father-in-law, a wonderful man, recently had a heart attack over his worrying about Joe.

"My sister-in-law, Joe's sister, had a nervous breakdown last month over this. My children are nervous wrecks. Our family is being ruined. He's like an animal when he can't get a fix. He has beaten his father and he beats me regularly. The last time he beat us both was Thanksgiving Eve."

Joe's mother, a worn-looking woman, broke in:

"The other addicts come in and make sure he has stuff. I went after one with a bread knife to get rid of him."

A pretty 4-year-old girl danced into the room. The reporters were shocked to see one side of the child's face a deep black and blue.

The wife hugged the child to her. "He did this this morning," she cried. "Now do you see what I mean? Now will you help me? Good God, what will become of us?"

The reporters investigated Joe's background and found from police reports and neighbors that he has been an addict since he was 15. He had started on marihuana

and graduated to heroin. His mother had him committed to Riverside Hospital twice when he was a teenager but each time he went back on drugs.

As the mother said:

"When he came out they made sure he had free drugs. This was to get him back on the stuff. He is my son but I wish the police would commit him or somebody would do something for him. I would rather see him dead than the way he is. He has not only destroyed himself but he is slowly killing his father, his wife and his children, and me."

THE TEARS DON'T FLOW—"I'M ALL CRIED OUT"

Probably no other courtroom in the city contains more tragedy and human misery than Narcotics Term Court, 80 Lafayette Street. Reporters sat with Judge Abraham Roth and obtained an unprecedented view of the impact youthful drug addiction has on families.

There are no hysterics, tears don't flow. As one father said, "I'm all cried out."

More than 200 young men and women, all under 20, passed through this court last year on their way to Riverside Hospital, North Brothers Island, where they hoped to shake the habit.

"The tragedy is, their chances of licking it are infinitesimal," Mrs. Louise Hamilton, the court's admission clerk, pointed out. "Most of them never lick the problem. They're in the hospital for 6 months or so free from drugs and then they come out and back to the old pressures, the old friends who are still using drugs. Six months just isn't long enough."

Typical of the youthful addicts who came before Judge Roth was Eddie, an 18-year-old addict who appeared with his mother, a sad-eyed woman. The boy, under the influence of a heavy dose of barbiturates which he had taken before he left for court, appeared in a daze. He swayed in the chair and twice court attendants had to grab him as he started to fall out of the witness chair.

"How long have you been using drugs, Eddie," the judge asked.

The young man looked up glassily. When he spoke the words came out like wet gauze. "Four years. More or less."

"How did you take it?"

Eddie, blinking, jabbed a finger at his forearm.

"Intravenous?"

Eddie nodded. Then his head slumped forward on his chest.

"Please send him to the hospital, Judge. Please," his mother pleaded.

The judge nodded. Inside Mrs. Hamilton's office Eddie's mother held his hand and said in a dull voice:

"Why? Can you gentlemen tell me why? Is it because I can't give him all the money he wants? Since he was born we were always close. We went everywhere together. Then his baby brother came. Eddie was jealous but he didn't have to be. I never stopped loving him. Why? Why did this have to happen to him?"

When a reporter asked her how Eddie started on drugs her face tightened.

I'M GOING THROUGH MY PURGATORY NOW

"He got the stuff at school. The pushers used to stand right outside of Flushing High School and sell the kids reefers. From that he went on heroin and other horrible drugs."

Eddie does not come from a slum area. His mother is educated and literate. Their home is middle class. He enjoyed a normal childhood, no gangs, no scrapes with police. He had a talent for art and his teachers predicted a fine future as a commercial artist.

Then he fell in with a new crowd, "not bad boys, but wild," as his mother said. They turned to marihuana for kicks. Heroin was next.

"One day I came home from the store," Eddie's mother said, "and I found him in bed. There was a needle on the floor and a bloody patch of cotton where he had stuck himself. Then I knew why he had been becoming irritable and nervous. I had thought it was just part of his growing up. Five years ago his father and I were divorced. Maybe that's the answer—no father. What has this done to me?" She shook her head. "I'm going through my Purgatory now, gentlemen * * *."

Then Eddie lurched up to join seven other teenagers, all bound for Riverside. They got into an elevator with their fathers and mothers. One man broke down and hugged his wan-faced son. The boy seemed in a daze. Outside they filed into a gray department of hospitals van.

Eddie's mother called out:

"Be good, Eddie, please be a good boy, I love you, son."

But Eddie never answered. His head was bowed. He was deep in the timelessness of his opiate dreams.

[From the New York Journal-American, Jan. 10, 1962]

IS YOUR TEENAGER SAFE?—FIVE YOUNG ADDICTS TELL TRAGIC STORIES

(By James D. Horan, Dom Frasca, and John Mitchell)

A pool hustler, a teenage bank clerk, an auto mechanic, a young father, and a high school student: five New Yorkers as different from one another as any five individuals could be.

Except for one thing. Each of them is a user of narcotics.

In a series of unprecedented tape-recorded interviews with these reporters, the youths (their real names must be withheld) poured out the details of their lives and troubled times, painting a haunting portrait of the private degradation of dope addiction.

Here are their case histories and questions and answers of their recorded talks.

Alvin D. ———, male, white, single, 6-foot, and scrawny (narcotics have dropped his weight from 170 down to 135).

Father: deceased. Mother: a sometimes prostitute (two arrests).

Education; 2 years at a vocational high school (until he decided it was easier to take a fix than an exam; then he pawned his textbooks for a hypodermic needle).

"Question. Alvin, what type of dope have you been using?

"Answer. Heroin.

"Question. Is that what you call it? Heroin?

"Answer. No. Call it smack.

"Question. And you always take it in the arm?

"Answer. Yeah. And sniff it. But mostly in the arm.

"Question. How did you get started, Alvin? How did you get hooked?

"Answer. Ah, I don't know. Just happened, that's all, You walk around up near East 117th Street and there it is. And they're pushing it and you take it for kicks. Like a drink, you know.

"Question. Where did you get the smack, Alvin.

"Answer. Around.

"Question. Where?

"Answer. Friends.

"Question. Your friends are pushers?

"Answer. No. Just friends, you know.

"Question. Where did you get your needle? What do you call it, the spike? The works?

"Answer. Yeah. The works I got from a friend, too. I hocked my books and bought the works. No problem.

"Question. How much did you have to pay for smack? How much a day?

"Answer. Oh, maybe eight bucks.

"Question. For one fix?

"Answer. No. For a bag. That's maybe three fixes, you know.

"Question. How would you get the bag of smack, Alvin? What was the procedure?

"Answer. Well, the way I went about getting it, I'd walk down to the corner and just look around and pretty soon you know who's the connection and who isn't. So then I pass him the money and he lays the bag down somewheres. Look on top of a garbage can, you know.

"Question. How did you get the money for smack? Did you have a job?

"Answer. I was a delivery boy.

"Question. Isn't that a pretty expensive habit for a delivery boy?

"Answer. I hustled. I went up to the pool halls and hustled, you know.

"Question. Nine ball pool?

"Answer. No. Eight ball. And when I didn't hustle I sold things for a friend. You know, radios and things.

"Question. So you were a fence?

"Answer. I guess so.

"Question. Why do you want to kick the habit, Alvin?

"Answer. Well, it's like this. I want to be like my father. He's dead. But he was a good man. I'm tired of running, mister. I want to catch my breath."

"MY MOTHER'S BEEN CRYING"

Joe L., 18, a clerk in a Lower Manhattan bank, commutes from Queens, often threatened with loss of his job for chronic absenteeism.

Father: A municipal employee.

Mother: Possessive, nervous, a diabetic who spends considerable time in medical clinics.

Education: 4 years of high school.

Future: Unknown.

"Question. Why do you want to go to Riverside Hospital, Joe?

"Answer. My mother, she found my guns.

"Question. Your guns? You mean zip-guns?

"Answer. No. My needles. She found them in my pocket and she wants me to go to the hospital.

"Question. How long have you been on dope?

"Answer. About a year.

"Question. What made you take dope the first time, Joe?

"Answer. Oh, you get around with different people * * * maybe people a little older than you. And if you're young, you know, pretty soon your mind gets pretty tantalized. And then, after you've tried it, you find it gives you a real nice high.

"Question. A nice high?

"Answer. Yeah, like drinking whisky. Only better.

"Question. How does your family feel about it, Joe?

"Answer. Are you kidding? It's busted them. My mother's been crying ever since she found my guns.

"I'LL NEVER KICK IT FOR GOOD"

Manuel S., 19, auto mechanic from West Harlem.

Parents: Separated.

Education: Grammar school.

"Question. What kind of narcotics have you been using, Mannie?

"Answer. Pot.

"Question. Marihuana?

"Answer. Yeah.

"Question. You don't use heroin?

"Answer. Yeah; use that, too.

"Question. Anything else?

"Answer. Yeah. Speedballs (a mixture of cocaine and heroin).

"Question. You're going to Riverside, Mannie. Do you think you can kick the habit and stay away from it?

"Answer. I can kick it for a while, man. Yeah. But I'll never kick it for good.

"Question. Do you want to?

"Answer. Sure I want to. But wanting's one thing. Doing's another."

"NARCOTICS DON'T SOLVE ANYTHING"

Richard M., 20, married 2 years, father of a 5-month-old girl, works part time as an apartment superintendent's helper in Brooklyn. Wife: pregnant.

"Question. How did it start, Richard? What made you take dope?

"Answer. I don't know. I have problems.

"Question. Family problems?

"Answer. I have so many problems I don't like to count them.

"Question. You figured dope could help you solve your problems?

"Answer. Narcotics don't solve anything. They just let you forget.

"Question. Does your wife want you to go to Riverside?

"Answer. Yes. She said 'Look. You get straightened out and then we'll work things out.' She wanted to walk away from me.

"Question. But she stuck with you, didn't she?

"Answer. No. She left me. She's staying with her mother until I get myself fixed up.

"Question. Fixed up, Richard?

"Answer. I guess that's the wrong word for it. You know what I mean.

A FUTURE? "I CAN'T SEE ANYTHING"

Saul K, 16, a high school student in the Bronx, both parents gainfully employed, lives in a solid middle-income neighborhood.

"Question. You smoke pot, Saul? How many reefers a day?

"Answer. Five, maybe six.

"Question. Why?

"Answer. In the beginning, for kicks. Now, I don't know. I just do it.

"Question. Where do you get the money for reefers?

"Answer. My allowance.

"Question. Is your allowance that big?

"Answer. No. Sometimes I borrow from friends.

"Question. Have you ever been in any trouble, Saul?

"Answer. No. But once I stole some tires.

"Question. To get money for pot?

"Answer. That's right.

"Question. You look older than 16. Level with us, now. Aren't you really about 25?

"Answer. No. Honest. I'm 16. I guess that's what it does to you. Makes you look older.

"Question. Does it affect your health?

"Answer. I used to be a pretty good basketball player, you know? Now I can't even run half a block to catch a bus.

"Question. What kind of future do you see for yourself, Saul?

"Answer. I can't see anything, mister. I can only see as far as today."

]From the New York Journal-American, Jan. 11, 1962]

NEW YORK DOPE PUSHERS CARRY SCOURGE TO YOUTHS IN SUBURBS

(By James D. Horan, Dom Frasca, and John Mitchell)

Drug peddlers in New York City are supplying adolescents from the suburbs with heroin and marihuana, the New York Journal-American has learned.

As a result, the scourge of addiction among teenagers and young adults is spreading rapidly to the tree-lined streets of some of the Metropolitan area's most exclusive communities.

A survey of law enforcement agencies reveals:

Harlem and Greenwich Village are the prime sources of narcotics supply for youths in the commuter counties of Westchester, N.Y., and Fairfield, Conn.

Narcotics deaths, unheard of in Suburbia 10 years ago, have occurred among youths in Stamford, Conn., and scattered towns of Westchester County.

In New Jersey, adolescent drug users have been multiplying annually for the past 8 years, particularly in larger towns such as Plainfield.

"It's definitely a new situation," said Plainfield Police Chief Arthur Phillips. "Ten years ago there just wasn't such a thing as a teenage drug user in Plainfield. Last year we had to arrest two under the age of 15."

Seven other youthful drug users were arrested in Plainfield last year during a single week. Two of them were picked up with the "works"—needles and heroin decks—in their possession.

"All of them," Chief Phillips said, "admitted they were getting their narcotics in New York City".

He was not the only law enforcement officer interviewed who identified this city as the source of drugs for suburban youngsters.

Assistant District Attorney Thomas A. Facelle, Jr., of Westchester County, disclosed that youths from Yonkers, Mount Vernon, and New Rochelle are obtaining narcotics during Saturday night visits to Greenwich Village.

GET DOPE IN CITY

"They are also getting it in Harlem and the Bronx," he said. "The number of users has been increasing steadily since about 1953.

"We have been surprised to find that this problem does not respect any particular economic group. It has touched some of our better homes," the prosecutor noted.

Mr. Facelle said several young people in Westchester died last year from overdoses of narcotics. He identified two as a 19-year-old Mount Vernon youth and a 23-year-old White Plains mother.

Capt. Ignatius Montagnino of the Stamford, Conn., Detective Bureau, reported still another fatality from drugs—a 16-year-old boy "hooked" for less than 6 months on heroin obtained in New York City.

TRAILED ADDICTS

"I have personally followed known addicts from Stamford to Harlem and observed them there on the streets," said Captain Montagnino. "It was obvious why they were there—and it wasn't to see the sights."

From Mineola, county seat of Nassau, Police Commissioner Andrew Kirk reported youthful drug addiction was not only on the increase but was beginning to infiltrate some of the county's more prominent families.

"Hicksville and Elmont are two towns that we have been watching very closely," he said. "The problem has been grave in these communities from time to time."

And where do youths of Nassau obtain their habit-forming drugs?

"New York City," said Commissioner Kirk. "Where else?"

COME FROM JERSEY, TOO

Newark police estimate that 98 percent of the heroin obtained by addicts in their geographical jurisdiction comes from distributors headquartered east of the Hudson—in other words, New York.

They added, however, that adolescent drug addiction is not regarded as a serious problem in Newark.

"We are more concerned with the milder forms of narcotics among teenagers," said Capt. Richard Murphy of the juvenile bureau. "There seems to be a lot of kids over here who are taking codeine-base cough syrup and seconal tablets for kicks."

North of Newark, in the Palisades community of west New York, the Reverend Leonard P. Spanburgh estimated that "at least" 1,000 youths in north Jersey have fallen victim to the drug habit.

[From the New York Journal-American, Jan. 12, 1962]

TWO THOUSAND FIVE HUNDRED AND FIVE ADDICTS—40 "CURES" AT A COST OF $400,000 EACH

(By James D. Horan, Dom Frasca, and John Mitchell)

New York City taxpayers are picking up a bill of more than $400,000 to produce a single "cure" of adolescent drug addiction.

Of 2,505 cases handled by Riverside Hospital, the city's treatment center for young addicts, only 40 can be listed as "cures," according to confidential psychiatric reports.

And any one of these 40 could resume the drug habit at any time.

This is the record of an institution that cost the city more than $1 million for equipment and renovating work merely to open its doors 11 years ago.

Since then it has operated on an average of approximately $1,400,000 a year.

Altogether, the taxpayers have shelled out more than $16 million for an experiment that has demonstrated beyond any doubt the ineptness of the city's program in the fight against the slow death of drug addiction.

Most city officials have come to realize it is not too late to do something about it. But they are moving slowly, very slowly.

Mayor Wagner announced nearly 3 years ago that Riverside would be closed eventually. His decision was backed by the board of hospitals. The plan was to provide facilities for young addicts in municipal hospitals where treatment and research could be improved.

It is still just a plan.

Department of Hospitals Commissioner Ray E. Trussel told the New York Journal-American:

"The gradual relocation of Riverside patients to State and local research centers will be accomplished."

But neither Commissioner Trussel nor any other city official was able to say when this would be completed. There is obviously no time schedule.

In a survey of Riverside, this newspaper found that the 40 "cures" listed in psychiatric reports pertain to adolescents who have remained off drugs for 3 or more years following treatment at the hospital.

HUMANE TREATMENT POLICY ESTABLISHED

However, their ability to kick the habit has not stimulated the optimism of medical authorities trying to combat the enormous problem.

Dr. Trussel himself said:

"There is no established cure for any significant proportion of narcotic addicts."

Dr. Victor Breth, who took over as medical superintendent of Riverside 1 year ago, said hospital records show 105 former patients have stayed away from drugs for at least a year.

But he hastened to add that they cannot be considered cured by any stretch of the imagination.

Conversely, this indicates the majority of patients resumed the use of drugs within a year after leaving the hospital.

LOT OF REPEATERS RETURN TO HOSPITAL

Dr. Breth declined to disclose these figures. But he did admit: "We have a lot of repeaters at Riverside."

To help stop repeating as well as beginning addicts from getting narcotics, U.S. Senator KENNETH KEATING, Republican, of New York, today recommended that the New York Journal American's "Blueprint for Action" be carefully studied at all levels of government.

In Washington, the Senator praised the blueprint's imaginative approach, which in

part calls for a mandatory minimum 25-year prison term for pushers selling dope to youths.

Sherman Patrick, research consultant for the health department, conducted a survey of results and procedures at Riverside a year ago. Today he says:

"I'm afraid I have to disagree with these reports of 105 cures. My conclusion, after interviewing many of these so-called cures, is that practically all of them were never true addicts in the first place. If they were not addicts, then they cannot be counted as 'cures.'."

Located on the northern tip of the East River on North Brother's Island, Riverside Hospital is actually a series of dilapidated buildings with a capacity for handling 140 patients.

Officially, young addicts are admitted to the hospital voluntarily. However, many of them—after getting into trouble—are often nudged into Riverside by judges who give them the choice of going away to a reformatory or signing into the hospital.

Patients admitted the first time must agree to remain there 6 months. The "repeaters"—those returning for a second or third time—must accept a 3-month confinement.

This period of treatment is considered "extremely inadequate" by many medical authorities. They insist young addicts should be hospitalized for a much longer time—possibly a year or more, depending on the degree of addiction.

The inadequacy of Riverside was also underscored by a tour of the premises.

Though Dr. Breth and his assistant, Miss Ruth C. Mock, work doggedly to help the young addicts, the fact is the hospital is badly understaffed.

PATIENTS ARE ALLOWED FREEDOM OF GROUNDS

The introduction of young addicts to Riverside is a dismal experience. For 72 hours, they are confined to a small building that was once a morgue. It is here that they undergo the often agonizing "withdrawal" which addicts must endure when they are unable to get drugs. It is not unusual for two or three of these newcomers to be crowded into a room no larger than 8 by 10.

Some of the medical equipment is so obsolete that one doctor told this newspaper "any accredited hospital would not accept it for nothing."

Some girls are pregnant when they are admitted to the hospital, but they are not segregated from any patients who have made any measure of progress.

No attempt is made to divide patients into age groups. A boy of 12 or 13 can readily befriend an addict who is 6 or 7 years older.

Yet Riverside is not without a few supporters. Dr. Emanuel Rubin, director of the hospital's psychiatric services, said:

"We have a well-developed program at Riverside.

"During the past few years, many changes have been made. We have a good school program and attempts are being made to improve the vocational training of patients.

"There is hope. We are looking forward to the development of more research programs."

[From the New York Journal-American, Jan. 13, 1962]

QUARANTINE AND AFTERCARE KEY TO DOPE PROBLEM—A BLUEPRINT FOR ACTION NOW

(By James D. Horan, Dom Frasca, and John Mitchell)

Quarantine and aftercare.

These two words are the keynote of the New York Journal-American's "Blueprint for Action" to help the youthful addict regain his rightful place in society.

Quarantine and aftercare for the victims of New York's dope peddlers—rehabilitation instead of retribution.

In its "blueprint" this newspaper urges the immediate establishment of additional hospital facilities and workcamps for addicts who have been arrested by police.

In New York State today, however, there are only 325 hospital beds set aside for the treatment of drug users.

Existing State workcamps for juvenile delinquents will not accept youths with histories as users of narcotics.

As a result, more than 4,000 addicts will be placed behind prison bars in New York City alone this year unless steps are taken now to provide facilities for their rehabilitation.

In Albany, legislative maneuvering is already underway to enact new provisions. Paralleling this newspaper's recommendations, these legal provisions would permit arrested addicts to elect hospital treatment rather than jail.

On Monday, State Assemblyman William C. Brennan, endorsing the Journal-American's program, called for legislation to create an additional 2,000 hospital beds for addicts in New York State.

His bill would also establish a maximum security hospital for arrested addicts—a facility where they would undergo detoxification (withdrawal) before being placed on probation or transferred to a rural workcamp.

Most informed observers of the narcotics problem believe many of these badly needed beds for addicts already exist in the State's mental hospitals.

Queens District Attorney Frank D. O'Connor told these reporters that in the 5-year period from 1955 to 1960 bed occupancies in the mental hospitals of New York numbered 5,000 because of the rapid patient turnover due to tranquilizers and therapy.

Some of these beds, it was noted, might easily be allocated for the treatment of addicts.

This newspaper's proposal that a regional system of work camps be established has already won strong support from Deputy Chief Inspector Edward Carey, head of the police department's bureau of narcotics.

Appraised of the proposal, Inspector Carey said:

"We who deal with the addict in the streets of New York know him as well as anyone—and we are convinced what he needs more than anything else is to get away from the city—as far as possible.

"I cannot think of any better environment for the addict than a work camp in the country, where he can lead a productive life, enjoy healthful exercise, and start to build a future for himself."

Inspector Carey agreed that the work camps could be maintained for a reasonable cost if the Federal Government were to establish them on inactive military reservations.

Under the plan, municipalities such as New York would pay a small per diem stipend to the Federal Government to defray the cost of staff salaries.

The camp program would not only include outdoor labor of an agricultural or forestry nature but also recreation and vocational training.

"That's very important," said Inspector Carey. "It does no good to return the addict to society if he is ill equipped to handle a job."

The inspector said a work camp for female addicts would be of particular value to the city of New York.

"It would relieve some of the pressures of overcrowding at the Women's House of Detention," he said.

One recommendation which Inspector Carey added to the Journal-American's plan is that persons released from a work camp be required to submit to a nalline test at any time during their probation.

A nalline test is a medical procedure to determine the presence of narcotics in a person's blood system. According to Inspector Carey, it could be required of the former addict by any peace or probation officer who suspects he has returned to dope.

If the test were positive, the "backslider" would be returned to a rehabilitation facility.

In the area of aftercare this newspaper has called for the creation of a State office of narcotics control with a director appointed by the Governor. One of the most important functions of such an agency would be to administer a system of aftercare clinics.

NEED FOR AFTERCARE HELD MOST IMPORTANT

Almost every official to which these reporters turned in their 3-month study of the narcotics crisis said it was the present lack of such aftercare facilities that weakened the earlier benefits of hospitalization.

An office of narcotics control would be empowered to establish out-patient clinics for addicts in existing hospitals and settlement houses.

Other steps which this newspaper has urged in its "Blueprint for Action" are:

A stiffening of the statutory jail term for narcotics pushers—minimum mandatory term of 20 years (25 years for those who sell dope to minors) instead of the existing term of 5 to 15 years.

Registration of all addicts with the police department as a deterrent to crime. Police estimate addicts are responsible for more than 35 percent of New York City's crimes because of their need to finance the costly dope habit.

One of the most important points in the blueprint—in the eyes of law enforcement officials—is the recommendation that New York's restrictions on search and seizure by police be eased.

Beclouded by legal technicalities, the problem of search and seizure in the area of narcotics law enforcement boils down to this:

It is virtually impossible for narcotics squad detectives to obtain search warrants to raid a narcotics hangout after 10 p.m.

If they succeed in gaining the ear of a magistrate, which is frequently impossible outside the Borough of Manhattan, they must convince the jurist that their intent to search a premises is based on positive information.

Though information may come from the most reliable source, detectives have been denied a search warrant on such a minor technicality as their failure to supply the magistrate with the full name of the suspect.

In its blueprint, this newspaper urged legislation that would establish a magistrate sitting in Manhattan night court as the regular source for search warrants for the entire city.

It also called for easing of restrictions in such a way that police could obtain a search warrant if they have reasonable cause for a search—rather than positive information.

NEGOTIATION FROM A POSITION OF STRENGTH

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Nebraska [Mr. CUNNINGHAM] is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, whenever this country negotiates with Russia I believe we should negotiate from a position of strength. When this House voted last week with only two dissenting votes to deny the use of U.S. mails to Communist political propaganda, it put America in a position of strength.

Some very interesting things are now going on.

The New York Times this past Sunday said the United States and Russia will open cultural exchange discussions here in Washington tomorrow. The same article contains the following statement:

For instance, hundreds and sometimes thousands of copies of Amerika has [sic] been returned by Russian authorities as unsalable; despite abundance [sic] evidence of quick sellouts and even black-market sales of the Russian-language magazine in all parts of the Soviet Union.

The United States wants the circulation limits on Amerika and the Russians' English-language magazine U.S.S.R. raised from 50,000 to 100,000 with the additional right of free distribution of copies that are not sold.

Of course, this is one reason why the House included the political propaganda provision in the rate bill. What earthly sense would there be in making our mail services available for Russian propaganda when the magazine Amerika is not even distributed in accord with the agreement now existing between the United States and Russia for the distribution of that publication?

This is not all that is going on. The President's press secretary, Mr. Salinger, flew to Paris over the weekend and met with M. A. Kharlamov, Mr. Salinger's counterpart in the Russian Government. This morning's Washington Post report on this meeting contains the following paragraph which may or may not be correct:

Salinger and Kharlamov did not confine themselves to the reported idea of exchanging television broadcasts permitting the two K.'s to address directly each other's citizenry. The range was much broader and might be described as dropping propaganda in favor of a free exchange of information. This would include an end to jamming of Voice of America programs and appearance of American publications on Russian newsstands.

Now we learn that Mr. Salinger is back in Washington; and today President Kennedy, Mr. Salinger, and Mr. Khrushchev's son-in-law, who is also the editor of Pravda, are having lunch together.

Now I certainly do not believe that the inclusion of the mail restriction on Communist political propaganda caused all these conferences. Let me make that clear. But, I do believe that this House has demonstrated that unless there is reciprocity of which we are absolutely certain, we do not intend to continue to permit Iron Curtain propaganda to be distributed in the United States at the expense of our taxpayers.

If reciprocity is truly granted, and if we have the reciprocal right of inspection to prove it, if the Voice of America is unjammed in Russia, if American newspapers and magazines appear on the newsstands of Russia, this House will indeed have helped strike a blow for the free exchange of information and ideas among all countries of the world.

DANGEROUS TREND

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Iowa [Mr. HOEVEN] is recognized for 15 minutes.

Mr. HOEVEN. Mr. Speaker, there is now occurring throughout the Government and particularly in the U.S. Department of Agriculture a most disturbing trend. It is a trend which is turning this huge agency, one of the largest in Government, into a massive propaganda machine. It is a trend which raises a serious threat to the intellectual integrity of the many thousands of able and patriotic career employees of the Department. It is a trend which portends great danger to our basic institutions of free speech and communication. It is an unhealthy trend. It should be recognized, diagnosed, and stopped before it does irreparable harm to American agriculture, the most important segment of our economy.

This year we are celebrating the 100th anniversary of the founding of the Department of Agriculture and the land-grant college system. We can be truly proud of the solid relationship that has been established over the years between U.S. Department of Agriculture and the State land-grant colleges. They have worked together on a century of progress. And the cornerstone of this progress was the freedom from partisan politics.

Secretary Freeman is changing this, however, and it gives me great concern to see what seems to be a well planned and coordinated effort to require all the 90,000 employees of the Department and its affiliated agencies, be they National, State, or local, to spend their valuable time in promoting controversial and unsound political solutions to the problems of agriculture.

Let me cite some examples: In the Des Moines, Iowa, Register of January 20, 1962, the following headline was carried: "Don't Fight Farm Plans, Agents Told."

The story went on to say:

Agents for the Federal Crop Insurance Corporation were instructed Friday not to talk against farm programs. This fact emerged from a clear-cut statement of policy by Justin C. Dee, new State director of FCIC for Iowa. After his statement, given at the Corporation's annual meeting in Des Moines, Dee said he knew of no case where an agent had talked against Federal farm programs in the past. "I just wanted to make it clear how we felt about this," Dee stated.

This news story then goes on to recount Mr. Dee's admonitions as to what the Corporation's employees in Iowa can or cannot say. Shocking as this may seem, it is the rule and not the exception in USDA these days. As the distinguished gentleman from Wisconsin, [Mr. LAIRD] pointed out last year on page A2409 of the April 12, 1961, daily CONGRESSIONAL RECORD, the loyalty oath was becoming the password of the New Frontier.

The new chairman of the Wisconsin ASC committee was quoted by the press as saying:

We need and we shall find people who are and will be dedicated in the promotion of this new approach. Let there be no doubt about that.

Just a few days ago on January 10, 1962, Mr. Freeman himself began his drive toward turning the Federal Extension Service into a gigantic political action committee. In describing his new "triangle" farm bill which will presumably be submitted to Congress soon, he admonished the Extension Service with this statement:

There will be those inside and out of Extension who will criticize you for looking to new horizons, but I submit that neither you nor I nor anyone honestly concerned with agriculture can avoid the challenge. Some would prefer to avoid it because it deals with controversial matters, because it relates to the formulation of public policy, because it deals with matters that cannot be proved or disproved by chemical analysis or controlled experiments.

Thus—

Mr. Freeman continued—

one of the biggest tasks ahead will be education, of public discussion, of arriving at sound decisions on policy in a democratic manner through participation by farmers, and by the nonfarm public as well. * * * Extension will need to expand its techniques of education in problem solving to a wide audience.

In conclusion, Mr. Freeman said:

I am pleased that the Federal Extension Service is beginning to meet this challenge of total economic development, and that there is recognition that it will require considerable reorientation of thinking, organization, and emphasis.

At this point, Mr. Speaker, I think we should bear in mind just what the Federal Extension Service does. In cooperation with the States, it has taught greater agricultural production efficiency; it has worked for better marketing, utilization, and distribution of our farm abundance; it has worked hard to conserve soil and water; it has made significant contributions in the area of farm and home management and family living; and it works directly with thousands of young people in the 4–H Club program to create sound health, hands, heads, and hearts in our rural youth.

What Mr. Freeman is saying is that this great agency should be used to propagandize the people of this Nation. And let me say right now that I for one do not want to see the 4–H clover replaced by a Freeman triangle. And do not think for one minute that the official sales line is not being carried out. Let me read from a copy of the official instructions issued by the Illinois State ASC Committee to show you just how the present administrators are poised to lobby for an administration-sponsored national turkey order:

It is very important that county offices compile a complete list of producers and handlers in the event a referendum is called. We have therefore obtained and attach the names and addresses of people on the mailing list of the Illinois State Turkey Growers Association. The listing should be helpful in compiling your list of producers and handlers of turkey candling eggs and turkeys.

Some small solace could be taken, I suppose, if these propaganda tactics were limited to only USDA. The Washington Star of January 24, 1962, snuffs out even this faint hope when Joseph Young reported as follows:

CAREERISTS ARE TOLD TO SPEAK OUT TO DEFEND ADMINISTRATION'S STAND

The Kennedy administration has told Government career officials they are expected to make speeches advocating and defending administration policies and laws. At the direction of President Kennedy and his

Cabinet, Civil Service Commission Chairman John Macy has formulated a policy for Government careerists which brings them into the policy sphere of operations.

In spite of a longstanding statutory ban on the use of appropriated funds for publicity and propaganda to influence legislation pending in the Congress, this entire administration is pushing, shoving, encroaching, and forcing its career civil servants to join in ballyhooing proposals and programs they may not in good conscience believe in.

What is to be the position of these lifelong employees if they embroil themselves in partisan activities to the extent called for by this administration? Where would the career man in USDA who publicly advocated Mr. Benson's philosophy be today and where would he be in the next administration if he publicly advocated Mr. Freeman's policy today? Such forced labor throws up a serious impediment to the effectiveness of our entire civil service system. How can career employees maintain their professional integrity under such circumstances? How can they be expected to be political chameleons changing their political views every 4 years?

Let me bring this into a little sharper focus by relating this whole situation to several concrete examples. Last year Mr. Freeman presented the Congress with the most fantastic scheme that I have witnessed in my 20 years as a Member of the House of Representatives. As you recall, it would have authorized the Secretary of Agriculture to impose the strictest controls in the history of agriculture on every farmer and on every farm commodity produced in America after inaction by the Congress for 60 days and by a rigged referendum in which those farmers eligible and the choices available would both be set by Mr. Freeman. This highhanded plan even envisioned a 1962 wheat program without any congressional referral whatsoever.

Luckily for American agriculture, this monstrous proposal known as title I of the omnibus farm bill was killed in both the House and Senate Agriculture Committees by a bipartisan effort. And this was done in spite of a great deal of propaganda by the Secretary and his staff. Had Mr. Freeman's mandate to the Extension Service been in effect last year, presumably the entire effort of these dedicated and capable public servants would have been thrown into the fray. Extension Service employees would have been forbidden to speak against it—on the contrary, they would have been forced to speak favorably—or forever hold their peace. The same would have been true for the rest of USDA, including the ASC and FCIC.

Last fall we witnessed a shocking spectacle at the South Dakota State Fair where an exhibit sponsored by the State ASC showed two trains—one entitled "supply management" rolling along while the other train labeled "free enterprise" was wrecked and derailed. I will be glad to make this picture available to any Member of the House to see. Can we assume this is the type of education which Mr. Freeman wants the Extension Service to promote and the type of policies Mr. Kennedy wants the career employees of the Government to openly and publicly support?

I know this much, Mr. Speaker, the Department of Agriculture official responsible for this debacle has not been disciplined in the least for his participation in the construction of this disgusting exhibit, and I challenge the Secretary of Agriculture to set forth what steps he has taken in official instructions to the other ASC offices to prevent another such incident.

In conclusion, the Congress, the public, and the career employees of the Department of Agriculture and other Government agencies should be aware of this unhealthy trend which seeks to propagandize and brainwash the farmers of America and the people in general.

SELECT COMMITTEE ON SMALL BUSINESS

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Texas [Mr. PATMAN] is recognized for 10 minutes.

Mr. PATMAN. Mr. Speaker, by virtue of House Resolution 46, agreed to on February 6, 1961, the Select Committee on Small Business was again re-created consisting of 13 members, 7 from the majority party and 6 from the minority. The following members were appointed to serve on the committee: Representative WRIGHT PATMAN, Democrat, of Texas, chairman; Representative JOE L. EVINS, Democrat, of Tennessee; Representative ABRAHAM J. MULTER, Democrat, of New York; Representative SIDNEY R. YATES, Democrat, of Illinois; Representative TOM STEED, Democrat, of Oklahoma; Representative JAMES ROOSEVELT, Democrat, of California; Representative DALE ALFORD, Democrat, of Arkansas; Representative WILLIAM M. MCCULLOCH, Republican, of Ohio; Representative ARCH A. MOORE, JR., Republican, of West Virginia; Representative WILLIAM H. AVERY, Republican, of Kansas; Representative H. ALLEN SMITH, Republican, of California; Representative HOWARD W. ROBISON, Republican, of New York; and Representative RALPH HARVEY, Republican, of Indiana.

Inasmuch as we are now beginning the 2d session of the 87th Congress, I wish to give the House of Representatives a resume of the activities of its Small Business Committee during the first session.

Since small business comprises more than 95 percent of the U.S. total business population, its problems merit careful consideration. That is, perhaps, one of the principal reasons why the House Small Business Committee has been reconstituted during each Congess since 1941. The public policy regarding small business was stressed by the Congress through the enactment of the Small Business Act which states in part:

> It is the declared policy of the Congress that the Government should aid, counsel, assist and protect, insofar as is possible, the interests of small-business concerns in order to preserve free competitive enterprise.

I should like to call to the attention of my colleagues that the House Small Business Committee is, to a large extent, a service committee for the Members of the House of Representatives; the chairman gives personal attention to problems submitted to the committee by a Member of the House of Representatives; and the committee and its staff have supplied valuable assistance to the Members in connection with a very wide variety of small business problems. All requests for assistance were accorded priority in accordance with committee policy in order that the Members would be able to report back to their constituents without delay. Even during the adjournment of the House, this casework continued unabated and the committee's staff was kept available at all times to serve promptly those Members requesting such help.

ECONOMIC POSITION OF SMALL BUSINESS

I feel that most people will agree that the perpetuation of the family farm, small business, and the local bank, are the three cornerstones of the American free enterprise system. It is also true that no free society can survive on any foundation other than one which guarantees a maximum of industrial enterprise, and a minimum of power in the hands of the few.

Small firms play a vital role in the maintenance of active competition, upon which our economy is based. A prosperous and healthy small business community is one of the truly essential bulwarks of American democracy. That is the reason I view with alarm the trend toward monopoly that has been developing in recent years. Reasonable observers can agree that should this trend continue unchecked, the source of our Nation's vitality and prosperity and the competitive character of its economy is certain to disappear with disastrous consequences not only to small business, but to all Americans.

The destruction of locally owned, independent small business firms is, in large part, the result of predatory pricing practices of some large, nationwide corporations which are taking over the businesses of the small and independent, locally owned firms which are being destroyed.

IMPACT OF TAX-EXEMPT FOUNDATIONS AND CHARITABLE TRUSTS

The Select Committee on Small Business has undertaken a study of the impact of tax-exempt foundations and charitable trusts on the economic structure—dealing, in part, with problems facing small business as a result of competition from foundation-controlled enterprises. Such a study is important to small business as well as to the whole economy. Shortly before the close of the 1st session of the 87th Congress, the committee agreed to carry on the study initiated by me.

It has been pointed out to the committee that certain foundations not only engage in money lending on a large scale, but have substantial interests and, in many cases, control of business in the following fields, among others: soft drinks, mortgages, real estate, gasoline service stations, oil and gas, baking, utilities, retail, textiles, lumber, meat

packing, restaurants, insurance, coal mining, and commercial laboratories.

One thing is already quite clear in the first stage of the study. Tax-exempt status for over 45,000 foundations is in itself a major national problem, when so little is known about the effect of that exemption on such a large scale. Last August, I informed the Members that the number of tax-exempt foundations filing form 990–A had increased from 12,295 at the close of 1952 to 45,124 at the end of 1960, an increase of 367 percent. The number of exempt foundations increases daily. It is the duty of Congress to know the resultant effects on our Nation's economy and to determine what should or should not be done about it.

AVAILABILITY OF COMMERCIAL BANK CREDIT FOR SMALL BUSINESS

The Small Business Committee has a dual interest in the commercial banking situation. First, it is concerned with the availability of commercial bank credit for small business, and second, it is concerned with the survival of small independent banking—a significant sector of small business. Inquiries were initiated regarding regional concentration of commercial banking, growth of chain, holding company, and branch banking, the bank merger movement and its impact on concentration in banking, availability of bank credit for small business, and related subjects.

MERGERS AND SUPERCONCENTRATION

In addition to the attrition in small business caused by business failures and lagging entry of small business firms into various business activities, independent small business has shown a sharp decline due to the merger movement. Preliminary studies were made as to the scope and character of the merger movement in industry and trade, with particular reference to mergers and acquisitions made by the 500 largest industrial and 50 largest merchandising corporations during the years 1950–61. These studies will consider questions of whether present antitrust laws are sufficient to cope with the ever-growing merger movement and the establishment of huge conglomerate corporations.

STAKE OF AMERICAN SMALL BUSINESS IN THE EUROPEAN ECONOMIC COMMUNITY

Studies were begun as to the extent to which big business has entered the European Common Market by the export of capital, the extent to which small business may be faced with a tariff wall surrounding the European Economic Community, the industries in which small business has the greatest stake in export trade, particularly with the European Economic Community, and the extent to which small business will face cartelized competition in the European Economic Community.

LEGISLATIVE PROPOSALS SPONSORED BY INDIVIDUAL MEMBERS

Although the House Small Business Committee is not a legislative committee as such, its members have introduced a variety of measures to aid the small business segment of the economy. Examples of some of the legislative proposals made may be cited.

Several members of the committee introduced bills in the House similar to H.R. 127, which I sponsored, to prohibit discriminatory pricing practices and to outlaw sales at unreasonably low prices, including those at levels below cost. These bills were introduced as the result of testimony previously received by the committee which disclosed a great number of instances in which big business corporations were making sales at prices below cost for the sole purpose of ruthlessly destroying competition. It was also found that when small businesses were eliminated because of such pricing practices, the prices of the commodities involved immediately rose to higher levels.

A number of committee members also introduced proposed legislation similar to that sponsored by Representative TOM STEED, H.R. 1233—which was superseded by H.R. 8830—to empower the Federal Trade Commission to issue temporary cease-and-desist orders in view of the fact that long delays have generally been involved in the administrative process of regulatory agencies. It was felt that in order to prevent the destruction of many small businesses during the pendency of proceedings before the Federal Trade Commission, that such an important agency as the FTC should have the power, in certain instances when necessary and after due notice and hearing, to be able to issue such interlocutory injunctive order.

As a result of hearings held by Subcommittee No. 2, its chairman, Representative ABRAHAM J. MULTER, submitted H.R. 5487 to permit patent holders to bring civil action against Government contractors who infringe their patents while carrying out Government contracts. At present, a patent holder may neither sue an infringing Government contractor for damages nor obtain an injunction prohibiting such infringement. This fact, in many instances, deprives a small business of the fruits of its inventiveness. Small business must rely upon its creative ingenuity to survive and prosper and, if denied this, it has lost a most potent weapon in its struggle for survival.

Other legislative proposals include H.R. 3563 to amend sections 7 and 15 of the Clayton Act in order to aid the various commissions, boards, and the Department of Justice in the enforcement of law. This bill would strengthen sections of the Clayton Act dealing with corporate mergers and acquisitions. Its purpose is to provide a basis for more effective antitrust enforcement by enabling the FTC or other appropriate agency and the Attorney General to examine business transactions having potential anticompetitive effects before they are effected; and, importantly, to enable the Federal Trade Commission to successfully perform its statutory function of administering the antimerger section of the Clayton Act with authority to seek injunctions to maintain the competitive status quo. In short, the bill would require prior notification of corporate mergers and acquisitions where the acquiring and selling corporations have combined capital, surplus and undivided profits in excess of $10 million book value.

In order to facilitate the work of the committee, it was decided that the major portion of its program should be conducted by its several subcommittees which are: Subcommittee No. 1, under the chairmanship of Representative JOE L. EVINS, organization and operation of the Small Business Administration; Subcommittee No. 2, under the chairmanship of Representative ABRAHAM J. MULTER, small business and Govern procurement; Subcommittee No. 3, under the chairmanship of Representative SIDNEY R. YATES, foreign trade, foreign aid, and basic metals; Subcommittee No. 4, under the chairmanship of Representative TOM STEED, taxation; Subcommittee No. 5, under the chairmanship of Representative JAMES ROOSEVELT, distribution problems affecting small business; Subcommittee No. 6, under the chairmanship of Representative DALE ALFORD, advertising and growth opportunities for small business; Special Subcommittee on Small Business Problems in the Dairy Industry, under the chairmanship of Representative TOM STEED.

SUBCOMMITTEE NO. 1

Subcommittee No. 1 on the organization and operation of the Small Business Administration is composed of Representative JOE L. EVINS, of Tennessee, as chairman, Representative SIDNEY R. YATES, of Illinois, Representative DALE ALFORD, of Arkansas, Representative ARCH A. MOORE, JR., of West Virginia, and Representative WILLIAM H. AVERY, of Kansas.

Inasmuch as the Small Business Administration was established by Congress for the prime purpose of rendering aid and assistance to small business concerns, it seems obvious that without adequate appropriations that important agency could not function. During June 1961, the committee was alerted to the fact that the appropriation for the Small Business Administration was severely cut, which would have directly affected the Small Business Administration's financial assistance program. In view of the then increasing tempo of the work of that agency, particularly in connection with the Small Business Administration's several lending services, the need for the prompt restoration of such a cut became obvious. An amendment was, therefore, offered to the appropriations bill in order to restore such funds, which amendment was accepted and favorably voted upon by the House.

The subcommittee and its staff continued its study of the policies and procedures applied by the Small Business Administration, including especially its activities regarding the Small Business Investment Act. As a result, I introduced H.R. 8870 in the House and a companion measure, S. 902, was presented in the Senate. After differences in the two versions of the bills were resolved, the Small Business Investment Act was amended and subsequently became Public Law 87–341. The major changes accomplished are as follows:

First. To encourage the formation and growth of small business investment

companies, the Small Business Administration may purchase up to $400,000 in subordinated debentures on a matching basis with private funds. These additional funds are available not only to new companies but also to those small business investment companies already licensed and operating.

Second. The Small Business Administration may lend no more than $4 million to any one small business investment company under the provisions of section 303(b) of the act.

Third. Banks may now invest up to 2 percent of their capital and surplus in small business investment company stock, an increase from the previous 1-percent limitation.

Fourth. No SBIC may lend or invest more than $500,000 in any one small business concern, except with SBA approval.

Fifth. SBA is given extensive power to investigate SBIC's, to suspend their licenses, and to issue cease-and-desist orders against them.

Sixth. SBIC's may now cooperate with other investors and lenders, incorporated or unincorporated, in supplying funds to small business concerns. Prior law permitted such SBIC cooperation only with banks or other lending institutions.

Seventh. SBA is given an additional $75 million for its SBIC revolving fund.

The House Small Business Committee views with considerable satisfaction the general upsurging in the number of proposals to form small business investment companies and the increase in the total licenses issued to operate such companies. The widespread confidence in small business investment companies as a new medium appear to justify the expectations of those who originally framed this legislation that it will stimulate the flow of private equity capital to small business firms.

The subcommittee rendered considerable help to Members of the House involving their constituents' matters which were pending before the Small Business Administration. Some of these problems involved proposals to form small business investment companies, applications for needed financial assistance, interpretation of applicable statutes, as well as other matters under the jurisdiction of that agency.

Conferences were held with appropriate officials of the SBA relative to the granting of loans to small businessmen in economically depressed areas and for assistance with a view toward rehabilitating such places. Proposed plans were explored to enable small communities to become self-sufficient and self-supporting. Discussions were held with SBA officials with respect to the establishment of graduated standards covering the size of small businesses and the percentage of unemployment in distressed areas. Exploratory meetings were also held relative to the extension of the research grant programs of the SBA.

SUBCOMMITTEE NO. 2

Subcommittee No. 2 is charged with the responsibility of studying and investigating the many problems of small business in relation to Government procurement. Those appointed to the subcommittee are Representative ABRAHAM J. MULTER, of New York, as chairman; Representative SIDNEY R. YATES, of Illinois; Representative TOM STEED, of Oklahoma; Representative H. ALLEN SMITH, of California; and Representative HOWARD W. ROBISON, of New York.

In view of increasing military budgets, it was deemed imperative to maintain a continuing surveillance of the policies, practices, and procedures of the spending agencies so that a fair and equitable portion of those budgets go to small business.

Responsible military officials have repeatedly stated the mandate of the Congress—that small business be assured a fair and equitable share of Government business—was being implemented. However, in practice, this has not always been the case. In the course of the subcommittee's studies and investigations, it encountered the weapons system concept. This is the theory that by reason of the sophisticated nature of modern weapons, greater know-how, professional staffs, facilities, and financial resources are required for their production, which it is asserted is beyond small business capability.

This concept eliminated small business from much Government procurement and its application to procurement practices has resulted in awarding ever-increasing amounts to big business. In effect, the weapons system concept constitutes a big business set-aside. Its impact upon the economy may be most severe and it ought to be employed with judicious caution.

By way of demonstration, the subcommittee found that although the value of all military prime contracts awarded in October 1961 increased to $2.3 billion from $1.2 billion in October 1960, the share awarded to small business decreased from 20.7 percent in October 1960 to 14.9 percent in October 1961. It, therefore, became necessary to exert every effort in increasing the share of small business procurement in those areas not included in the weapons system concept. In this manner, the exclusion of small business from prime contract weapons system procurement can be compensated. It was hoped that small business could increase its share of military prime contract awards for experimental, developmental, test, and research work. In October 1961, the value of these prime contracts increased to $482.3 million from $379.7 million in October 1960. During this same time, the share of small business in this work decreased from 3.3 percent in October 1960 to 1.8 percent in October 1961. This research and development area has received the attention of this subcommittee which hopes to develop suggestions to reverse the continuing decline of small business participation in this type of procurement.

In the course of its studies, many instances of prejudice and bias against small business have been called to its attention. The subcommittee has attempted to evaluate these instances and to isolate, if possible, the existence of a comprehensible pattern or attitude.

In some instances, fortunately rare, it was felt that such bias and prejudice reflected the personal attitude of the procurement officer. In the great majority of instances, however, it was concluded that the unfriendly manifestations were the product of the inertia and resistance to change, built into the mammoth procurement system which made it easier to deal with big business. The subcommittee believes this to be the prime enemy of small business in Government procurement. The procurement system must accommodate itself to small business; its personnel must be indoctrinated with the significance and importance to the well-being of the Nation, and its economy—that it must possess a healthy, dynamic small business community. Subcommittee No. 2 proposes to continue its studies and investigations in this area, and hopes to report to the House specific recommendations to deal with this problem.

It is believed that an important antidote to the problem of decreasing prime contract awards to small business, attributable to the weapons system concept, is to increase subcontract awards to small business on the second, third, and lower tier levels. Many felt that the Congress may have to address itself to this problem. By its very nature, subcontracting raises many challenging problems which need to be solved, if small business is to be assured a fair and equitable share of military procurement.

The necessity for securing more subcontracts for small business becomes apparent when it is noted that the value of prime contracts for civil works to small business, in October 1960, amounted to 53.6 percent of total awards, compared with 21.3 percent for military functions; but had dropped to 37.9 percent by October 1961 for civil works and to only 15.4 percent for military functions.

One of the apparent obstacles to an increase in the awarding of subcontracts to small business lies in the renegotiation process. Contracts for weapons systems tend to involve amounts so large as to usually require renegotiation. Understandably, the renegotiation board does not allow the prime contractor to make as much profit on work which is subcontracted as upon that which the prime contractor does himself. This has seemed to discourage the letting of subcontracts.

No valid reason can be seen why the percentage of military awards to small business should not ultimately be equal to the percentage of civil awards. Subcommittee No. 2 will continue to study and investigate this problem and hopes to suggest a program that will achieve this result.

Studies were also made of the Department of Defense directive relating to the transportation of household goods of military personnel and the manner in which the Department of Defense has been implementing that directive.

The subcommittee was instrumental in seeing that protection was provided for the proprietary rights of several small business subcontractors dealing with prime contractors and the Air Force. In another instance, the subcommittee assisted a small business contractor by securing prompt payment from the Department of the Army which was legally due him, thereby enabling him to stay in

business and avoid bankruptcy. These are just a few examples of the assistance rendered to small business.

The subcommittee considered and studied the apparent unfavorable competitive position in which American manufacturers find themselves when competing with foreign firms. It appeared that manufacturers in the United States are subjected to close inspection tests and continuing surveillance as to the quality of the various components they make, as contradistinguished to the positions in which foreign manufacturers find themselves.

These foreign companies need only submit a preproduction sample, and are not bound to the same onerous procedures as are the American companies.

SUBCOMMITTEE NO. 3

Subcommittee No. 3 on foreign trade, foreign aid, and basic metals consist of the following members: Representative SIDNEY R. YATES, of Illinois, as chairman; Representative JOE L. EVINS, of Tennessee; Representative ABRAHAM J. MULTER, of New York; Representative ARCH A. MOORE, JR., of West Virginia; and Representative RALPH HARVEY, of Indiana.

Problems associated with the aluminum industry in relation to the recommendations previously made pertaining to the price of molten metal, alleged price squeeze, discriminations between integrators of basic metals and the small nonintegrated fabricators and processors, were subjects of continued study by the subcommittee.

The subcommittee took particular note of a certain merger in the aluminum industry and requested the Assistant Attorney General of the Antitrust Division of the Department of Justice to make a thorough and complete investigation because of the impact it might have on small business.

The two civil antitrust suits which the Government brought against the Aluminum Co. of America and the Kaiser Aluminum & Chemical Co. were closely followed by the subcommittee. Those actions, which were filed in the U.S. District Court for the Eastern District of Missouri, sought to compel Alcoa to divest itself of the Cupples Products Corp. which it had acquired previously, and to bar Kaiser from consummating its planned acquisition of the Kawneer Co. The concentration which exists in the basic aluminum industry threatened to be repeated in the architectural products business as the two large fully integrated companies began acquiring small manufacturers in that field. The effects of the disposal of the Government extrusion facility at Adrian, Mich., by sale to Harvey Aluminum, upon the aluminum industry and the problem of making public information pertaining to export shipments also received the subcommittee's attention. In addition, the subcommittee considered the impact of the proposed construction of an aluminum rolling mill by Alcoa, Bridgeport Brass, Scoville, and Cerra corporations, as a joint venture on the structure of the aluminum rolling industry.

The subcommittee studied the probable effects of proposed legislation making credit risk insurance available for American exporters and creating the establishment, with private capital, of a Federal Chartered American Export Credits Guaranty Corporation.

SUBCOMMITTEE NO. 4

To Subcommittee No. 4 was assigned the investigation of the effects of imports of foreign crude oil upon the domestic petroleum industry. The subcommittee as originally constituted consisted of Representative TOM STEED, of Oklahoma, as chairman; Representative ABRAHAM J. MULTER, of New York; Representative JAMES ROOSEVELT, of California; Representative H. ALLEN SMITH, of California, and Representative RALPH HARVEY, of Indiana. Inasmuch as coal is also an important part of the total energy picture, the subcommittee decided to likewise consider how that industry is affected by petroleum imports. It quickly became evident that the scope of the investigation into the oil import program, with its many new phases which manifested themselves, required an enlarged subcommittee. Accordingly, Representative DALE ALFORD, of Arkansas, and Representative ARCH A. MOORE, JR., of West Virginia, were added.

The investigation disclosed that, due to the rising levels of imports of foreign crude oil, the domestic oil industry is in an unhealthy economic state. It also appeared that the objectives of the mandatory oil imports program have not been achieved, thereby causing a weakening of the domestic oil industry and fostering monopolistic control.

Statistical data and other pertinent information regarding oil imports was collated from questionnaires sent to the various segments of the petroleum industry as well as from information supplied the subcommittee by the regulatory bodies of petroleum-producing States. This proved of invaluable assistance to the subcommittee in its investigation.

After a very comprehensive study of the problem, which included field investigations, the subcommittee held hearings in Washington, D.C., from November 20 through November 29, 1961. Testimony was received from witnesses representing the Interior, State, Defense, Labor, and Commerce Departments, and from the Office of Emergency Planning. The subcommittee also heard testimony from officials of a number of State regulatory and oil conservation boards and commissions.

The subcommittee also received testimony from representatives of various trade associations and from individuals engaged in every phase of the petroleum industry. The vice president of the Sinclair Oil Corp. was also heard. In view of the rather tense international situation, the witnesses stressed the urgent need for giving national security of the United States priority consideration in connection with the energy picture as a whole. It cannot be questioned that, in wartime, dependence cannot be placed on foreign oil. A healthy, domestic oil industry, capable of supplying both the civilian population and the military forces, is essential to national security.

The chairman of Subcommittee No. 4, Representative TOM STEED, emphasized that the investigation will be completely objective so as to ascertain the facts, in order to evaluate the impact of alleged excessive imports of foreign oil and petroleum products upon the domestic industry and the national security.

The subcommittee made plans to resume the hearings at an early date in order that it may have as complete a picture as possible of the situation. In the interim, the subcommittee has been studying the testimony already presented.

SUBCOMMITTEE NO. 5

Subcommittee No. 5 on distribution problems affecting small business consists of Representative JAMES ROOSEVELT, of California, as chairman; Representative TOM STEED, of Oklahoma; Representative DALE ALFORD, of Arkansas; Representative ARCH A. MOORE, JR., of West Virginia, and Representative WILLIAM H. AVERY, of Kansas.

The subcommittee received a number of complaints from operators of service stations alleging coercion, lease cancellations, discriminatory pricing, and other unfair practices considered to be prejudicial to their continued operation. The information and evidence advanced by these service station operators was received and studied in the light of the previous investigations and hearings held by the subcommittee.

Some of the complaints received referred to a California gasoline price war. Here the station operators alleged that discriminatory pricing was being applied in an attempt to injure competitively the small business station operators. Upon the request of the subcommittee chairman, the Federal Trade Commission promptly initiated a field investigation into the situation.

A number of conferences were held with officials of the Antitrust Division of the Department of Justice and of the Federal Trade Commission in order to explore means whereby relief could be more expeditiously granted to small business in situations where urgently needed.

The various reorganization plans applicable to certain regulatory agencies were analyzed to determine in what manner they might affect small business.

At one of the executive sessions of Subcommittee No. 5, the Chairman of the Federal Trade Commission appeared and ways and means were explored as to the manner in which more expeditious relief could be obtained by small businessmen from that agency. As a result, the recommendation was made that a liaison be established between the Federal Trade Commission and the Small Business Administration, whereby the latter's many branch and regional offices could receive and transmit complaints to the FTC. That recommendation has been followed and has been fully implemented, thereby affording small businessmen virtual branch offices of the FTC in every section of the country.

One of the special problems presented to the committee by representatives of small business was that regarding difficulties faced in securing adequate working capital. It was alleged that small business cannot survive and grow

unless it can find the capital needed for use in its operation, expansion, and also to pave the way for little and local businessmen to own the enterprises so many of them merely operate on behalf of absentee owners.

In order to ascertain the status regarding the financing problems, the subcommittee sent four different questionnaires to: first, petroleum suppliers; second, petroleum dealers; third, petroleum jobbers and wholesalers; and fourth, associations of grocers, shoe, and appliance dealers. The response to these questionnaires was most gratifying and the subcommittee is at present collating and analyzing the results which these questionnaires reflect. In the treatment of any illness, it is first necessary to diagnose the malady before applying any remedy. This the subcommittee is endeavoring to do and trusts that it will be able to make suitable recommendations to resolve the problems involved in financing for small business.

SUBCOMMITTEE NO. 6

To Subcommittee No. 6 was assigned the responsibility of investigating advertising and growth opportunities for small business on television and radio. This subcommittee is composed of the following: Representative DALE ALFORD, of Arkansas, as chairman; Representative JOE L. EVINS, of Tennessee; Representative JAMES ROOSEVELT, of California; Representative WILLIAM H. AVERY, of Kansas; and Representative HOWARD W. ROBISON, of New York.

The subcommittee had been informed that many radio and television stations and networks require that advertisers utilize either their entire networks, or a major portion thereof, at prime broadcasting times and thereby exclude small business. The subcommittee investigated this allegation and conducted hearings on December 6 and 7, 1961.

The subcommittee was especially interested in determining whether the policies and activities of broadcasting stations, radio and television networks are such as to deny adequate access to advertising by small business concerns desirous of using such powerful media and whether there is need for amendment of the Communications Act and any of the antitrust laws.

The subcommittee is now analyzing and studying the testimony of the various witnesses that were heard during these hearings.

SPECIAL SUBCOMMITTEE ON SMALL BUSINESS PROBLEMS IN THE DAIRY INDUSTRY

The Special Subcommittee on Small Business Problems in the Dairy Industry was exceedingly active during the 1st session of the 87th Congress, inasmuch as milk and dairy products are the most important foods used. The following are the members of that subcommittee: Representative TOM STEED, of Oklahoma, as chairman; Representative JAMES ROOSEVELT, of California; Representative DALE ALFORD, of Arkansas; Representative HOWARD W. ROBISON, of New York; and Representative RALPH HARVEY, of Indiana.

All during the first session Members of the House made requests for field investigations regarding pricing practices in the dairy industry. In accordance with such requests, extensive investigations were made in southern Illinois; the St. Louis, Mo., area; Detroit and Flint, Mich.; central and Upper Peninsula of Michigan; Minneapolis, Minn.; Denver and Colorado Springs, Colo.; and other sections. As a result of these field investigations, information was developed indicating that the large dairies initiated drives to fix prices of their products below the cost of production so that independent small business dairies would be forced out of business. Also, the on-the-spot investigations indicated that large multiple-market chain dairies, at times in apparent collusion with large, chain grocery supermarkets, continued their drive to keep prices down below cost levels with disastrous consequences to the small business segment of that important industry.

It was noted that often as a direct result of the subcommittee investigation, prices to the small business processor of milk products immediately increased. The subcommittee is continuing to carefully observe conditions prevalent in the industry and that it will expose any illegal practices it finds.

The results of the investigation of the subcommittee point to the urgent necessity for the enactment of H.R. 127, a bill to prohibit sales at unreasonably low prices, and H.R. 8830, which would give the Federal Trade Commission power to issue temporary cease and desist orders.

SPECIAL SUBCOMMITTEE ON SMALL BUSINESS PROBLEMS IN THE POULTRY INDUSTRY

During the early part of the first session of the 87th Congress, the condition of the poultry industry in the United States worsened to the point where Representatives from the various poultry States were inundated by their constituents with cries for help. Therefore, a Special Subcommittee on Small Business Problems in the Poultry Industry was formed consisting of Representative TOM STEED, of Oklahoma, as chairman; Representative JAMES ROOSEVELT, of California; Representative DALE ALFORD, of Arkansas; Representative WILLIAM H. AVERY, of Kansas; and Representative RALPH HARVEY, of Indiana.

The poultry industry was reeling under the impact of overproduction and low prices. This industry had developed an unusually high degree of production efficiency. From 34 million birds in 1934, production soared to 1.8 billion in 1960, with an anticipated 2 billion in 1961. Gross income from broilers in 1960 exceeded $1 billion. Through the years, more and more broilers have been grown under contractual arrangements with feed dealers and broiler processors, with resultant change in risk and decision-making away from the farmer.

But meanwhile, broiler prices dropped from over 30 cents per pound in the late 1940's to a low of 9 cents in the late spring and summer of 1961. It is estimated that the production cost amounted to 14 cents per pound. This substantial negative price spread between production cost and market price persisted, with resultant dire consequences to the farmer and other members of the industry. In this connection, it is interesting to note that at the beginning of the legislative year, when the Congress was considering the omnibus agriculture bill of 1961, sentiment in the poultry industry appeared to be against inclusion. Accordingly this industry was specifically excepted from the provisions of the bill and was not able to employ the apparatus provided by the act to meet such problems as overproduction and below-cost prices.

Hearings were held by the subcommittee in Washington, D.C.; Neosho, Mo., and Indianapolis, Ind. These hearings gave the industry a public forum in which to reassess its previous position, and were attended by many Members of Congress who were anxious to make known the plight of their constituents, and who desired to submit recommendations for their alleviation.

Representatives of the Department of Agriculture, trade associations, farmers, feed manufacturers, processors, and all other segments of the industry were heard. It is contemplated that another hearing may be held in Washington to let the Department of Agriculture make known its assessment of the problem and recommended solutions. In due course a report of these hearings, together with proposed recommendations for the solution of the problems in this industry, will be made to the House.

OTHER INVESTIGATIONS

Another special subcommittee was appointed, under the chairmanship of the Honorable TOM STEED, for the purpose of considering certain small business problems arising from the sale and distribution of agricultural commodities.

An extensive staff investigation was made as a result of complaints received from growers of tomatoes and other produce in the Rio Grande Valley of Texas. Charges were made that, in the marketing and distribution of tomatoes and fresh vegetables, unfair trade practices were followed and prices paid to growers which were below production costs, thereby causing serious financial losses to producers.

These producers alleged that the chain foodstores dominate the market and, unless the monopolistic practices are exposed and stopped, they and small-business distributors face bankruptcy.

As a result of the facts disclosed by the field investigation, the subcommittee held public hearings during June 1961 in McAllen, Tex. The testimony showed that certain unfair trade practices were being followed in the marketing and distribution of tomatoes, with the result that prices to growers have been forced to a level below the cost of production, thereby causing disastrous consequences to producers and small-business distributing firms. During the hearings, it was alleged that competition in the purchasing of tomatoes has been substantially lessened, due to the consolidation of buying and distribution facilities into fewer and fewer hands.

Upon the request of a Member from the State of Florida, a field investiga-

tion was conducted in that State regarding certain conditions and practices allegedly causing the dissolution and bankruptcy of the small business farmers and growers operating in that region.

CONCLUSION.

This detailed report outlines the broad scope and wide variety of subjects covered during the 1st session of the 87th Congress of the Select Committee on Small Business and its staff.

The progress made is gratifying and should provide a basis for considerable satisfaction on the part of all the members of the committee.

DONATION OF SURPLUS PROPERTY FOR EDUCATION, HEALTH AND CIVIL DEFENSE

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. MONAGAN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MONAGAN. Mr. Speaker, the Secretary of Health, Education, and Welfare has just issued statistics to the Special Subcommittee on Donable Property of the Government Operations Committee, of which I am the chairman since your resignation, which show that the Nation's health, education and civil defense units received surplus property, at acquisition cost, amounting to $323,354,716 during the calendar year 1961. They also received real property amounting to $37,452,028 during this period.

It is gratifying to note, Mr. Speaker, that every State in the Union and the District of Columbia and Puerto Rico received large quantities of personal property. There were only six States that received less than $1 million worth of property and the smallest of these was Nevada which received the amount of $783,011.

There has been a decrease in the volume of the small common-use items available to the donable property program during the past year of approximately $80 million owing to the improvement in the management of the Government's property by the Defense Supply Agency of the Department of Defense and by the General Services Administration. This necessitates increased effort on the part of those responsible for the donable program to modify, convert, adapt and cannibalize complex equipment items for schools, health institutions and civil defense requirements.

The scope of the program makes it one of the most important Federal aids to education. Based upon the month of December 1961 approximately 73 percent of the property goes to educational institutions of all kinds, 11 percent to hospitals and related health institutions, and 16 percent to civil defense.

For those who are unfamiliar with the operation of the program I might state that the military departments, particularly, but other agencies to a smaller extent, declare excess several billion dollars' worth of property annually. After all Federal agencies have had an opportunity to utilize the property, the balance is made available to tax-supported and tax-exempt education, health, and civil defense units throughout the Nation. During the past 7 years surplus personal property in the amount of $2 billion has been donated for these meritorious purposes. I should state that this property has come at a time of great need for our institutions.

Chairman DAWSON of the Government Operations Committee established the Special Subcommittee on Donable Property in 1955 and has continued it to the present time.

The other members of the subcommittee are the Honorable ROSS BASS, Tennessee, and the Honorable RICHARD S. SCHWEIKER, Pennsylvania.

The report from the Department of Health, Education, and Welfare for the calendar year 1961, by States, follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Personal property received by State surplus property agencies for distribution to public health and educational institutions and civil defense organizations and real property disposed of to public health and educational institutions, calendar year 1961

[Acquisition cost]

States	Personal property	Real property	Total
Total	$323,354,716	$37,452,028	$360,806,744
Alabama	11,142,628	99,854	11,242,482
Alaska	962,867	17,295	980,162
Arizona	2,287,864		2,287,864
Arkansas	3,000,546	297,164	3,297,710
California	42,150,763	829,102	42,979,865
Colorado	5,586,728	28,285	5,615,013
Connecticut	5,344,962		5,344,962
Delaware	846,493		846,493
Florida	14,834,324	6,783,759	21,618,083
Georgia	8,744,390	334,241	9,078,631
Hawaii	1,779,727	39,233	1,818,960
Idaho	1,248,869		1,248,869
Illinois	8,856,932	3,825	8,860,757
Indiana	6,481,127	41,195	6,522,322
Iowa	2,240,302		2,240,302
Kansas	3,194,758	163,563	3,358,321
Kentucky	4,176,245	1,493,002	5,669,247
Louisiana	4,890,154	327,577	5,217,731
Maine	2,708,433	92,475	2,800,908
Maryland	6,597,754	32,600	6,630,354
Massachusetts	12,696,579	12,879	12,709,458
Michigan	10,448,593	2,869,236	13,317,829
Minnesota	3,643,141	266,711	3,909,852
Mississippi	8,201,639		8,201,639
Missouri	4,293,074	222,117	4,515,191
Montana	827,034		827,034
Nebraska	2,212,731	185,750	2,398,481
Nevada	783,011	112,406	895,417
New Hampshire	1,267,398		1,267,398
New Jersey	3,592,418		3,592,418
New Mexico	2,168,819	207,614	2,376,433
New York	16,201,229	1,892,303	18,093,532
North Carolina	9,649,513	4,286,841	13,936,354
North Dakota	1,255,965		1,255,965
Ohio	15,361,516	97,090	15,458,606
Oklahoma	4,727,658	5,075,356	9,803,014
Oregon	4,167,272	7,550	4,174,822
Pennsylvania	14,871,335	140,466	15,011,801
Rhode Island	1,709,565	188,800	1,898,365
South Carolina	3,823,573	11,456	3,835,029
South Dakota	970,412	151,851	1,122,263
Tennessee	6,691,555	110,187	6,801,742
Texas	15,862,962	3,641,519	19,504,481
Utah	3,914,949	54,357	3,969,306
Vermont	3,082,141		3,082,141
Virginia	13,153,446	1,682,012	14,835,458
Washington	6,129,296	5,330,082	11,459,378
West Virginia	2,957,727		2,957,727
Wisconsin	7,896,040	160,803	8,056,843
Wyoming	817,566	63,690	881,256
District of Columbia	964,920	2	964,922
Puerto Rico	1,935,773	97,780	2,033,553
Virgin Islands			

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ALFORD (at the request of Mr. MILLS), for today, on account of official business.

Mr. THOMPSON of New Jersey (at the request of Mr. ALBERT), on account of illness.

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. WILSON of Indiana, for 20 minutes, today, and to revise and extend his remarks.

Mr. HALPERN (at the request of Mr. CONTE), for 90 minutes, today.

Mr. CUNNINGHAM (at the request of Mr. CONTE), for 5 minutes, today.

Mr. HOEVEN (at the request of Mr. CONTE), for 15 minutes, today.

Mr. FARBSTEIN, on tomorrow, for 15 minutes.

Mr. PATMAN, for 10 minutes, today.

Mr. SHELLEY, for 30 minutes, tomorrow.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. WALTER and to include extraneous matter.

Mr. LANE and to include extraneous matter.

Mrs. HANSEN and to include extraneous matter in her remarks on H.R. 8900 while in the Committee of the Whole.

Mr. BRADEMAS.

(The following Members (at the request of Mr. CONTE) and to include extraneous matter:)

Mr. BROOMFIELD.

Mr. YOUNGER.

Mr. ROUSSELOT in two instances.

Mr. ALGER in two instances.

(The following Members (at the request of Mr. EDMONDSON) and to include extraneous matter:)

Mr. CELLER.

Mr. BOYKIN in three instances.

Mr. DENT in two instances.

Mr. POWELL.

Mr. HARDING.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 157. An act to change the name of the Playa del Rey Inlet and Harbor, Venice, Calif., to the "Marina del Rey, Los Angeles, Calif."

ADJOURNMENT

Mr. EDMONDSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p.m.)

the House adjourned until tomorrow, Wednesday, January 31, 1962, 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:

1617. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report to the Committee on Science and Astronautics of the House of Representatives pursuant to section 3 of the act of July 21, 1961 (75 Stat. 216, 217), and pursuant to rule XL of the House of Representatives; to the Committee on Science and Astronautics.

1618. A letter from the Deputy Administrator, Veterans' Administration, transmitting a draft of a proposed bill entitled "A bill to amend section 216 of title 38, United States Code, relating to prosthetic research in the Veterans' Administration"; to the Committee on Veterans' Affairs.

1619. A letter from the president, Potomac Electric Power Co., transmitting a copy of a balance sheet of Potomac Electric Power Co. as of December 31, 1961, filed with the Public Utilities Commission of the District of Columbia, pursuant to 37 Stat. 979; to the Committee on the District of Columbia.

1620. A letter from the Chairman, U.S. Atomic Energy Commission, transmitting the annual report of the U.S. Atomic Energy Commission for 1961, pursuant to the Atomic Energy Act of 1954; to the Joint Committee on Atomic Energy.

1621. A letter from the Director, Office of Legislative Affairs, National Aeronautics and Space Administration, transmitting a report to Congress on positions established in GS–16, GS–17, and GS–18, during the calendar year 1961, pursuant to section 503(a) of the Federal Executive Pay Act of 1956; to the Committee on Post Office and Civil Service.

1622. A letter from the vice president, the Chesapeake & Potomac Telephone Co., transmitting a statement of receipts and expenditures of the Chesapeake & Potomac Telephone Co. for the year 1961, pursuant to the act of March 4, 1913; to the Committee on the District of Columbia.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DOYLE:

H.R. 9944. A bill to amend the Subversive Activities Control Act of 1950 to provide penalties for becoming or remaining a member of Communist-action organizations, and for other purposes; to the Committee on Un-American Activities.

By Mr. BENNETT of Florida:

H.R. 9945. A bill to amend section 1371 of the Internal Revenue Code of 1954 to allow certain testamentary trusts to qualify as shareholders in electing small business corporations; to the Committee on Ways and Means.

By Mr. BONNER:

H.R. 9946. A bill to regulate archeological exploration in the Canal Zone; to the Committee on Merchant Marine and Fisheries.

By Mr. DURNO:

H.R. 9947. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARDING:

H.R. 9948. A bill to provide for the construction of the Lower Teton division of the Teton Basin Federal reclamation project, Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HUDDLESTON:

H.R. 9949. A bill to amend the law relating to pay for postal employees; to the Committee on Post Office and Civil Service.

By Mr. KOWALSKI:

H.R. 9950. A bill to amend title II of the Social Security Act to increase from $1,200 to $2,400 the amount of outside earnings permitted each year without deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. LANE:

H.R. 9951. A bill to amend the law relating to pay for postal employees; to the Committee on Post Office and Civil Service.

H.R. 9952. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McINTIRE:

H.R. 9953. A bill to amend the Cooperative Forest Management Act; to the Committee on Agriculture.

By Mr. McMILLAN:

H.R. 9954. A bill to amend the act of June 6, 1924 (ch. 270) (43 Stat. 463), relating to the National Capital Park and Planning Commission as amended by the National Capital Planning Act of 1952 (66 Stat. 781) (40 U.S.C. 71); to the Committee on the District of Columbia.

By McSWEEN:

H.R. 9955. A bill to extend and amend the conservation reserve program; to the Committee on Agriculture.

By Mr. MOULDER:

H.R. 9956. A bill to amend the Standard Time Act of March 19, 1918, so as to provide that the standard time established thereunder shall be the measure of time for all purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NEDZI:

H.R. 9957. A bill to amend section 7 of the Administrative Expenses Act of 1946, as amended (72 Stat. 1274, 5 U.S.C. 73b–3), relating to travel expenses of civilian officers and employees assigned to duty posts outside the continental United States; to the Committee on Government Operations.

By Mr. O'BRIEN of New York:

H.R. 9958. A bill to remove the ceiling on the authorization for appropriations for the government of the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

By Mr. QUIE:

H.R. 9959. A bill to extend and amend the conservation reserve program; to the Committee on Agriculture.

By Mr. RIEHLMAN:

H.R. 9960. A bill to make it a crime to move or travel in interstate or foreign commerce to avoid compliance with certain support orders, and for other purposes; to the Committee on the Judiciary.

H.R. 9961. A bill to amend title IV of the Social Security Act to permit payments thereunder to be made to dependent children, within the temporary program of aid to dependent children of unemployed parents, even though such parents are required to perfom services in a work relief program as a condition of such aid; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas:

H.R. 9962. A bill to amend title 38, United States Code, to provide an extension of the period within which certain educational programs must be begun and completed in the case of persons called to active duty during the Berlin crisis; to the Committee on Veterans' Affairs.

By Mr. THOMSON of Wisconsin:

H.R. 9963. A bill to extend certain benefits to persons who served in the Armed Forces of the United States during World War I and the Mexican border campaign during the period beginning May 9, 1916, and ending with the conclusion of World War I; to the Committee on Veterans' Affairs.

By Mr. YOUNGER:

H.R. 9964. A bill to authorize the Secretary of the Treasury to convey certain real property to the Montara Sanitary District the period beginning May 9, 1916, and end- of San Mateo County, Calif.; to the Committee on Merchant Marine and Fisheries.

By Mr. ASPINALL:

H.R. 9965. A bill to stabilize the mining of lead and zinc in the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. WALTER:

H.R. 9966. A bill to stabilize the mining of lead and zinc in the United States, and for other purposes; to the Committee on Ways and Means.

By Mrs. PFOST:

H.R. 9967. A bill to stabilize the mining of lead and zinc in the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. BARING:

H.R. 9968. A bill to stabilize the mining of lead and zinc in the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. JOHNSON of California:

H.R. 9969. A bill to stabilize the mining of lead and zinc in the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. KING of Utah:

H.R. 9970. A bill to stabilize the mining of lead and zinc in the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. PETERSON:

H.R. 9971. A bill to stabilize the mining of lead and zinc in the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. OLSEN:

H.R. 9972. A bill to stabilize the mining of lead and zinc in the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. ICHORD of Missouri:

H.R. 9973. A bill to stabilize the mining of lead and zinc in the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. HORAN:

H.R. 9974. A bill to stabilize the mining of lead and zinc in the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. HARDING:

H.R. 9975. A bill to stabilize the mining of lead and zinc in the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. MONTOYA:

H.R. 9976. A bill to stabilize the mining of lead and zinc in the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. THOMSON of Wisconsin:

H.R. 9977. A bill to stabilize the mining of lead and zinc in the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. WIDNALL:

H.R. 9978. A bill to stabilize the mining of lead and zinc in the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. MORRIS:

H.R. 9979. A bill to stabilize the mining of lead and zinc in the United States, and for other purposes; to the Committee on Ways and Means.

Br. Mr. MORRIS K. UDALL:

H.R. 9980. A bill to stabilize the mining of lead and zinc in the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. GARMATZ:

H.R. 9981. A bill to amend the act of August 6, 1947, to extend the functions of

the Coast and Geodetic Survey, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MORGAN:

H.R. 9982. A bill to promote the foreign policy of the United States by authorizing the purchase of United Nations bonds and the appropriation of funds therefor; to the Committee on Foreign Affairs.

By Mr. GALLAGHER:

H.R. 9983. A bill to promote the foreign policy of the United States by authorizing the purchase of United Nations bonds and the appropriation of funds therefor; to the Committee on Foreign Affairs.

By Mr. O'NEILL:

H.R. 9984. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SIBAL:

H.R. 9985. A bill to amend the Internal Revenue Code of 1954 to provide that the tax on table tennis tables, balls, nets, and paddles shall be imposed on sales at retail instead of on sales by the manufacturer, producer, or importer; to the Committee on Ways and Means.

By Mr. ZELENKO:

H.R. 9986. A bill to prohibit the application of unreasonable literacy requirements with respect to the right to vote; to the Committee on the Judiciary.

By Mr. BENNETT of Florida:

H.R. 9987. A bill to amend section 3679(b) of the Revised Statutes to permit the acceptance by the United States of certain services voluntarily performed for the United States without overtime pay therefor by officers and employees thereof, and for other purposes; to the Committee on Government Operations.

By Mr. FINO:

H.J. Res. 610. Joint resolution designating December 1, 1962, as Civil Air Patrol Day; to the Committee on the Judiciary.

By Mr. KEARNS:

H.J. Res. 611. Joint resolution to amend title II of the Career Compensation Act of 1949 to provide special pay for members of the U.S. Army Band, the U.S. Navy Band, the U.S. Air Force Band, and the U.S. Marine Corps Band; to the Committee on Armed Services.

By Mr. MEADER:

H. Res. 530. Resolution disapproving Reorganization Plan No. 1 of 1962; to the Committee on Government Operations.

By Mr. DOMINICK:

H. Res. 531. Resolution disapproving Reorganization Plan No. 1 of 1962; to the Committee on Government Operations.

By Mr. ANDERSON of Illinois:

H. Res. 532. Resolution disapproving Reorganization Plan No. 1 of 1962 transmitted to Congress by the President on January 30, 1962; to the Committee on Government Operations.

By Mrs. GRIFFITHS:

H. Res. 533. Resolution providing for an International Castings Week; to the Committee on the Judiciary.

By Mr. LINDSAY:

H. Res. 534. Resolution to amend the rules of the House of Representatives on the use of the CONGRESSIONAL RECORD; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

The SPEAKER presented a memorial of the Legislature of the Territory of Guam, memorializing the President and the Congress of the United States relative to extending congratulations from the people of Guam to the Honorable JOHN WILLIAM MCCORMACK, Speaker of the U.S. House of Representatives, which was referred to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BREWSTER:

H.R. 9988. A bill for the relief of Mrs. Mae G. Fromm; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 9989. A bill for the relief of Mr. and Mrs. Juan C. Jacobe, and their four children, Angela Jacobe, Teresita Jacobe, Leo Jacobe, and Ramon Jacobe; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 9990. A bill to amend the act of September 13, 1961, entitled "An act for the relief of Benjamin Schoenfeld"; to the Committee on the Judiciary.

H.R. 9991. A bill for the relief of Benjamin Schoenfeld; to the Committee on the Judiciary.

H.R. 9992. A bill to confer jurisdiction on the U.S. District Court for the Southern District of New York to hear, determine, and render judgment on the claims of Lawrence Nestor against the United States; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H.R. 9993. A bill to authorize the award of the Distinguished Service Cross or other appropriate decoration to Maj. Nick D. DeMaria; to the Committee on Armed Services.

H.R. 9994. A bill for the relief of Miss Marianna Chmara; to the Committee on the Judiciary.

By Mr. KYL:

H.R. 9995. A bill for the relief of Dwight W. Clarahan; to the Committee on the Judiciary.

By Mr. McMILLAN:

H.R. 9996. A bill for the relief of Mrs. Emily Perry King; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H.R. 9997. A bill for the relief of Dr. David T. Huang; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 9998. A bill for the relief of Dr. Ernst Badian; to the Committee on the Judiciary.

By Mr. RAY:

H.R. 9999. A bill for the relief of Filippo Raccuglia; to the Committee on the Judiciary.

By Mr. ROGERS of Florida:

H.R. 10000. A bill for the relief of Georgios (George) Theoharis; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H.R. 10001. A bill for the relief of Om Chaudhry and his wife, Push Chaudhry; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

233. Mrs. ST. GEORGE presented a resolution of the Rockland Business & Professional Women's Club of New York State, Inc., relative to the Federal income tax system as now administered, which was referred to the Committee on Ways and Means.

SENATE

TUESDAY, JANUARY 30, 1962

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

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

Our Father, walking as Thy children along the path of duty in this new chance for service that dawn has brought us, we would feel and heed the pressure of Thy life upon ours; we would listen for Thy voice and hearing make Thy will our own with the assurance that in all our choices we do the things that please Thee.

In Thee is food for all our hunger, light for all our darkness, strength for all our tasks, and love which never faileth to purge the selfishness which spoils life's music.

Thou knowest that this is our faith. Make it, we pray, our living experience. Help us to harness our creed to our private and public practice. This day in all our human contacts make us eager to be fair and kind; and when evening comes, may we have the reward of Thy favor and the peace that passeth understanding. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, January 29, 1962, was dispensed with.

MESSAGES FROM THE PRESIDENT

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

AUTHORIZATION AND APPROPRIATIONS FOR PURCHASE OF UNITED NATIONS BONDS—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 321)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am transmitting herewith for the consideration of the Congress a suggested bill to promote the foreign policy of the United States by authorizing the purchase of United Nations bonds and the appropriation of funds therefor. This bill would authorize the appropriation of up to $100 million for the purchase of United Nations bonds.

The United Nations is faced with a financial crisis due largely to extraordinary expenditures which it incurred in fulfilling the pledges in its charter to secure peace, progress, and human rights. I regard it as vital to the interests of our country and to the maintenance of peace that the capacity of the United Nations to act for peace not be inhibited by a lack of financial resources.

Some members have failed to pay special assessments levied for peacekeeping operations in the Middle East and in the Congo, claiming that these assessments are not binding upon them. The shortage of operating funds thus created has reduced the working capital fund of the United Nations to zero and compelled it to hold back on the payment of bills and borrow from United Nations agencies.

Prudence and good management require all institutions—public or private, national or international—to keep their

affairs in good financial order. The Secretary General of the United Nations therefore urged the adoption of, and the members approved by a large majority, a three-point plan to relieve the cash deficit and to avoid the need for makeshift financing of emergency operations designed to keep or restore the peace:

Point 1 is to cover anticipated expenses for the United Nations operation in the Congo and for the United Nations emergency force in the Middle East through the end of the present fiscal year. The 16th General Assembly approved a new appropriation for these purposes, assessed against all members.

Point 2 is to resolve all doubt as to whether delinquent members must pay special assessments for the Congo (ONUC) and Middle East (UNEF) operations, or face the loss of their voting rights. To this end, the United Nations General Assembly requested from the International Court of Justice an advisory opinion as to whether these special assessments, like regular assessments, are "expenses of the Organization" legally binding on all members by the terms of the United Nations Charter.

It is the opinion of the United States that special assessments voted by a two-thirds majority of the General Assembly are obligatory. We anticipate a decision by early summer of this year. If our view, which is shared by most of the members of the United Nations, is confirmed by the Court, then all members will have to pay their dues or lose their right to vote in the General Assembly. It is only fair that members that participate in the privileges of membership should participate also in its obligations.

Even if the Court's opinion goes as we believe it should, the United Nations would still be faced with a serious cash problem, aggravated by any further delays in collecting back dues from those who have not been willing to pay the special assessments. Consequently,

Point 3 of the United Nations financial plan is to acquire a special fund to relieve the present cash deficit by paying off current bills and debts, and by setting aside a reasonable reserve to help finance United Nations peace-keeping operations in future emergencies.

For this purpose the General Assembly has authorized the Secretary General to issue $200 million worth of United Nations bonds repayable at 2 percent interest over a 25-year period with annual repayments charged against the budget of the United Nations. All members are assessed a share of that budget.

If this program is successful, the United Nations will be in a vastly improved financial position. It is my judgment that this plan is sound both for the United Nations and for its members. These bonds will be repaid with interest at the rate of approximately $10 million a year, as part of the regular assessment. Every nation—including the Soviet Union—will thus be required to pay its fair share or lose its vote. And the United States will be obligated, in the long run, to meet only 32 percent of these special costs instead of the nearly 50 percent we are presently contributing to the special operations of the United Nations.

I ask that the Congress act now to back the United Nations by authorizing the purchase of these bonds. Failure to act would serve the interests of the Soviet Union, which has been particularly opposed to the operation in the Congo and which voted against this plan as part of the consistent Communist effort to undermine the United Nations and undercut its new Secretary-General. For without the bond issue, either the United Nations' executive arm will wither or the United States will be compelled to pay a larger share of the costs of operation than is reasonable for any one member of an international organization.

The central purpose of the United Nations is to keep the peace wherever possible and to restore the peace whenever it is broken.

The United Nations has received the support of both political parties since its inception.

By emergency action the United Nations turned back aggression in Korea.

By emergency action the United Nations brought a halt to war in the Middle East over 5 years ago, and ever since has safeguarded the armistice lines.

By emergency action the United Nations has prevented large-scale civil war and avoided great-power intervention in the Congo.

We shall spend this year nearly one-half of the Federal budget for national defense. This authorization represents an investment of one-tenth of 1 percent of that budget in the peace-keeping capacity of the United Nations.

Whatever its imperfections, the United Nations' effectiveness and existence are an essential part of the machinery to bring peace out of this world of danger and discord.

I earnestly hope that the Congress will give early and favorable consideration to this request.

JOHN F. KENNEDY.

THE WHITE HOUSE, *January 30, 1962.*

COMMITTEE MEETINGS DURING SENATE SESSION

Upon request of Mr. MANSFIELD, and by unanimous consent, the Antitrust Subcommittee of the Judiciary Committee and the Committee on Government Operations were authorized to meet during the session of the Senate today.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, at the conclusion of the morning hour the Senator from Louisiana [Mr. ELLENDER] is to address the Senate.

RIGHT TO VOTE IN FEDERAL ELECTIONS—JURISDICTION OF COMMITTEES

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

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

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

Mr. RUSSELL. Mr. President——

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

Mr. RUSSELL. Reserving the right to object, what would be the order of business which would be before the Senate if the unanimous-consent request were agreed to?

The VICE PRESIDENT. The request is not debatable, the Parliamentarian informs the Chair.

Mr. RUSSELL. What?

The VICE PRESIDENT. The request is not debatable.

Mr. RUSSELL. I made a parliamentary inquiry.

The VICE PRESIDENT. The call for the quorum has not been rescinded.

Mr. RUSSELL. Well, then, I object, Mr. President.

The VICE PRESIDENT. The clerk will continue the call of the roll.

The Chief Clerk resumed and concluded the call of the roll, and the following Senators answered to their names:

[No. 5 Leg.]

Aiken	Hart	Mundt
Anderson	Hartke	Murphy
Bartlett	Hayden	Muskie
Beall	Hickey	Neuberger
Bennett	Hill	Pastore
Bible	Holland	Pell
Boggs	Hruska	Prouty
Burdick	Jackson	Proxmire
Bush	Javits	Randolph
Byrd, Va.	Johnston	Robertson
Byrd, W. Va.	Jordan	Russell
Cannon	Keating	Saltonstall
Carroll	Kefauver	Scott
Case, N.J.	Kerr	Smathers
Case, S. Dak.	Kuchel	Smith, Mass.
Church	Lausche	Smith, Maine
Clark	Long, Mo.	Sparkman
Cotton	Long, Hawaii	Stennis
Curtis	Long, La.	Symington
Dirksen	Magnuson	Talmadge
Douglas	Mansfield	Thurmond
Dworshak	McCarthy	Tower
Eastland	McClellan	Wiley
Ellender	McGee	Williams, N.J.
Ervin	McNamara	Williams, Del.
Fong	Metcalf	Yarborough
Fulbright	Miller	Young, N. Dak.
Goldwater	Morton	Young, Ohio
Gruening	Moss	

Mr. SMATHERS. I announce that the Senator from Connecticut [Mr. DODD], the Senator from Tennessee [Mr. GORE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], and the Senator from California [Mr. ENGLE] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Indiana [Mr. CAPEHART], and the Senator from Kansas [Mr. CARLSON] are absent on official business.

The Senator from Maryland [Mr. BUTLER] and the Senator from Kentucky [Mr. COOPER] are necessarily absent.

The Senator from Iowa [Mr. HICKENLOOPER] is absent on official business to attend the Eighth Meeting of Consultation of Ministers of Foreign Affairs of American States.

The VICE PRESIDENT. A quorum is present.

Mr. JAVITS. Mr. President, there is pending on the desk before the President of the Senate a bill for reference. It is S. 2750.

The VICE PRESIDENT. The Senator will suspend until the Senate is in order. The Senate will be in order. The Senator from New York may proceed.

Mr. JAVITS. Mr. President, there is pending upon the desk of the Vice President for reference S. 2750. I respectfully request that at the Chair's convenience the decision upon the reference of the bill may be announced, rather than that the bill be referred without announcement.

The VICE PRESIDENT. The Senator from New York has raised a question as to the reference of the Mansfield bill, S. 2750.

Mr. MANSFIELD. Mr. President, it is the Mansfield-Dirksen bill.

The VICE PRESIDENT. The Mansfield-Dirksen bill, S. 2750. The Legislative Reorganization Act of 1946, section 137, provides:

SEC. 137. In any case in which a controversy arises as to the jurisdiction of any standing committee of the Senate with respect to any proposed legislation, the question of jurisdiction shall be decided by the Presiding Officer of the Senate, without debate, in favor of that committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal.

The Mansfield-Dirksen bill, S. 2750, is a bill to protect the right to vote in Federal elections free from arbitrary discriminations by literacy tests or other means. It amends the Civil Rights Act of 1957, the subject matter of which was within the jurisdiction of the Committee on the Judiciary.

A jurisdictional question having been raised, and the senior Senator from New York having asked for a ruling, the Chair is required under the law of the land and the rules of the Senate to refer it to the committee which has jurisdiction over the subject matter which predominates in the bill.

The bill in question proposes a substitute for subsection (b) of section 131 of the Civil Rights Act of 1957, and, in the main, provides that no person shall be subject or attempt to subject any other person to the deprivation of the right to vote in any Federal election, and defines the term "deprivation of the right to vote."

The bill does not confer upon a person the right to vote. That right already exists. It has for its purpose the prevention of discriminations against the right of a person to vote; in other words, it relates to the enforcement of his right to vote.

After a careful and thorough study by the Senate Parliamentarian, the Assistant Parliamentarian, and other parliamentary authorities, the Chair is informed by all consulted that under the historical precedents of the Senate, bills dealing with civil rights, civil liberties, court proceedings, and enforcement of the laws, have universally been held to be within the jurisdiction of the Committee on the Judiciary.

The Chair believes that he should give due consideration to the precedents heretofore established and follow those precedents unless otherwise determined by the Senate. Therefore, the Chair refers the bill to the Committee on the Judiciary.

Mr. JAVITS. Mr. President, I appeal from the decision of the Chair.

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

Mr. JAVITS. I do not wish to lose the floor. Hence, would the Senator from Montana ask unanimous consent that I shall not lose the floor?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from New York may yield to me without his losing his right to the floor.

The VICE PRESIDENT. The Senator from Montana asks that the Senator from New York may yield to him without the Senator from New York losing his right to the floor. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I have discussed this matter with the distinguished senior Senator from New York and the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], and other interested Senators.

Therefore, on the basis of their approval and, I hope, the approval of the whole Senate, I ask unanimous consent that on any appeal that may be taken from the decision of the Presiding Officer on the reference of S. 2750, debate be limited to 90 minutes, to be equally divided between those favoring and those opposing the appeal, and controlled, respectively, by the Senator from New York [Mr. JAVITS] and the majority leader.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and the order is entered.

Mr. JAVITS. I yield myself 15 minutes.

The VICE PRESIDENT. The Senate will be in order.

Mr. MANSFIELD. Mr. President, will the Senator from New York yield for a parliamentary inquiry?

Mr. JAVITS. I yield.

Mr. MANSFIELD. As I understand, there is before the Senate at the present time an appeal from the ruling of the Chair.

The VICE PRESIDENT. The Senator from Montana is correct.

Mr. MANSFIELD. For the information of the Senate, so that it will be on notice, I intend to offer a motion to table the appeal of the Senator from New York.

Mr. JAVITS. I similarly, in deference to my colleagues, suggest that if such a motion to table is offered I shall respectfully ask from my colleagues in the Senate a record vote, the yeas and nays.

Mr. MANSFIELD. That is the right of the Senator.

Mr. JAVITS. I thank the Senator from Montana.

Mr. President, it is not a light matter to appeal from the ruling of the Chair. I do so only because as a lawyer I am convinced that this bill ought to be referred to the Committee on Rules and Administration, and because I believe it is high time that we argue out the question of whether a civil rights bill must of necessity go to the Judiciary Committee, where, history has shown, it gets no action and is pigeonholed.

In short, I think the substantive question involved is, Shall we get action and hearings, or shall we not? The adjectival or procedural question involved is, according to the rules and precedents of the Senate, Should this bill be referred to the Committee on Rules and Administration? In my opinion, it should be. A considerable number of bills have been referred to the Committee on Rules and Administration which also seek amendment of and have reference to the 1957 Civil Rights Act. There are also bills which deal with the obstructions and encumbrances to the right to vote, which inhibit violation of the right to vote afforded by the 15th amendment—such, for example, as the bills relating to the elimination of the poll tax as a qualification for voting—which have been referred to the Committee on Rules and Administration.

However, it seems to me the essential question is decided for us by the provisions of the law itself, which states that jurisdiction shall go to that committee whose jurisdiction over the subject predominates. I emphasize the word "predominates."

A study of the particular measure which is now before the Senate indicates that it is the jurisdiction of the Committee on Rules and Administration rather than the jurisdiction of the Committee on the Judiciary which definitely predominates. Let us look first at the question of jurisdiction. The jurisdiction of the Committee on the Judiciary, under which the Vice President's reference is made, relates to subsection (k) on page 32 of the Standing Rules of the U.S. Senate, as follows:

1. Judicial proceedings, civil and criminal, generally.
2. Constitutional amendments.
3. Federal courts and judges.

Nothing is said there about civil rights measures. What we are talking about when we refer civil rights bills to the Committee on the Judiciary is that they constitute constitutional amendments or are predominantly based upon judicial proceedings, civil and criminal.

On the other hand, the jurisdiction of the Committee on Rules is very specific on this score. I quote now from subparagraph (d) of its authority, found on page 36 of the Standing Rules of the U.S. Senate. The Committee on Rules and Administration has jurisdiction over:

(d) Matters relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; Presidential succession.

First and foremost, let us read the title of the bill. That is generally what determines these questions in the majority of cases. The title reads: "To protect the right to vote in Federal elections free

from arbitrary discrimination by literacy tests or other means."

It seems to me, therefore—and my case on this appeal is based upon the following statement of principle—that this is a clean elections bill, a bill to eliminate a corrupt practice which is a burden on Federal elections, and therefore is a measure intended to implement the Fifteenth Amendment, which deals with voting.

Be it said very significantly that if one is going to relate the words of the bill to the words of the jurisdiction of committees, then certainly the bill ought to be referred to the Committee on Rules and Administration, because the bill itself is confined to Federal elections. "Federal elections" generally are the very words of art used in the authority given to the Committee on Rules and Administration, rather than in the authority given to the Committee on the Judiciary. Therefore, it seems to me very clear that if we are going to follow the "preponderate" rule—and we must—then clearly the "preponderate" rule, from the title of the bill, from the limitation of the bill, it being confined to Federal elections, and from the words of the bill, which name Federal elections and other particular and specific aspects of the jurisdiction of the Committee on Rules and Administration, the bill should be referred to the Committee on Rules and Administration.

Also, let us understand that this is not a constitutional amendment. The arguments which have been made—and there have been many—that the literacy test qualification cannot be made standard except by a constitutional amendment, are not germane to this argument, because the Chair has to take the bill as it is, and the bill is based on legislation. So whether it ought to be or ought not to be a constitutional amendment, the fact is that the bill does not propose a constitutional amendment; it is simply a legislative measure and therefore qualifies entirely for being referred to the Committee on Rules and Administration.

Let us again look at the bill. The bill speaks. The bill, in reciting subsection (b) of section 1, speaks of "corrupt influence"—again the very words of art used in the terms of the jurisdiction of the Committee on Rules and Administration.

The bill provides in subsection (a) of section 1, in its general findings of the fact, "that all qualified citizens have the opportunity to participate in the choice of elected officials." Again, that is affirmative of the right to vote, rather than negative of trying to prevent persons from interfering with the right to vote.

Further on we have the following reference, which it seems to me is conclusive. Section 1, subsection (f), of the bill reads as follows, in speaking of Congress: "and its power to protect the integrity of the Federal electoral process."

That recital is so important that I shall reread it: "and its power to protect the integrity of the Federal electorial process, Congress has the duty to provide against the abuses which presently exist."

This clearly indicates the intent of the author of the bill to make it a clean elections bill, a bill against corrupt practices. It is a bill which calls upon the power of Congress, in the words of the bill, to protect the integrity of the Federal electoral process. Under the precedents of the Senate, that is precisely the kind of bill which has, time and time again, been referred to the Commitee on Rules and Administration.

During this Congress, five bills—the so-called clean elections bill, which passed the Senate at the end of the last session, S. 604—and four other bills, all relating to corrupt practices in Federal elections, were referred to the Committee on Rules and Administration, notwithstanding the fact that the contents of those bills were penal provisions and amendments to the Federal Criminal Code. That negates the proposition that any bill providing penalties, either civil or criminal, must be referred to the Committee on the Judiciary.

Also, two bills to prohibit poll taxes or other property as conditions for voting—S. 478 and S. 1259—were referred to the Committee on Rules and Administration.

It seems to me that is a very clear analogy that I made of the burden on the voting right, which is sought to be dealt with by this bill. But more conclusive than that, even, is that four bills dealing with voting registrars were also referred to the Committee on Rules and Administration: S. 2814, S. 2684, S. 2719, and S. 2783. The Committee on Rules and Administration held rather extensive hearings upon those bills in 1960. It seems to me that a reading of the bills demonstrates that there we were dealing with specific amendments to the 1957 Civil Rights Act. Nonetheless, because the bills dealt affirmatively with the voting right and burdens on the voting right, they were referred to the Committee on Rules and Administration.

In my opinion, this argument is based soundly upon the law. It is also based upon a very important question of policy, because I believe that there is room for legal argument, which is what we are having now. I have cited some of the points which I think are very persuasive in terms of reference of the pending bill to the Committee on Rules and Administration.

The Chair might have decided either to refer the bill to the Committee on Rules and Administration or to the Committee on the Judiciary. The Chair decided to refer the bill to the Committee on the Judiciary, where all our history demonstrates, that has been no action on such bills. Let us remember that a bill very similar to the pending bill, similar, for practical purposes, in terms of whether we can get action on it or not, has been languishing in the Committee on the Judiciary since January of last year.

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

Mr. JAVITS. May I finish this point? That is true notwithstanding the fact that the bill is sponsored by more than 20 Senators on both sides of the aisle. That bill was introduced as a specific bill—a single bill—on January 17, 1961, and the Committee on the Judiciary has taken no action whatever on it.

Now I yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I wish to ask the able and distinguished senior Senator from New York whether he had made any request for a hearing on that bill of the Subcommittee on Constitutional Rights.

Mr. JAVITS. I believe we have made requests both for hearing and for departmental reports. We do that normally in the case of all the bills we introduce.

Mr. ERVIN. Does the Senator from New York affirm that he has made any request of me, as chairman of the Subcommittee on Constitutional Rights, for a hearing on that bill?

Mr. JAVITS. I do not say that at all, because normally our requests would go to the chairman of the full committee, not to the chairman of the subcommittee.

Mr. ERVIN. Well, I am chairman of the subcommittee; and normally Senators who make such requests about such a bill make them of me. The Senator from New York has not made such a request of me. I do not know what requests may have been made of the chairman of the full committee.

Mr. KEATING. Mr. President, will my colleague yield, to permit me to make a clarification?

Mr. JAVITS. I yield.

Mr. KEATING. I am a member of the Subcommittee on Constitutional Rights. Let me say that, as the chairman knows, as a member of that committee I have been pressing to have a higher priority given to all the civil rights bills that are before the committee. We have dealt with the constitutional rights of the criminally insane, the mentally ill, and the Indians and may soon have hearings on the rights of soldiers and immigrants. These are important subjects and I have fully participated in all of our hearings and reports. But we have given civil rights legislation no attention or priority. I am sure that the distinguished Senator from North Carolina will agree that as a member of his subcommittee I have been pressing very hard for a higher priority for all the civil rights bills, including the one to which the senior Senator from New York has been referring.

Mr. JAVITS. Mr. President, I am very grateful to my colleague from New York.

Let me say that I have little doubt about the proper conclusion to be drawn. It is based upon the history of civil rights measures which have been referred to the Judiciary Committee, which has traditionally been the graveyard for such bills. Therefore I reach the conclusion that if this bill is referred to the Judiciary Committee, it will suffer the same fate.

Mr. President, when we consider this matter, let no one be fooled by the parliamentary complexities involved in this question. Legally, as I have said, a case can be made for reference of the bill to either committee. The Chair has chosen to make out the case for refer-

ence of the bill to the Judiciary Committee.

The VICE PRESIDENT. The time the Senator from New York has yielded to himself has expired. If the Senator from New York desires to continue his remarks, will he state the additional time he desires to yield to himself?

Mr. JAVITS. Yes, Mr. President; I yield myself an additional 5 minutes.

The VICE PRESIDENT. The Senator from New York is recognized for an additional 5 minutes.

Mr. JAVITS. Mr. President, as I was saying, let no one be fooled by the parliamentary complexities involved in this question. The ruling which sends the bill to the Judiciary Committee sends it—in view of the arguments which can be made on both sides and which are being made here today—to what I consider a graveyard, in the final analysis, in connection with a close question. Therefore I think it proper to take the position that the decision in regard to this matter becomes a parliamentary decision. Many members who have made campaigns on civil rights matters have a right to know the facts of the matter now before us.

I am convinced that the bill should be referred to the Committee on Rules and Administration. The vote to be taken on the appeal I have made will be a test of whether the efforts of the administration to obtain the passage of civil rights legislation are real efforts to obtain the passage of such legislation or whether they are merely gestures. History teaches us that, Mr. President.

On the subject of the struggle over the so-called filibuster rule, the majority leader of the Senate made the following statement in this Chamber as appears in the CONGRESSIONAL RECORD, volume 107, part 1, page 520:

> I wish to assure the Senate that this proposition will receive such consideration, and that I shall leave no stone unturned to see to it that a measure of the kind proposed by the Senator from New Mexico is reported to the Senate at a later date. And, further, the minority leader joins with me in assuring the Senate that we shall do everything in our power to bring such a measure to a vote in this body.

Mr. President, when was that bill reported to the Senate? The parliamentary processes in connection with the bill began in January. The bill reached the floor of the Senate on September 5, when the Senate was again "under the gun" of adjournment, and when it was then impossible, in my opinion and in the opinion of many other Members of the Senate, for the Senate really to go into the matter with any hope of achieving a result.

Of course, the majority leader is subjected to all the vicissitudes that may occur in connection with what happens in this body and also in connection with what happens in the committee to which the bill is referred, and I am not for a minute questioning his good faith; I am merely calling attention to the mandate of history, which shows unquestionably in my opinion, that if the bill is allowed to go to the Judiciary Committee, it will be buried there again. When the majority leader introduced the bill last Thursday he stated that—

> It would be my intention, if the request were not given consideration after an appropriate time, to offer the proposal as an amendment to a measure pending before the Senate.

Mr. President, if "an appropriate time" means that the bill will be brought before the Senate 10 or 15 days before adjournment, then we know from experience that nothing much will happen in connection with the bill. But if "an appropriate time" means that the measure will be brought up in 30 days or in some reasonable time of the sort, then we know that something can be done by the Senate in connection with the bill. However, experience shows that this measure will not receive a hearing in the Judiciary Committee. Yet it is obvious that this matter should be explored and considered, as the majority leader has said.

Mr. President, how better can this subject be explored and considered than by its being referred to the committee of which the majority leader is chairman? Therefore, it seems proper that the bill be referred to that committee, so we can be assured that the bill will receive the treatment that many Senators want the bill to receive and the treatment that the country wants the bill to receive.

It is obvious that the enactment of civil rights legislation requires help from Congress. The President has agreed as to that. This measure represents the first thing he has done on that score. After my colleague, the Senator from New York [Mr. KEATING] and others made it clear that we would move to tack such measures onto other bills, the President said, in effect, "Hallelujah! That is great."

The VICE PRESIDENT. The additional time the Senator from New York has yielded to himself has expired.

Mr. JAVITS. Mr. President, I yield myself 2 additional minutes.

The VICE PRESIDENT. The Senator from New York is recognized for 2 additional minutes.

Mr. JAVITS. But, Mr. President, this is no time to put the bill down the drain by means of a committee procedure that in the past has been so promising of that very result.

It is for this reason that I believed an appeal had to be taken. No Senator likes to take an appeal from a ruling when the ruling is made, first, by the Chair; second, by the Vice President of the United States; and third, by the former majority leader, who also was an outstanding Senator. Nevertheless, there are many who feel strongly about this key issue; and it is obvious that the legislative path will lead nowhere if this measure is referred to the Judiciary Committee.

Mr. President, if the majority leader's words "an appropriate time" mean precisely what they seemed to mean last year when we talked about rule XXII, when we found that "an appropriate time" meant that Senate consideration of the bill was delayed from the beginning of the session, when we could have done something about rule XXII, to the end of the session, when we could not do something about changing rule XXII, then, Mr. President, I am all for putting my faith in the majority leader, because he is chairman of the Committee on Rules and Administration, and there he can give this measure a hearing; and he has promised to give it a hearing there in the efficient way he always does.

Mr. CASE of New Jersey. Mr. President, will the Senator from New York yield to me?

Mr. JAVITS. I yield.

Mr. CASE of New Jersey. The Senator from New York with his customary clarity and force has presented the question so clearly that I think very little more need be said. He has made his point under the rules and precedents of the Senate, which I think clearly justify reference of this particular measure to the Committee on Rules and Administration.

As the Senator from New York does not question the propriety of reference to the Committee on the Judiciary also, neither do I. But I believe it would be impossible to deny that there is an exact precedent as between this bill and the bill relating to voting registrars. Neither of these bills attempts to give a substantive right to vote. As the Vice President said in his ruling, that is something that exists anyway, and it does not have to be given to anyone by law.

Both of these measures were for the purpose of implementation of that right. It seems to me the rulings and references of bills dealing with voting registrars to the Committee on Rules are squarely precedents for the reference to the Committee on Rules of the pending bill.

So, as the Senator from New York has so well said, it comes down to a question of policy. Where do we want this bill to go, it being a bill that could properly be referred to either committee?

The Senator from New York has clearly pointed out the results of reference to either committee. Our experience last year was another in the long experience of frustration in efforts to change rule XXII. We had specific assurance then from the majority leader, which we have not now, as to when he intends to bring it up if the Committee on the Judiciary should fail to act. Under the circumstances we are left in, it is up to us in the Senate who take a responsibility in this matter to take those steps which we feel should be taken.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. JAVITS. Mr. President, the majority leader does not wish to yield any time now. I yield 5 minutes to my colleague from New York.

The VICE PRESIDENT. The Senator from New York is recognized for 5 minutes.

Mr. KEATING. Mr. President, it is essential that this legislation be referred to the Committee on Rules and Administration.

I am in the rather unique position of serving on both the Committee on the Judiciary and the Committee on Rules and Administration. I therefore can speak, with perhaps unusual authority on this question. In my judgment a reference of this bill to the Judiciary

Committee would be sentencing it to a slow and sure death. That committee already is serving as a burial ground for more than a score of civil rights bills—some of which were introduced more than a year ago. There is no more hope that the committee would allow this bill to live than that it will resurrect any one of these other dead measures which it now inters.

The Committee on Rules and Administration, on the other hand, under the chairmanship of the majority leader, can reasonably be expected to give prompt and sympathetic consideration to this measure. I am sure that the opponents, as well as the proponents, will be given an opportunity to be heard. There may be amendments—but we would have every reason to hope that the bill would be reported to the Senate in plenty of time to resist whatever verbal assault may be mobilized against it.

I believe in orderly procedure and would not support this appeal if I was not convinced that referral of this bill to the Committee on Rules and Administration was entirely consistent with the rules and precedents of the Senate.

Rule XXV of the Standing Rules of the Senate expressly provides for the reference to the Committee on Rules and Administration of all proposed legislation relating to the "election of the President, Vice President, or Members of Congress" or "Federal election generally." There is no such provision in rule XXV with regard to the Committee on the Judiciary, that committee's only relevant jurisdiction being limited to judicial proceedings, constitutional amendments and civil liberties. If S. 2750—the pending bill—can fairly be said to relate primarily to Federal elections, then certainly under the plain language of rule XXV it should go to the Committee on Rules and not to the Committee on the Judiciary.

The ruling of the President is inconsistent with the past practice with regard to a host of similar bills. In the 86th Congress, for example, at least seven bills growing out of the recommendations of the Commission on Civil Rights were referred to the Committee on Rules and Administration. I participated in the hearings on these bills. Four of these—S. 2684, S. 2719, S. 2783, and S. 2814—would have authorized the appointment of temporary Federal registrars in areas in which citizens were being denied the right to vote because of race or color. Two of these—S. 2722 and S. 2785—provided for the preservation of voting records, and another—S. 2535—would have established a congressional election commission to supervise the conduct of Federal elections where violations of voting rights were found. It is obvious that these bills related in part to civil liberties and to judicial proceedings, the criteria for the Committee on the Judiciary. But because they related predominately to Federal elections, they went to Rules not Judiciary, and no objection whatever was made to such reference at that time.

Historically, almost all such bills have gone to the Committee on Rules. Other pertinent examples are bills to abolish poll taxes, bills to amend the Hatch Act or the Corrupt Practices Act, bills prescribing the time of elections and conventions, bills relating to primaries or election practices or election costs—all of which have gone to the Committee on Rules—not the Judiciary Committee.

There is no difference in nature sufficient to justify a difference in referral between this bill on literacy tests and bills on Federal registrars, poll taxes or the preservation of voting records. As an original proposition it would appear to be utterly inconsistent with the language of rule XXV and these precedents to refer this literacy bill (S. 2750) to the Judiciary Committee. With all due deference to the President's ruling, in my opinion it is contrary to the law of the land and the precedents of this body to send this bill to its demise in the Judiciary Committee. Certainly no such ruling was compelled.

The only argument which can properly be made against the referral of this bill to the Rules Committee is that a similar bill (S. 480) introduced by my colleague, Senator JAVITS, early last year was referred to the Committee on the Judiciary, where, by the way, it has since rested without the slightest disturbance.

In my opinion it was a mistake to refer this bill to the Judiciary Committee, and we should have challenged the ruling of the Chair then as we are doing now.

In any event, there are several important distinctions of parliamentary significance between the two measures. The titles of the bill are different, S. 480 emphasizes the prohibition of unreasonable literacy tests, while S. 2750 emphasizes protection of the right to vote in Federal elections. In their findings, more significant differences appear—S. 480 deals only with the abuse of literacy tests; S. 2750, in contrast, refers to "discrimination and other corrupt influences." In scope, also, there are substantial distinctions. S. 480 deals only with literacy tests used for racial discrimination; S. 2750, however, deals also with language barriers to voting—a subject which the Commission on Civil Rights said was "not strictly within the scope of the Commission's authority." In addition, S. 480 is based on the power of Congress to enforce the 14th and 15th amendments, while S. 2750 explicitly refers to the power of Congress "to protect the integrity of the Federal electoral process." Finally, in their substantive provisions, S. 480 applies to State and local as well as Federal elections, while S. 2750 applies solely to Federal elections; S. 480 prohibits only unreasonable literacy tests—S. 2750 prohibits any application "of standards or procedures more stringent than are applied to others similarly situated" as well as unreasonable literacy tests.

It is apparent that there are substantive differences in these measures, that there is clear authority for a reference of S. 2750 to the Committee on Rules where it will receive proper consideration, and that there is no requirement that it be referred to the Judiciary Committee. If we are really interested in seeing something more become of this bill than an empty gesture—our course is clear. We must vote for this appeal and to overrule the decision of the President.

The VICE PRESIDENT. The time of the Senator from New York has expired.

Mr. JAVITS. I yield 2 additional minutes to my colleague.

The VICE PRESIDENT. The Senator from New York is yielded 2 additional minutes.

Mr. KEATING. Mr. President, I was interested in the statement of the distinguished majority leader [Mr. MANSFIELD] when he introduced the bill, that if the appropriate committee did not report this bill to the Senate within an appropriate time, he would move to add it to some other measure before the Senate. I would in no way want to press the distinguished majority leader, but if he could elaborate on what he means by "appropriate time," it seems to me it would be very helpful.

We were faced in the last session with a similar pledge when some of us attempted to change the present cloture rule. As a result, the effort was put off in the beginning of the session, but it was not until the very end of the session that the subject was brought up. By that time, the threat of extensive debate was able to defeat the rules change; whereas, if it had been brought back early in the session, that would not have happened.

It would be helpful to me if the majority leader would amplify his reference to an appropriate time.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. JAVITS. Mr. President, the Senator from Montana does not wish to yield time at the moment——

Mr. MANSFIELD. Mr. President, does the Senator have any more Senators to whom he wishes to yield time?

Mr. JAVITS. I do. I yield 4 minutes to the Senator from California [Mr. KUCHEL].

The VICE PRESIDENT. The Senator from California is recognized for 4 minutes.

Mr. KUCHEL. Mr. President, the right to vote is guaranteed by the Constitution. It is a supremely precious American prerogative shared by all citizens. Nevertheless, the right to vote has been rather shamefully shunted aside and rendered meaningless in many parts of this country. What an ugly commentary on our beloved Republic.

The Republican national platform adopted in Chicago in 1960 promised the American people that it would sponsor "legislation to provide that the completion of six primary grades in a State accredited school is conclusive evidence of literacy for voting purposes."

On January 17, 1961, the distinguished Senator from New York [Mr. JAVITS] and others of us on this side of the aisle, with some Members from the other side, joined in introducing a measure to carry out that particular beneficient promise. It was sent to the Judiciary Committee, and in the intervening 12-month period it has languished, and there, I guarantee you, Mr. President, it will die. That is the constant, lamentable, never changing fate each civil rights bill, of any kind,

receives when it goes to the Senate Judiciary Committee.

I do not quarrel with the ruling by the Presiding Officer, under the rules, but I am sure the Presiding Officer will not quarrel either, with the appeal, also under our rules, that has been taken by the able Senator from New York and the rest of us, for the reasons he has lucidly explained in the comments he made a few minutes ago. The Senate has the right to send the bill—any bill—to any committee it chooses. And, in my view, the Rules Committee is perfectly equipped, by jurisdiction and by its membership, to deal with the provisions of this bill, dealing as it does with elections and the right to vote.

If the proposed legislation, sponsored by the majority leader and joined in by our Republican leader—a demonstration that we, many of us, maybe, I hope, a majority of us, continue to believe the proposed legislation ought to be enacted into law—now again goes to the Judiciary Committee, it will be simply a meaningless gesture. It will die there, just as surely as the almost identical bill we introduced a year ago is dying there.

This is an opportunity for Members of the Senate to exercise the rights they have under the rules which guide the Senate to make a decision as to where the proposed legislation ought to go. If Senators believe the proposed legislation ought to be enacted into law, then they will agree with the Senator from New York, they will set aside the ruling of the Presiding Officer, and they will send the measure to the Committee on Rules and Administration, where it will have an opportunity honorably to be heard and honorably to be sent to the Senate for approval.

If Senators do not believe in the proposed legislation they will uphold the ruling of the Chair, they will let the measure go to the Judiciary Committee, and there, in exactly the same fashion that has been followed with regard to the proposed legislation introduced a year ago, the bill will be destined for an untimely and regrettable end.

Mr. President, there is a clear responsibility of Senators if they are interested in equal treatment under law. Do not permit the right to vote continue to be a shameful mockery anyplace in our land. Come along with my colleague from New York and others of us. Give this bill an honorable opportunity of survival which is its due. Send it to the Committee on Rules and Administration.

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

Mr. JAVITS. Mr. President, I yield 1 minute to my colleague from Connecticut.

The VICE PRESIDENT. The Senator from Connecticut is recognized for 1 minute.

Mr. BUSH. Mr. President, I am glad to associate myself with the position of the distinguished Senator from New York, the distinguished Senator from California, and the distinguished Senator from New Jersey. I support the motion of the Senator from New York that the bill be referred to the Committee on Rules and Administration.

Mr. President, I have served in the Senate now nearly 10 years. The question of civil rights has been "kicked around" year after year after year, and we have never had a decent opportunity to vote on it.

The bill which was introduced by the able majority leader and minority leader would give us that opportunity. If the bill goes to the Committee on Rules and Administration we shall have that opportunity. Therefore, I very much hope the Senate will sustain the appeal of the distinguished senior Senator from New York, and I shall certainly support him.

Mr. JAVITS. I thank my colleague.

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

Mr. JAVITS. Mr. President, I yield 1 minute to the Senator from Michigan.

The VICE PRESIDENT. The Senator from Michigan is recognized for 1 minute.

Mr. HART. Mr. President, this is a question to which one finds it appropriate to address himself under these circumstances.

I have listened with great care to the discussion led by the senior Senator from New York. It is my feeling that logic suggests the bill could go either to the Committee on the Judiciary or to the Committee on Rules and Administration. I think that is rather clear from the discussion.

I think the question then is, How intense is the desire to see the bill acted upon? For one, I have an intense desire to see the Senate act and act favorably upon the proposal. For this reason, Mr. President, it seems to me desirable that we seek to direct consideration of the bill by the Committee on Rules and Administration. For that reason I suggest that we should—and always reluctantly—support the motion on the appeal from the ruling of the Chair.

Mr. JAVITS. Mr. President, I yield 3 minutes to my colleague from Pennsylvania [Mr. CLARK].

The VICE PRESIDENT. The Senator from Pennsylvania is recognized for 3 minutes.

Mr. JAVITS. Mr. President, I hope the majority leader will yield the Senator 2 minutes. The Senator from Pennsylvania wishes to have 5 minutes.

Mr. CLARK. Mr. President, I do not see the majority leader in the Chamber. I wonder who controls the time in support of the ruling of the Chair, so that I may ask for an additional 2 minutes, for a total of 5 minutes.

Mr. PASTORE. Mr. President, I yield the Senator 2 additional minutes.

Mr. CLARK. I thank the Senator.

Mr. President, speaking first as a lawyer, and with deep regret because of the high regard I hold for the present occupant of the chair, the distinguished Vice President of the United States, and for the Parliamentarian and the Assistant Parliamentarian, who have advised him, I am compelled to say that in my judgment as a lawyer the parliamentary ruling was incorrect and that the bill should have been referred to the Committee on Rules and Administration.

The distinguished Vice President said in his ruling:

> Bills [such as that now pending] dealing with civil rights, civil liberties, court proceedings, and enforcement of the laws, have universally been held to be within the jurisdiction of the Committee on the Judiciary.

In my opinion this statement is not entirely correct. Bills dealing with civil rights have on many occasions been referred to other committees.

I am presently the principal sponsor of a series of six civil rights bills, two of which have been referred on the advice of the same Parliamentarian to the Committee on Labor and Public Welfare, on which I serve. The first deals with the controversial subject of school desegregation and the second deals with those civil rights involved in fair employment practices legislation. Civil rights is the heart of both bills, and yet both bills were referred last year, without objection, to the Committee on Labor and Public Welfare, where they are presently pending. I hope the committee will authorize public hearings on both bills soon.

Formerly, in 1949 and 1950, proposed FEPC legislation, clearly civil rights in nature, was referred to the Committee on Labor and Public Welfare and hearings were held on the bills.

I have before me a document entitled "Federal Registrars," containing hearings on S. 2684, S. 2719, S. 2783, and S. 2814, and other bills introduced in the 86th Congress, all of which deal with civil rights matters, the question of voting rights being involved. Every one of these bills was referred to the Committee on Rules and Administration.

I think it is difficult to substantiate the contention that all civil rights bills are automatically referred to the Committee on the Judiciary, and I think the precedents in the record prove that this is not the case. Several of the bills to which I have referred involve amendments to the Civil Rights Act of 1957.

Accordingly, Mr. President, I do not think that precedents sustain the ruling of the Chair, nor do I think the rules of the Senate sustain the ruling.

I refer to Senate standing rule XXV (o) (1) (D) which provides that matters dealing with "Federal elections generally" should be referred not to the Committee on the Judiciary, but to the Committee on Rules and Administration.

It is true that an argument can be made, as has been made, that the bill should be referred to the Committee on the Judiciary, but I do not believe that conscientious and objective lawyers who carefully studied the question would have much doubt in coming to the conclusion that by far the stronger case lies in support of a reference to the Committee on Rules and Administration and not to the Committee on the Judiciary.

I regret that the Presiding Officer has ruled as he has. Unhappily, this is not the first time I have differed with my very distinguished and very good friend, the Parliamentarian, who unfortunately does not always agree with me. Perhaps he is right and perhaps I am wrong, but in support of the argument I have been making, I ask unanimous consent that there may be printed in the RECORD at

this point in my remarks a memorandum dated January 30, 1962, entitled "Arguments for Reference of S. 2750 to Rules Committee on Appeal From Ruling of Chair Referring to Judiciary Committee."

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

ARGUMENTS FOR REFERENCE OF S. 2750 TO RULES COMMITTEE ON APPEAL FROM RULING OF CHAIR REFERRING TO JUDICIARY COMMITTEE

1. Legally, both have claims to jurisdiction. Test is set by section 137 of Reorganization Act of 1946: "That committee which has jurisdiction over the subject matter which predominates in such proposed legislation."

(a) Under rule XXV(k) of the Standing Rules of the Senate, the Judiciary Committee has jurisdiction over "judicial proceedings, civil and criminal, generally," and, concededly, this bill on its face consists of an amendment to a subsection of section 1971, title 42, United States Code, which in another subsection provides for civil action by the Attorney General to protect citizens' rights to vote.

(b) But everyone concedes that jurisdictional lines of committees necessarily overlap, and the claim of the Rules Committee is quite clear on the face of the bill: Rule XXV(o)(1)(D) calls for referral of all proposed legislation relating to "the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; * * *" S. 2750 is entitled "To protect the right to vote in Federal elections free from arbitrary discrimination by literacy tests or other means" and is entirely concerned with Federal elections and who may vote in them; section 1(b) consists of a finding relating to freedom of Federal elections from discrimination and "other corrupt influence"; and section 1(f) asserts the "power" of the Congress "to protect the integrity of the Federal electoral process."

2. Legally, the Rules Committee has the stronger claim to the substance of the bill:

(a) The bill relates only to Federal elections, not to elections for State or local offices. Congress' inherent power to regulate the election of its own Members is vested in the Rules Committee even though its power to regulate other elections may not be.

(b) There are strong precedents for Rules Committee reference: During this Congress five bills, S. 604 (which passed the Senate), S. 1555, S. 1623, S. 2080, and S. 2426, all relating to finances and corrupt practices in Federal elections, were referred to Rules, notwithstanding penal provisions and amendments to the Federal Criminal Code. Also, two bills prohibiting poll taxes or other property conditions for voting, S. 478 and S. 1259, were referred to Rules. The majority leader's own bill, S. 228, relating to presidential primaries, has been referred to Rules. And in the 86th Congress, S. 2814, dealing with voting registrars, was also referred to Rules. There are no contested precedents for reference to either Judiciary or Rules in the area of elections.

3. Most importantly, since both committees have a colorable legal claim, the question before the Senate on appeal from the ruling of the Chair is primarily one of policy: Does the Senate want action on this bill or does it not?

(a) Upon introduction of the bill its principal sponsor, the majority leader, has, to use his words, "made a plea on the floor of the Senate for early hearings so that administration representatives and other witnesses on both sides of the question may be heard." The majority leader is chairman of the Rules Committee and therefore in a position to assure such prompt action on a bill referred to his committee. It is clear that no action on the bill will be taken in committe if it is referred to Judiciary: virtually the same literacy test provision was first referred to that committee as part of S. 3829 which was introduced on August 19, 1960, in the 2d session of the 85th Congress. No action whatever was taken on it. It was reintroduced by itself as S. 480 on January 17, 1961, and again that committee has taken no action whatever on it. In 1960, when the Civil Rights Act was passed by the House, it was referred to Judiciary with directions to report within 5 days; even then that committee failed to include recommendations in its report.

(b) The majority leader, when asked about the possibility of inaction on S. 2750 last Thursday, said that, if his request "were not given consideration after an appropriate time," it would be his intention "to offer the proposal as an amendment to a measure pending before the Senate," the very procedure to which civil rights proponents have had to resort in the past. This is clearly an inadequate procedure because the Senate then has no opportunity to obtain the benefit of committee consideration of the measure, and arguments can then be made that the committee should have further time to act; that bills are inadequate unless screened in committee; that the pending measure is too unrelated even without a role of germaneness; or that the pending measure is too important to risk defeating with a controversial amendment.

CONCLUSION

The President * * * has asked in his state of the Union message for some civil rights legislation, mentioning * * * poll taxes and literacy tests. These were only two of the many recommendations of the Federal Civil Rights Commission in its voting report for 1961; the voting report was only one of five reports containing many legislative recommendations. At least the Congress should be able to pass this one measure promptly and in the usual manner.

Mr. CLARK. Mr. President, I yield back the remainder of my time.

The VICE PRESIDENT. The time of the Senator from Pennsylvania has expired.

Mr. JAVITS. Mr. President, I yield half of my remaining time, which I understand to be 6 minutes, to the senior Senator from Illinois [Mr. DOUGLAS]. I therefore yield 3 minutes to the Senator from Illinois, who I understand wishes to use his time in a colloquy with the majority leader.

The VICE PRESIDENT. The Senator from New York has 6 minutes remaining. He now yields 3 minutes to the senior Senator from Illinois [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. President, will the Senator from Montana yield 2 or 3 minutes also?

Mr. MANSFIELD. Mr. President, I yield to the Senator from Illinois 2 minutes.

The VICE PRESIDENT. The Senator from Illinois is recognized for 5 minutes.

Mr. DOUGLAS. Mr. President, I do not wish to make a speech, but I do wish to address a question to the Senator from Montana [Mr. MANSFIELD]. He introduced his bill last Thursday, January 25. In colloquy with the Senator from New York [Mr. JAVITS] he expressed his desire that the Senate Judiciary Committee schedule early hearings. He then went on to say:

> It would be my intention, if the request were not given consideration after an appropriate time, to offer the proposal as an amendment to a measure pending before the Senate.

I am sure we all have great trust and faith in the Senator from Montana and in the sacredness of his pledged word. But we also know that opinions differ as to the proper interpretation of words. I am wondering if the Senator from Montana would be willing to define more precisely what he means by "after an appropriate time," and if he would say that he would move the proposal as an amendment to a measure pending before the Senate if the Judiciary Committee should fail to report the bill, either pro or con. I further ask the Senator from Montana if he would be willing to say that if after 30 or 60 days the Judiciary Committee had not reported the bill, he would then pledge himself to offer the proposal as an amendment to some measure pending before the Senate.

Mr. MANSFIELD. Mr. President, in response to the inquiries raised by the distinguished Senator from Illinois, I think that the effect of his request would be to circumscribe quite drastically the flexibility which, in my opinion, the leadership must exercise. As I said last Thursday, when the bill was introduced, I believe that there should be hearings in the Judiciary Committee. I made a request to that effect at that time, and I stated that if no action was forthcoming by that committee within a reasonable length of time, it would be my intention to bring the matter to the floor of the Senate. To elucidate a little further on that particular aspect of the question raised, it would be my hope and intention that it could be applied as an amendment to a bill before the Senate. Thirty days is too short, too circumscribed.

Mr. DOUGLAS. What about 60 days, then?

Mr. MANSFIELD. Sixty days is too short. I believe we must allow a little leeway both in the committee and on the floor of the Senate. I dislike to be pinned down on a question of this nature because I think it is bad practice, generally speaking. But I will say to my distinguished friend from Illinois that it would be my intention to undertake some kind of action on the proposal in the period between the 60 and 90 days. That is about as definite assurance as I can give, and I would not go any further than that.

Mr. DOUGLAS. The statement of the Senator would apply if the Judiciary Committee did not report the bill, either favorably or unfavorably?

Mr. MANSFIELD. It would, indeed. However, I hope that in the meantime hearings will be held before the appropriate subcommittees of the Judiciary Committee and that action will be taken by the full committee. I point out to my friend from Illinois that the proposal of the Senator from New York [Mr.

JAVITS] to attach a measure to a pending bill is still available for use at any time and on any basis the Senator wishes.

Mr. DOUGLAS. I very much appreciate the statement of the Senator. I never like to engage in combat if it is not necessary. So the assurance given that if the Judiciary Committee does not report the measure out in the space of 90 days, the Senator from Montana will move to have his bill considered directly by the Senate itself. I understand that is what he has said.

Mr. MANSFIELD. The Senator is correct. It is my opinion, and my opinion only, that if the bill were referred to the Committee on Rules and Administration it would take as long, if not longer, to report a bill from that committee. I repeat, that is my own personal opinion.

Mr. DOUGLAS. Speaking only for myself, I would say that the assurance given is adequate. I do not know what the Senator from New York [Mr. JAVITS] wishes to do, but I was not only prepared, but eager, to vote for the appeal of the Senator from New York. But in view of the assurance given, I personally do not think his appeal is necessary to get action on the subject. I do not know whether he feels that it is necessary or not.

The VICE PRESIDENT. The time of the Senator from Montana has expired.

Mr. RUSSELL. Mr. President, will the Senator from Montana yield about 2 minutes in order that I might ask him a question?

Mr. MANSFIELD. Yes, I yield 2 minutes to the Senator from Georgia.

The VICE PRESIDENT. The Senator from Georgia is recognized for 2 minutes.

Mr. RUSSELL. The Senator from Montana may be aware that some of us think that in order to attain the objective of the bill, the Constitution must be amended in the manner prescribed by the terms of that document.

I was not so naive as to think that we would get by in an election year without the South being cast in its traditional role of a political football. That is SOP—standard operating procedure—in the quest for minority votes in politics today. We try to be humble and modest and we southerners are therefore generously permitted to supply the votes necessary to elect Presidents and Vice Presidents of the United States on a Democratic ticket. I wonder if the Senator would be gracious enough to state whether or not he would notify those of us who think that the Constitution still has some relevancy and is worthy of mention 2 or 3 days before he moves to bring this measure before the Senate. May we rely upon having at least 48 hours' notice before the axe of the executioner is poised?

Mr. MANSFIELD. I will say to my distinguished friend, the senior Senator from Georgia, that he will have more than 48 hours' notice. He will have as much notice in advance as is possible, because I believe that is the only way to operate on the basis of equality in this Chamber.

Mr. RUSSELL. I thank the Senator. My cup of gratitude runneth over. We will try to respond by being present and discussing the issue.

Mr. DIRKSEN. Mr. President, will the Senator yield approximately 10 minutes to me?

Mr. MANSFIELD. I yield 10 minutes to the Senator from Illinois.

The VICE PRESIDENT. The Senator from Illinois is recognized for 10 minutes.

Mr. DIRKSEN. Mr. President, first I will say something about my cosponsorship with the majority leader of the bill that has been introduced and under reference to the Judiciary Committee, and then I shall say something about the appeal that is presently before us. I shall not support that appeal.

On July 27, 1960, the delegates to the Republican National Convention in Chicago adopted a platform which contained a pledge to secure "legislation to provide that the completion of six primary grades in a State accredited school is conclusive evidence of literacy for voting purposes."

That is about as specific as any pledge can be.

On July 12, 1960, delegates to the Democrat National Convention in Los Angeles adopted a platform containing a pledge "to support whatever action is necessary to eliminate literacy tests and the payment of poll taxes as a requirement for voting."

These pledges were separately and independently developed.

Here then, is the general concurrence of both major political parties with respect to the literacy test as an instrument for restricting the voting privilege.

The Republican Party pledge is quite specific and I direct especial attention to the fact that it pledges action through legislation and not by a constitutional amendment.

I am aware of the fact that to nullify the literacy test of a State, insofar as it applies to State and local elections, might give rise to a constitutional question. I am aware of the language of the 14th, 15th, and 17th amendments to the Constitution. I am aware also of the fact that they admit of various interpretations.

This has been considered by the platform drafters of both parties and also by the Civil Rights Commission. Protection of the right to vote is of paramount importance. Accordingly, I am joining with the distinguished majority leader in the cosponsorship of a bill which would make it unlawful to deny in any Federal election—that point deserves emphasis—the right to vote to any person because of his performance in a literacy test or other examination if such person has completed the sixth primary grade in any accredited public or private school.

This proposal is in accordance with and in pursuance of the civil rights programs initiated by the Republican platform of 1952 and carried forward since that time.

Mr. President, the bill in question is amendatory of the parent act, and that is the Civil Rights Act. That act, when a bill, was referred to the Judiciary Committee, and properly so. The present bill is an amendment to the parent act, and therefore has also been referred properly, I believe, by the Chair.

Much has been made of the fact that the Judiciary Committee is an adorned cemetery for a civil rights bill. One can be very unhappy about how a bill is received and handled in a committee. However, I am not sure that that is a warrant for departing from what I believe to be a settled precedent here. Properly speaking, the bill should go to the Judiciary Committee.

I would not be so bold as to affront the distinguished Senator from North Carolina [Mr. ERVIN], who is chairman of the Subcommittee on Constitutional Rights of the Committee on the Judiciary. He has been eminently affirmative always, and we do not have to look very far or go very far to find out where our distinguished friend the chairman of the subcommittee stands. The whole world knows where he stands. That is not the problem here. If we fail to observe what I believe to be a very firm precedent, it may rise up in another day to haunt us. I do not like to be in that very unhappy position. I do not confess the pessimistic spirit uttered by some Senators that it is impossible to get any action on the bill.

To be sure, the cloture approach is available, even though it may fail. However, I wish to say now for myself, even as the majority leader has indicated, that, consonant with the lapse of a reasonable amount of time, other action will be contrived.

I assure the Senate now that if perchance early hearings do not eventuate and early action does not come out of the subcommittee and the full committee—and I do not peg it in terms of weeks or months, but rather with the business of the Senate and of the subcommittee and of the committee as a background—I intend to pursue, under the rules of the Senate, every device at my command to get action. My name would not be on the bill today if I did not believe it ought to be enacted into law.

Therefore, there is available to every Senator, since we have no germaneness rule, an opportunity at any time within reason to offer the bill as an amendment to any pending bill in the Senate.

I must be candid with the Senate, so that a Senator will not sneak up on my blind side and say, "You should have given us some warning that you would try to hook this bill onto a bill that has come out of the Labor Committee or out of the Agriculture Committee or out of the Interior Committee or out of the Commerce Committee." I am not going to be selective in my choice. Once before we hooked a bill onto the Stella school district bill. How that little school district made history before we got through.

I am not going to limit myself to any bill reported by any committee whenever

I think the time is propitious and when I think the opportunity is here, because that is when I intend to propose the bill as an amendment to another bill. Every Member of the Senate should be on the alert now that that might come at any time after the lapse of a reasonable amount of time. Therefore, the distinguished Senator from North Carolina [Mr. ERVIN], can alert his committee and hold hearings, no matter how long or short they may be.

There is nothing complicated about this matter. It is not a prolix bill in view of all the testimony that has been taken over the years on the whole subject of civil rights. Our distinguished friend from North Carolina will treat us fairly, I am sure. I shall watch, I shall wait, and then in due course I shall give notice—and I may say to my distinguished friend, the Senator from Georgia [Mr. RUSSELL], that I will be glad to give 10 days' notice or 2 weeks' notice—that I anticipate that a reported bill will be selected as a suitable vehicle and proper instrument to which to attach the measure which is now being referred.

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

Mr. DIRKSEN. I yield.

Mr. RUSSELL. I thank the distinguished Senator from Illinois. Our ranks are a little thin these days and we are hard pressed to keep two men on guard here each and every hour and moment of the day, to avoid surprise attacks and ambuscades by those who are interested in this issue for reasons moral or political—I assume some of them are interested in it from what they consider a moral standpoint. It will avoid our having to stand here all the time and watch. I appreciate the Senator's assurance. I can assure him that we appreciate the assurance we will be notified. When we receive the notice we will endeavor to be on hand when the hour strikes.

Mr. DIRKSEN. Mr. President, I believe it would be a real disservice to the Senate and to Senators who embrace the general viewpoint of the distinguished Senator from Georgia if he did not receive ample notice. I do not believe it is necessary for a Senator to have to be vigilant and to man the floor hour after hour and day after day because there is the danger that suddenly by surprise attack something will be offered. I intend to see to it that ample notice is given.

Mr. RUSSELL. I share the Senator's view with respect to surprise, and I hope all Senators will listen to what the Senator has said and to the remarks of the majority leader, if he shares that view, that that will be done.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I yield 3 additional minutes to the Senator from Illinois. First I wish to aline myself with what the distinguished minority leader has said, and to assure the Senator from Georgia and all other Senators, regardless of their position, that at no time under any circumstances that I can foresee will there ever be a sneak attack on any group or any Senator, and that on all occasions, insofar as it is possible, all individual Senators concerned will be notified of actions being contemplated by the leadership.

Mr. DIRKSEN. The whole world knows that the majority leader is a man of probity and character and keeps his word. I trust in a modest degree I share something of that same reputation.

So speaking for myself, I give that assurance to the Senate. I want to see the bill passed; but also I want to see the precedents observed, if at all possible. For that reason, I feel impelled——

Mr. RUSSELL. Mr. President, I think the Senator should say "amenities"; it has not always been the precedent.

Mr. DIRKSEN. That could well be. After I get the fine shade of meaning of the word "amenities" out of Webster, I may have that changed in the RECORD. But I am glad to share the viewpoint entertained by the Senator from New York with reference to the ruling of the Chair, because I think that ruling is correct.

Mr. MANSFIELD. Mr. President, I yield myself 10 minutes.

Mr. JAVITS. Mr. President, before the Senator from Montana proceeds, will he yield for two questions which might enable us to come to some conclusion which would be satisfactory to all?

Mr. MANSFIELD. I yield.

Mr. JAVITS. After all, we are fencing a little bit. I do not think that is propitious for any of us. First, there is a question of a hearing. Can we get any assurance from the chairman of the subcommittee, who appears to have authority—although I was not aware of the fact that that is the way the Committee on the Judiciary was run, but I am delighted it is—that there will be hearings upon this measure within the time which the majority leader has described as an appropriate or a reasonable time?

Mr. MANSFIELD. If I may answer, before calling upon the distinguished Senator from North Carolina [Mr. ERVIN], chairman of that particular subcommittee, it is my understanding that as to all the civil rights bills introduced by various Senators on both sides of the aisle, none of the authors has requested hearings on such bills, except in the case of the bill to provide for an extension of the Civil Rights Commission. So I would not be willing to put the chairman of that subcommittee in the position of making a definite promise at this time, because he is an honorable man and will take note of the requests made by the leadership on this question. He is aware of what will happen if hearings are not held. I have every confidence, although I have not spoken to him about it, that hearings will be held.

Mr. JAVITS. Mr. President, as one Senator who is concerned with the subject, I herewith request hearings on S. 480, pending before the subcommittee.

May I ask one other question of the majority leader, so that we may be perfectly clear in our understanding? Will the majority leader tell us specifically—because we had such a specific statement on one occasion from the distinguished Vice President, who is now presiding, and it worked, and we actually had civil rights legislation in 1960—will the majority leader tell us that in the period between 60 and 90 days from today there will be brought before the Senate for action the bill which he has introduced, S. 2750, either as a bill or as an amendment to some other bill?

Mr. MANSFIELD. I have made that statement in response to a question raised by the distinguished senior Senator from Illinois [Mr. DOUGLAS]. When the bill was introduced on Thursday last, I indicated that that would be the procedure. I reiterate again what I have said twice previously.

Mr. JAVITS. But does the Senator reiterate what I have just asked him? The Senator may not be a lawyer, but he is using language that lawyers often use if they do not wish to answer specifically. It seems to me we cannot fence about these things.

Mr. MANSFIELD. I am not fencing. I have said it is my intention to request hearings before the Committee on the Judiciary, or an appropriate subcommittee thereof; that if no action is taken within a 60- to 90-day period, I will do my best to see to it that the proposal is attached to a bill pending before the Senate. I cannot give a definite, absolute commitment, because if something extraordinary arose, I would feel that I would have to have that much leeway.

Mr. JAVITS. I should like to pursue this colloquy. "No action" means that a bill has not been reported. Is that correct?

Mr. MANSFIELD. That is correct.

Mr. JAVITS. If a bill is reported, will the Senator proceed with the bill upon the same understanding; namely, that within 60 to 90 days, again subject to any earth-shaking event—which we all understand might, in the national interest, dictate——

Mr. MANSFIELD. Mr. President, this colloquy is all coming out of my time. I have not had a word to say on this subject.

Any bill which is reported by the committee will be taken before the policy committee for action. To the best of my knowledge, there has never been a bill of any nature before the policy committee which was not reported.

Mr. JAVITS. I thank the Senator from Montana.

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

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. I associate myself with the request of the Senator from New York to the Senator from North Carolina [Mr. ERVIN], chairman of the subcommittee, that there be early hearings. I trust that this statement will serve as a formal request to that effect.

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

Mr. MANSFIELD. I yield.

Mr. ERVIN. I thank the Senator from Illinois for saying that my position on so-called civil rights bills is well known. My position is based upon the fact that I have never yet seen a so-called civil rights bill which was not calculated, if not 'ntended, to sell constitutional truth to serve the political hour.

Mr. MANSFIELD. Mr. President, I yield 2 minutes to the Senator from South Carolina [Mr. JOHNSTON].

Mr. JOHNSTON. Mr. President, the proposed legislation sponsored by the administration seeks to change, by statute, the qualifications for voters which previously have been laid out by the writers of the Constitution. This proposal would say to the 50 States that a sixth grade education can be the only literacy test that any State can apply to any voter as a prerequisite to voting.

Article I, section 2 of the Constitution of the United States says:

> The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

This, in itself, is plain language, needs no further interpretation. The language is clear and distinct, giving unto each State the absolute authority to determine the prerequisites for voting. Although this section was amended by the 17th amendment to the Constitution of the United States, the 17th amendment in no way removes this right from the States. The 17th amendment to the Constitution states:

> The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Mr. President, it is clear to even the most liberal thinker—if he applies legal and constitutional thinking to his reasoning—that we cannot amend the Constitution of the United States in the Senate and take away these rights which belong to the individual States.

Mr. President, the Washington Post newspaper, a publication in this city with which I am seldom found in agreement because of its liberal leanings, published Monday morning, January 29, an editorial entitled: "The Federal Right To Vote." This editorial in the Washington Post underscores the unconstitutionality of the amendment proposed by the administration and to the Senate by our distinguished majority leader, who has been joined in this effort by the distinguished minority leader. The Washington Post, I am sure, seeks to remove from the powers of the individual States not only what is sought in this bill, but even other rights given the States by the Constitution. With this I am in disagreement with the Washington Post, but even the Washington Post recognizes the unconstitutionality of the proposal to amend the Constitution in this manner.

Some Members of this body think that we legally can amend the Constitution. This, then, in itself places constitutional confliction on this legislation. We have in the organization of the U.S. Senate a Judiciary Committee to determine such matters. In the Judiciary Committee we have a Subcommittee on Constitutional Rights. The Judiciary Committee is made up of some of the most distinguished legal minds in the country, and, in my opinion, this proposed legislation should be referred to this committee for study.

Mr. President, the question is on whether or not this bill will be referred to the Senate Committee on Rules or the Senate Judiciary Committee. It has been proven beyond question that this is a constitutional matter. In addition to that, there is a question that this is a legal matter. To say the least, it changes the statutes and, to tell the truth, it amends the Constitution of the United States. Under the rules of the Senate and the Reorganization Act it is clearly outlined that all matters relating to constitutional amendments, the revision of statutes of the United States, civil liberties, and, in fact, any other category that this proposed legislation could possibly fall into, must be referred to the Judiciary Committee. Nowhere can I find any authority for the reference of this type legislation to the Committee on Rules. It is obviously a proposal for a constitutional amendment, and no other committee in the Senate, in my opinion, has any authority in this matter.

In the interest of sound government I beseech that the Senators insist that this measure take the normal route, and refer it to the Senate Judiciary Committee. There is a grave constitutional question involved.

Mr. President, I ask that the article entitled "The Federal Right To Vote," from the Washington Post of January 29 be printed in the body of the RECORD following my remarks.

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

[From the Washington Post, Jan. 29, 1962]

THE FEDERAL RIGHT TO VOTE

Senate Majority Leader MANSFIELD is right in seeking to carry out the pledge of the Democratic Party in its 1960 platform "to eliminate literacy tests and the payment of poll taxes as requirements for voting," but he has chosen a method of doubtful constitutionality. The bill which the majority leader has introduced provides that a sixth grade education shall be the only literacy test for voters in presidential and congressional elections. It seeks to change by statute the qualifications for voters laid down in the Constitution.

The Founding Fathers appear to have left Congress no room for maneuver on this point. Article I, section 2, of the Constitution provides very pointedly that the electors (voters) in each State who are entitled to vote for Members of the House "shall have the qualifications requisite for electors of the most numerous branch of the State legislature." When the 17th amendment for the popular election of Senators was adopted in 1913 this precise language about the qualifications of electors was repeated. Congress does have authority to alter State laws prescribing "the times, places, and manner of holding elections for Senators and Representatives," but this carries no suggestion of any right to prescribe voter qualifications different from those specified in the Constitution.

It is significant that President Kennedy originally selected Senator JOSEPH S. CLARK and Representative EMANUEL CELLER to translate the Democratic platform on civil rights into legislative form and that last year they introduced a proposed constitutional amendment which would forbid the States to abridge the right of any citizen to vote because of failure to pass a literacy test. There may be good reason to object to the complete elimination of literacy tests. Nevertheless, amendment of the Constitution is the proper tool for effectuation of this reform.

Since a constitutional amendment appears to be necessary, there is a powerful argument for making it comprehensive enough to guarantee all citizens the right to vote without discrimination. Congress could sweep away the poll tax, all unduly restrictive educational requirements and any other obstructive devices by simply amending article I, section 2, and the 17th amendment so as to give itself full authority to fix the qualifications of voters in Federal elections.

Doubtless there was good reason to leave this question solely in the hands of the States in 1787. No such reason exists in 1962. Certainly a Government exercising the power and influence that are currently evident in Washington should have authority to determine who shall vote in its elections and to make its policies effective. It would be a mistake, of course, to write any kind of educational requirement for voting into the Constitution, but it would be wholly reasonable to assign to Congress the whole subject of voter participation in Federal elections, while leaving the States free to control their own elections.

An administration move along this broad front would be far more satisfactory, in our opinion, than an attempt to legislate on voter qualifications in the face of a specific constitutional mandate.

Mr. MANSFIELD. Mr. President, in reference to the queries that have been raised, I call the attention of Senators as a body to the fact that it is the responsibility of the combined leadership to schedule proposed legislation. The distinguished Senator from Illinois, the minority leader, and the Senator from Montana, who occupies the position of the majority leader, intend to continue to operate on that basis. We intend to be responsible for the handling of the business of the Senate and to do so in line with our commitments and with what we think will be in the best interests of the Senate.

In the absence of compelling reason to the contrary, it seems to me most desirable that this body follow orthodox procedures in considering matters which come before it. We introduced a measure having to do with literacy tests in connection with voting rights in Federal elections. The Chair has ruled that this measure should be referred to the Committee on the Judiciary.

It is within the right of every Senator to challenge a ruling of the Chair; but it is also within the right of every Senator to challenge the challenge. I do so for these reasons:

First, the operative part of the bill amends section 1971(b) of title 42 of the United States Code. This section bears the heading "Voting Rights—Race, Color, or Previous Condition Not To Affect Right To Vote." The right to vote, being based on article I, section 2, and the 15th amendment of the Constitution, is a constitutional right. Rule XXV of the Senate Rules provides that the Committee on the Judiciary shall have jurisdiction over civil liberties; and pursuant to that conferment of jurisdiction the Committee on the Judiciary has established a Subcommittee on Constitutional Rights. This subcommittee has in the past conducted extensive hearings in the field of voting rights.

Second, this bill amends a section of the code—1971(b) of title 42—which was

originally part of the Civil Rights Act of 1957—as title 4 of that act. The Civil Rights Act of 1957, which was H.R. 6127 of the 85th Congress, 1st session, was never referred to a Senate committee, but was instead placed on the Senate Calendar under the provisions of rule XIV. The proponents of this procedure recognized that, absent objections under that rule, the bill would have been referred to the Committee on the Judiciary.

Third, subsection (c) of section 1971, title 42, makes provision for an action by the Attorney General for preventive relief whenever a person or persons has deprived, or is about to deprive another of rights secured by subsection (b)—which is amended by this bill. Subsection (c) was the heart of the Civil Rights Act of 1960, which, in the form of H.R. 8601, was in fact referred to the Senate Judiciary Committee. Consequently the enforcement power for subsection (b) was referred to the Judiciary Committee—March 24, 1960.

Earlier in this Congress—to wit, on January 17, 1961—the Senator from New York for himself and 12 other Senators, introduced a bill to prohibit the application of unreasonable literacy requirements with respect to the right to vote. This bill, S. 480, was referred, without objection being raised by either its proponents or opponents, to the Senate Judiciary Committee. Examination of S. 480 shows that it is very similar to S. 2750. Indeed, a Senator reading both bills would be compelled to say that or if S. 480 were referred to the Judiciary Committee, S. 2750 should also be referred to that committee.

While the question of reference is not without its controversial aspects, it seems relatively clear that this bill should be referred to the Judiciary Committee under the injunction of the Legislative Reorganization Act that a bill should be referred to "that committee which has jurisdiction over the subject matter which predominates in such proposed legislation"—section 137.

It would seem to me, therefore, that in the interests of orderly procedure, the challenge to the Chair's ruling should be rejected, and this bill should go to the Judiciary Committee.

Mr. CURTIS. Mr. President, will the distinguished majority leader yield to me?

Mr. MANSFIELD. I yield to the ranking member of the Committee on Rules and Administration.

Mr. CURTIS. Mr. President, if it becomes the will of the Senate to refer the bill to the Committee on Rules and Administration, of course I will do all I can to provide adequate hearings.

In 1957, I supported the distinguished Senator from California, Mr. Knowland, in bringing to the floor the so-called Civil Rights Act, which was the first one in a long time.

However, today we are faced with quite a different problem—namely, the question of whether we shall vote to override the ruling of the Vice President and whether we shall take action contrary to the wishes of the majority leader, who has a definite responsibility for programing the work of the Senate.

I believe that the reasoning stated by the Vice President is well grounded, and I believe that a vote to overrule his ruling would not be justified.

I also place great reliance on the statement made by the majority leader, the Senator from Montana [Mr. MANSFIELD]. All of us know he will do what he has said he will do in regard to working out these matters in the future.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, in connection with my remarks, paragraph (D) of the rule pertaining to the jurisdiction of the Committee on Rules and Administration.

There being no objection, the excerpt from the rule (No. XXV) was ordered to be printed in the RECORD, as follows:

(D) Matters relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; Presidential succession.

Mr. CURTIS. Mr. President, in my hurried study of this proposal, I find that the bill, as introduced, merely recites, in section 1, certain facts and grounds for legislation, and that the real meat of the proposal is in section 2. I doubt very much whether that falls in the category of a measure dealing with elections generally. It would amend a criminal statute providing punishment for interfering with the rights of other persons. It is not a proposal dealing with elections generally, their conduct, the times and places for holding them, and so forth.

Therefore, Mr. President, I shall support the ruling of the Vice President and the position of the majority leader in connection with this matter.

Mr. MANSFIELD. Mr. President, I thank the distinguished Senator from Nebraska, the ranking member of the Committee on Rules and Administration, for the statement he has made in support of the ruling made by the Chair.

Mr. President, it would be my hope that that committee would hold hearings on this measure promptly and report back promptly to the Senate. That is the responsibility of every committee on a matter of such significance, a matter which the administration is anxious for the Congress to consider. Members ought not to place themselves in the position of prejudging what other Members will or will not do. Certainly, I will not place myself in that position. It is my intention, as I said at the outset, to uphold orthodox procedure in this body, including the rulings of the Chair, in the absence of overriding reasons to the contrary. When such reasons clearly exist, then it would be my expectation that the bridge can be crossed when we come to it.

Mr. President, I urge the Senate to vote "nay" on the appeal from the Chair's ruling of referral.

Mr. President, at this time I yield back all remaining time available to me except 2 minutes; and I yield now to the Senator from Iowa [Mr. MILLER].

The VICE PRESIDENT. The Senator from Iowa is recognized.

Mr. SCOTT. Mr. President, will the Senator from Iowa yield to me?

Mr. MILLER. I yield 1 minute to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I support the position taken by the senior Senator from New York [Mr. JAVITS] and other Senators who have addressed themselves to this matter in support of his appeal from the ruling of the Chair.

Mr. MILLER. Mr. President, I support the position taken by the majority leader.

One point that has not been brought out in the course of this very excellent debate is that there is serious question regarding the constitutionality of the bill. In that case, it seems to me the Judiciary Committee, which has jurisdiction over such questions, should have an opportunity to determine whether, in fact, the bill is unconstitutional.

I do not condone for a moment discriminatory practices regarding the precious voting privilege; but that does not mean that this bill would take care of such discriminatory practices.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the excellent lead editorial published today in the Wall Street Journal. The editorial is entitled "The Voting Privilege." It points out some of the very serious problems which must be considered in that connection, and does a very good job in pointing out that literacy can be a very appropriate test for the voting privilege.

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

[From the Wall Street Journal, Jan. 30, 1962]

THE VOTING PRIVILEGE

Though some of our readers may be surprised to learn it, we are the possessor of an official certificate from the State of New York testifying that we can read.

We achieved this because New York requires every voter to be able to read the English language, and strangers within its gates are required to so prove by taking a test. The test takes only a few minutes and is quite simple. Though the incident resulted in some joshing from our friends, it never occurred to us that the State of New York was curtailing our civil liberties by assuring itself we could follow public issues in the native language before giving us the privilege to vote on the determination of those issues.

But now we are being told by the President of the United States, and a number of other political leaders, that it is a wicked thing to make literacy a test for voting.

This is, in fact, but the latest among a series of moves, all put forward in the name of democracy or civil rights, to challenge any and all requirements for voting which the Constitution allows the several States to establish.

Under assault is the requirement in some States that a voter must be a taxpayer; that is, at the very least he must pay a $1.50 poll tax so that he must contribute something to the public funds before voting how to disburse them. Even the more general requirement that voters should have arrived at an age of maturity—at least be 21 years old—has been assailed as an infringement on the rights of teenagers.

The immediate cause of this latest attack on literacy requirements, of course, is the

unhappy fact that among some minority groups there is widespread illiteracy in English. Many Puerto Ricans cannot speak it, much less read it. Among Negroes the literacy rate is far below that of the general population. And as any Army recruiting officer can tell you, there are other people who can't read their native tongue well enough to understand the simplest instructions. The politicians' immediate interest is that all these add up to many potential voters who would be grateful to the politician who won them the voting privilege.

Yet there is more at stake in the argument than the sheer demogoguery of wooing mass voting blocs. What is being assaulted is the whole concept that responsible democracy rests upon responsible voters; the child, the moron, the illiterate, the ignorant, the man who contributes nothing to the commonweal, the voice of each of these should be counted equally with the voice of the literate, the educated, the intelligent, and the informed.

Society, in this view, must not be permitted to protect itself with even the most rudimentary rules to make voting a privilege of those who have at least an elemental understanding of, and make some contribution to, the society in which they are privileged to live.

It would be fruitless to remind those of this persuasion that the American experiment owes its success to the wisdom of those who, in drawing its basic Constitution, knew the dependence of democracy upon a responsible citizenry and wrote in many more voting restrictions than we today would dream of. The reminder would not be persuasive because, among those people, traditional wisdom is hooted at.

But anyone ought to be able to look around and ask a few simple questions.

We have in our own house two teenagers who are highly literate, well-educated for their age and intelligent enough to hold the promise of being good citizens. Yet what parent is so blind as not to see that in their teens the young are still groping, and that fully responsible citizenship requires an understanding that is not yet theirs?

Like many people in this age of travel we have moved from one community to another. And though we be officially literate, what responsible judgment could we bring to a mayoralty election or to a referendum on some civic question until we had lived a space in the neighborhood? That we be barred from voting until there is some presumption of understanding is not an infringement of our civil rights but a protection both for ourselves and for the community.

We have our opinions, to be sure, on the affairs of Italy and of France. But our halting French and our total ignorance of Italian ill prepares us for intelligent voting on the issues which trouble those countries. To say, in our own country, that fluency in Spanish or some other language prepares a man to understand our political issues is speciousness. So what then of a man literate in no language?

For an answer you need only look around at the world where emerging nations are struggling with the problem of creating ordered democracy among people who have not yet grasped—through ignorance or apathy—that responsible democracy requires a responsible citizenry. The simple truth, which we suspect every man with commonsense knows in his heart, is that voting ought to be a privilege to be earned and that society must place upon it some restrictions to protect itself against the mob and the demagogs who would prey upon it.

To cast a ballot is a proud thing, and as a nation we ought to work hard to make that possible for all. But the way to do it is to lift up the underprivileged and not to heed those who would debase the privilege.

Mr. RUSSELL. Mr. President, on the question of sustaining the ruling of the Chair, I ask for the yeas and nays.

The VICE PRESIDENT. The yeas and nays have been requested. Is there a sufficient number?

Obviously there is a sufficient number; and the yeas and nays are ordered.

Mr. LAUSCHE. Mr. President, will the Senator from Montana yield 1 minute to me?

Mr. MANSFIELD. I have only 1 minute remaining under my control.

Mr. JAVITS. Mr. President, I yield 1 minute to the Senator from Ohio.

The VICE PRESIDENT. The Senator from Ohio is recognized for 1 minute.

Mr. LAUSCHE. Mr. President, I contemplate voting in support of the position taken by the Senator from New York. I shall do so on the basis that it is my judgment that the measure referred to deals predominantly with voting rights. It is a fact that as an incident of that treatment of voting rights, some judicial procedures are under discussion. But there can hardly be any bill which comes before the Senate which—regardless of its substance—does not have incidentally related to it penalties and proceedings in court.

On the basis of this statement, Mr. President, I shall cast my vote in support of the argument made by the Senator from New York.

Mr. JAVITS. Mr. President, I yield myself 1 minute, and then I shall be through.

The VICE PRESIDENT. The Senator from New York is recognized for 1 minute.

Mr. JAVITS. Mr. President, I am impressed with the statements made by the Senator from Montana and the Senator from Illinois. I point out that here we shall be voting, in reality, on the question of the time and the opportunity for the Senate to act. I believe that if we consider all these arguments at their face value—I refer to the arguments as to what the Judiciary Committee will do and the arguments as to what the Senator from Montana will do—then Senators who take my view of the matter are in duty bound to vote to put this matter in the hands of the majority leader, in which case he will take into his own hands control of the proceedings both in that committee and, later, here on the floor of the Senate.

I honor his assurances, I am confident he is going to perform them, but I deeply believe we can perfect this procedure by sending this bill to the Rules Committee; and I hope the Senate will vote accordingly.

I yield back the remainder of my time.

The VICE PRESIDENT. The time of the Senator from New York has expired.

The Senator from Montana has 8 minutes——

Mr. MANSFIELD. Mr. President, I yielded back all my time except 1 minute.

The VICE PRESIDENT. The Senator yielded back all his time except 1 minute.

Mr. MANSFIELD. Mr. President, this debate has been quite illuminating. I hope the Senate will not sustain the appeal made by the Senator from New York and will sustain the ruling of the Chair, which is based on parliamentary findings, in the reference of the bill to a certain committee of this body. I think if we were to follow the procedure advocated by the Senator from New York, the result, in time, would be chaos, so far as the administration of the Senate is concerned; so I hope the tried and true and right method will be used.

I therefore move to lay on the table the appeal of the Senator from New York.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Montana to lay on the table the appeal of the Senator from New York.

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

The yeas and nays were ordered.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SMATHERS. I announce that the Senator from Connecticut [Mr. DODD], the Senator from California, [Mr. ENGLE], the Senator from Tennessee, [Mr. GORE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Oklahoma [Mr. MONRONEY], and the Senator from Oregon [Mr. MORSE] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. MONRONEY] would vote "yea."

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

On this vote, the Senator from California [Mr. ENGLE] is paired with the Senator from Tennessee [Mr. GORE]. If present and voting, the Senator from California would vote "nay" and the Senator from Tennessee would vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Indiana [Mr. CAPEHART], and the Senator from Kansas [Mr. CARLSON] are absent on official business.

The Senator from Maryland [Mr. BUTLER] and the Senator from Kentucky [Mr. COOPER] are necessarily absent.

The Senator from Iowa [Mr. HICKENLOOPER] is absent on official business to attend the Eighth Meeting of Consultation of Ministers of Foreign Affairs of American States.

The result was announced—yeas 61, nays 25, as follows:

[No. 6 Leg.]

YEAS—61

Aiken	Curtis	Holland
Anderson	Dirksen	Hruska
Bartlett	Dworshak	Jackson
Bennett	Eastland	Johnston
Bible	Ellender	Jordan
Burdick	Ervin	Kefauver
Byrd, Va.	Fulbright	Kerr
Byrd, W. Va.	Goldwater	Long, Hawaii
Cannon	Gruening	Long, La.
Case, S. Dak.	Hayden	Magnuson
Church	Hickey	Mansfield
Cotton	Hill	McCarthy

McClellan	Pell	Talmadge
McGee	Prouty	Thurmond
Metcalf	Randolph	Tower
Miller	Robertson	Williams, Del.
Moss	Russell	Yarborough
Mundt	Saltonstall	Young, N. Dak.
Murphy	Smathers	Young, Ohio
Muskie	Sparkman	
Pastore	Stennis	

NAYS—25

Beall	Hartke	Proxmire
Boggs	Javits	Scott
Bush	Keating	Smith, Mass.
Carroll	Kuchel	Smith, Maine
Case, N.J.	Lausche	Symington
Clark	Long, Mo.	Wiley
Douglas	McNamara	Williams, N.J.
Fong	Morton	
Hart	Neuberger	

NOT VOTING—13

Allott	Cooper	Humphrey
Butler	Dodd	Monroney
Capehart	Engle	Morse
Carlson	Gore	
Chavez	Hickenlooper	

So Mr. MANSFIELD'S motion to lay on the table was agreed to.

LIMITATION ON STATEMENTS DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in connection with the morning hour be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair appoints the Senator from Texas [Mr. TOWER] a member of the Civil War Centennial Commission, vice the Senator from Nebraska [Mr. CURTIS], who has found it necessary to submit his resignation.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON REPROGRAMING OF CERTAIN FUNDS FOR RENOVATION OF MICHOUD ORDNANCE PLANT, NEW ORLEANS, LA.

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, its decision to reprogram certain funds for the renovation of the Michoud Ordnance Plant, New Orleans, La.; to the Committee on Aeronautical and Space Sciences.

PROGRESS REPORT ON LIQUIDATION OF ACTIVITIES OF RECONSTRUCTION FINANCE CORPORATION

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report on the progress of the liquidation activities of the national defense, war and reconversion activities of the Reconstruction Finance Corporation, for the quarter ended December 31, 1961 (with an accompanying report); to the Committee on Banking and Currency.

INTERIM REPORT ON RESEARCH PROGRESS AND PLANS OF U.S. WEATHER BUREAU

A letter from the Secretary of Commerce, transmitting, pursuant to law, an interim report on research progress and plans of the U.S. Weather Bureau, for the fiscal year 1961 (with an accompanying report); to the Committee on Commerce.

AMENDMENT OF TITLE 10, UNITED STATES CODE, RELATING TO PRESIDENTIAL CONTROL OF TRANSPORTATION SYSTEMS IN TIME OF NATIONAL EMERGENCY

A letter from the Secretary of the Air Force, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize the President to take possession and assume control of transportation systems in time of national emergency (with an accompanying paper); to the Committee on Commerce.

REPORT OF CIVIL AERONAUTICS BOARD

A letter from the Chairman, Civil Aeronautics Board, Washington, D.C., transmitting, pursuant to law, a report of that Board, for the fiscal year 1961 (with an accompanying report); to the Committee on Commerce.

PURCHASE OF UNITED NATIONS BONDS

A letter from the Secretary of State, transmitting, for the information of the Senate, a paper written by the Bureau of International Organization Affairs, dated January 19, 1962, relating to the proposed purchase by the U.S. Government of United Nations bonds (with an accompanying paper); to the Committee on Foreign Relations.

AUDIT REPORT ON FEDERAL PRISON INDUSTRIES, INC.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Federal Prison Industries, Inc., Department of Justice, fiscal year 1961 (with an accompanying report); to the Committee on Government Operations.

AUDIT REPORT ON PUBLIC HOUSING ADMINISTRATION

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Public Housing Administration, Housing and Home Finance Agency, fiscal year 1961 (with an accompanying report); to the Committee on Government Operations.

REPORT ON REVIEW OF ADMINISTRATION OF FOREST MANAGEMENT ACTIVITIES BY PORTLAND AREA OFFICE, BUREAU OF INDIAN AFFAIRS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of administration of forest management activities by Portland area office, Bureau of Indian Affairs, Department of the Interior, dated January 1962 (with an accompanying report); to the Committee on Government Operations.

REPORT ON EXAMINATION OF PROCUREMENT OF SPECIAL TOOLING FOR THE B-58 AIRPLANE PROGRAM

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of procurement of special tooling for the B-58 airplane program under Department of the Air Force negotiated cost-plus-incentive-fee contracts with Convair, a division of General Dynamics Corp., Fort Worth, Tex., dated January 1962 (with an accompanying report); to the Committee on Government Operations.

AMENDMENT OF ACT RELATING TO CUSTOMS AND IMMIGRATION FACILITIES

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Act entitled "An act to provide better facilities for the enforcement of customs and immigration laws," to increase the amounts authorized to be expended (with accompanying papers); to the Committee on Public Works.

REPORT OF ATOMIC ENERGY COMMISSION

A letter from the Chairman and members, U.S. Atomic Energy Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the year 1961 (with an accompanying report); to the Joint Committee on Atomic Energy.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

A resolution adopted by the Sixth Guam Legislature; to the Committee on Interior and Insular Affairs:

"RESOLUTION 249

"Resolution relative to respectfully petitioning and memorializing the President of the United States and the Congress of the United States for legislation to provide the territory of Guam with a locally elected chief executive

"Whereas the people of the territory of Guam have been living under American administration ever since the island's acquisition from Spain in 1898, and as a result of learning to live in an American run community, the people of Guam have been educated over the years in democratic practices and procedures and as they have learned of democracy and its ideals, the United States has generously opened up ever larger areas of public control, thus in 1950 granting U.S. citizenship and a locally elected legislature; and

"Whereas as part of the American administration of this territory, public education has been made available to all at no or little cost, our schools being fully accredited and our students accepted in mainland institutions with the result that our younger population has had the opportunity to be educated in democracy and in the principles of American self-government and with the further result that this educational process has made us all eager to assume even greater responsibility in the field of local government; and

"Whereas the proof of our devotion to the ideals of American democracy in which we had been educated and raised over the years is best given by the services rendered by so many of our young people in the Armed Forces of the United States both in peace and in war, these soldiers, sailors, and airmen fighting and dying not as mercenaries but as American citizens dedicated to the principles for which our country stands; and

"Whereas following the boon of American citizenship and a limited degree of self-government extended by the said Organic Act so generously enacted by the Congress of the United States, the people of Guam have demonstrated their adherence to the principles of American democracy both in the administration of their civil government and in the manner and conduct of their election contests, which leads the people of Guam to believe that they have established sufficient political maturity to enable them to request the privilege of electing their own Chief Executive; and

"Whereas Guam is aware that, traditionally, American territories as opposed to States are governed by an appointed Governor and an elected legislature in the interim before formal organization as a State and acceptance into the Union, but this pattern does not appear to be appropriate for this territory since no one locally expects or aspires to statehood and that therefore to continue with an appointed Governor while awaiting acceptance into the Union is deemed a forlorn hope as the likelihood of statehood is neither high nor even desirable; and

"Whereas in the recent past, various high officials, both of the executive and congressional branches of the Federal Government, have expressed the belief that Guam is ready to assume the responsibility of electing its own Chief Executive, which statements have been made a matter of record both in the territory of Guam and in our Capital, and which have led many of the residents of

Guam to hopefully anticipate the granting of such a privilege: Now, therefore, be it

"Resolved, That the Sixth Guam Legislature, in view of the foregoing does hereby respectfully petition and memorialize the President of the United States and the Congress of the United States to initiate and enact legislation to provide the territory of Guam with a locally elected Chief Executive; and be it further

"Resolved, That this resolution do also serve as a further acknowledgment and expression of gratitude on behalf of the people of Guam for the magnanimous grant of citizenship and limited self-government heretofore given to the territory; the sentiments of this resolution being in no way intended to criticize the United States of America and its Government for its direction and control over the affairs of this territory since its acquisition from Spain, but embodying a heartfelt request that in response to the attempts of the people of Guam to live up to the goals of American democracy, the further grant that the selection of the chief official of this territory be placed in the hands of the voters of Guam; and be it further

"Resolved, That the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States, to the President of the Senate, to the Speaker of the House, to the chairman of the Senate Interior and Insular Affairs Committee, to the House Interior and Insular Affairs Committee, and to the Governor of Guam.

"Duly adopted on the 22d day of January 1962.

"V. B. BAMBA,
"Legislative Secretary.
"A. B. WON PAT,
" Speaker."

A Declaration of Paris, adopted by the Atlantic Convention of NATO Nations, in Paris, on January 8, 1962; to the Committee on Foreign Relations.

A resolution adopted by the Ukrainian Congress Committee of America, Inc., of Detroit, Mich., relating to the observance of the 44th anniversary of Ukrainian independence; to the Committe on Foreign Relations.

RESOLUTION OF GENERAL ASSEMBLY OF RHODE ISLAND

Mr. PASTORE. Mr. President, on behalf of my colleague, the junior Senator from Rhode Island [Mr. PELL] and myself, I present, for appropriate reference, a resolution adopted by the General Assembly of the State of Rhode Island and Providence Plantations upon the death of Congressman Samuel Taliaferro Rayburn. This resolution was passed by the general assembly at the January session, A.D. 1962, and aproved by the Governor on the 11th day of January 1962.

There being no objection, the resolution was ordered to lie on the table, as follows:

HOUSE RESOLUTION 1094

Resolution of the General Assembly of the State of Rhode Island and Providence Plantations upon the death of Congressman Samuel Taliaferro Rayburn, for 2 decades Speaker of the House of Representatives in Washington, D.C.

Upon November 16, 1961, there died Samuel Taliaferro Rayburn, for 2 decades Speaker of the House of Representatives in Washington, D.C.

He was 79 years old and had been a Representative from the Fourth District of Texas for 49 years. Pioneer "Sam" Rayburn was one of the last of a generation of American politicians whose early life was spent in pioneer surroundings, settling on politics as a career early in life. His life revolved around the House and national politics. Long before he left Washington for the last time, he had said "I am satisfied. My political career has climaxed everything I ever hoped or trusted it might be, so that when I leave here I will leave without any regrets."

The Nation mourns his passing—one of the great leaders of all time—and in this evaluation of his highly specialized prestige, the General Assembly of the State of Rhode Island and Providence Plantations adds its acclaim; directing the secretary of state to transmit to the next of kin a duly certified copy of this resolution.

BILLS INTRODUCED

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

By Mr. LONG of Louisiana:

S. 2762. A bill authorizing the modification of the general plan for flood control and other purposes on Red River, Tex., Okla., Ark., and La., below Denison Dam, Tex. and Okla.; to the Committee on Public Works.

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

By Mr. KEFAUVER:

S. 2763. A bill for the relief of Marie Karoline Dollar and Alex Peter Pedersen; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 2764. A bill to make the civil forfeiture provisions of section 222(h) of the Interstate Commerce Act applicable to unlawful operations and safety violations by motor carriers, and for other purposes; to the Committee on Commerce.

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

By Mr. McCLELLAN (by request):

S. 2765. A bill to amend section 15 of the Administrative Expenses Act of 1946; to provide for regulation by the President of the employment of experts or consultants or organizations thereof; and for other purposes; to the Committee on Government Operations.

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

By Mr. FONG:

S. 2766. A bill for the relief of Mrs. Tom Pon Shee (also known as Tom Pon Ma Cheung); to the Committee on the Judiciary.

By Mr. METCALF:

S. 2767. A bill to amend title 23 of the United States Code relating to highways in order to require the approval of the Secretary of the Interior to surveys, plans, specifications, and estimates for projects on the Federal-aid highway systems for the purpose of protecting fish and wildlife and recreation resources; to the Committee on Public Works.

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

By Mr. SPARKMAN:

S. 2768. A bill to promote the foreign policy of the United States by authorizing the purchase of United Nations bonds and the appropriation of funds therefor; to the Committee on Foreign Relations.

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

By Mr. LAUSCHE:

S. 2769. A bill for the relief of Renato Granduc O'Neal and Grazia Granduc O'Neal; to the Committee on the Judiciary.

RESOLUTION

PRINTING OF ADDITIONAL COPIES OF REPORT ENTITLED "STUDY OF ADMINISTERED PRICES IN THE DRUG INDUSTRY"

Mr. KEFAUVER submitted the following resolution (S. Res. 287); which was referred to the Committee on Rules and Administration:

Resolved, That there be printed for the use of the Committee on the Judiciary two thousand additional copies of Senate Report Numbered 448, Eighty-seventh Congress, first session, entitled "Study of Administered Prices in the Drug Industry", a report issued by the Committee on the Judiciary and made by its Subcommittee on Antitrust and Monopoly pursuant to S. Res. 52, Eighty-seventh Congress.

MODIFYING EXISTING AUTHORIZATION OF FLOOD CONTROL PROJECTS

Mr. LONG of Louisiana. Mr. President, sometime ago several necessary flood control projects were authorized by the Congress, but unfortunately up to this time they have not been accomplished because the language of the authorization required local contributions beyond the financial ability of the local people to meet.

It is my feeling that the language requiring these local contributions did not express the recommendation of the engineers who made the study, but rather it was a requirement that was added on as the project approached higher authority.

Every public works project which is authorized for construction contains certain provisions of local cooperation. All of these involve considerable expense to the people. These include the furnishing without cost to the United States of all lands, easements, and rights-of-way necessary for the construction of the project; frequently the construction at the expense of the local people of such things as bridges and approaches and the making of necessary relocations or alterations of public utilities required for the project; frequently the rehabilitation of drainage systems; and always holding and saving the United States free from damages resulting from the construction work and operating the works after the project is completed.

In my opinion, these things are sufficient to represent the contribution of the local interest and many times the fulfillment of these conditions is an expensive, laborious, time-consuming, and complicated process that must be completely undertaken before the actual construction can commence.

Accordingly, I am introducing a bill to remove local contribution factors from three authorized flood control projects: First, the McKinney Bayou project in Arkansas and Texas; second, the Maniece Bayou project in Arkansas; and third, the East Point project in Louisiana.

In my opinion, the adjustment of the authorizations of these projects along the lines recommended by this proposed legislation is necessary for the proper

progress of the work of flood control in the Red River Valley.

Mr. President, I introduce the bill and ask for its appropriate reference.

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

The bill (S. 2762) authorizing the modification of the general plan for flood control and other purposes on Red River, Tex., Okla., Ark., and La., below Denison Dam, Tex. and Okla., introduced by Mr. LONG of Louisiana, was received, read twice by its title, and referred to the Committee on Public Works.

APPLICABILITY OF CIVIL FORFEITURE PROVISIONS OF INTERSTATE COMMERCE ACT TO UNLAWFUL OPERATIONS AND SAFETY VIOLATIONS BY MOTOR CARRIER

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to make the civil forfeiture provisions of section 222(h) of the Interstate Commerce Act applicable to unlawful operations and safety violations by motor carriers, and for other purposes. I ask unanimous consent that a letter from the Chairman of the Commission requesting the proposed legislation be printed in the RECORD.

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

The bill (S. 2764) to make the civil forfeiture provisions of section 222(h) of the Interstate Commerce Act applicable to unlawful operations and safety violations by motor carriers, and for other purposes, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter presented by Mr. MAGNUSON is as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, D.C., January 25, 1962.

The Honorable WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR CHAIRMAN MAGNUSON: I am submitting herewith for your consideration 40 copies of a draft bill, together with a statement of justification therefor, which would give effect to legislative recommendation No. 4 in the Commission's 75th Annual Report.

We would very much appreciate your assistance in having this bill introduced and scheduling a hearing thereon.

Sincerely,

RUPERT L. MURPHY,
Chairman.

RECOMMENDATION No. 4

This proposed bill would give effect to legislative recommendation No. 4 of the Interstate Commerce Commission as set forth on page 186 of its 75th annual report as follows:

"We recommend that section 222(h) be amended so as to (a) extend the civil forfeiture provisions therein to unlawful operations and safety violations by motor carriers, (b) permit the Commission to institute forfeiture actions directly in the courts, and (c) increase substantially the amount of the forfeitures prescribed."

JUSTIFICATION

The purpose of the attached draft bill is to provide the Interstate Commerce Commission with a more effective means of combating the spread of illegal and so-called "gray area" motor-carrier operations which are sapping the strength of the Nation's regulated common carrier system. It is also designed to aid the Commission in its stepped-up motor-carrier safety enforcement program.

Under existing law, procedures for dealing with certain motor-carrier violations are often slow and cumbersome, and frequently ineffective. Criminal prosecutions, for example, must be brought in the district in which the violations occurred. Thus, in the case of multiple violations by a carrier with extensive territorial operations, it may be necessary to institute separate actions in several district courts if all of the violations are to be covered. Civil forfeiture proceedings, on the other hand, may be instituted in the district in which the carrier maintains its principal office, where it is authorized to operate, or where it can be found. Moreover, less time is needed for investigating violations because of the difference in quantum of proof required in such proceedings.

Under the proposed amendment a civil forfeiture action could be brought against a for-hire motor carrier for transporting property without a required certificate or permit. Such action would be available whether or not the carrier had taken steps to give the operation an appearance of legality, but the principal enforcement advantage that would accrue would be when the operator, by means of an alleged vehicle lease or an alleged purchase of the commodity hauled, has attempted to give the operation an appearance of private carriage. More specifically, an owner of a vehicle may enter into a vehicle lease arrangement with a manufacturer, under which the manufacturer allegedly uses the vehicle in private carrier operations. Such arrangements range all the way from a bona fide lease of a vehicle, at one extreme, to the most obvious sham at the other. No enforcement action is, of course, involved in the case of a bona fide lease. The obvious shams, however, are the subject of criminal prosecution.

While there are a number of vehicle arrangements which the Commission believes to be illegal for-hire carriage by the vehicle owner, it is doubtful that a criminal conviction could be secured because of the necessity of showing knowledge and willfulness and proving guilt beyond a reasonable doubt. In addition, in a criminal proceeding there can be no appeal from an acquittal. Such cases are now handled in the civil courts, but an injunction against such operations in the future is all that can be secured. The possibility of a civil injunction action, where there is no pecuniary penalty or criminal stigma involved, has very little effect as a deterrent to would-be violators. A civil forfeiture action, such as that proposed, carrying with it substantial monetary penalties should, on the other hand, have a strong deterrent effect against questionable leasing arrangements.

Operations sometimes referred to as "buy and sell" operations are very similar in effect. By allegedly purchasing merchandise the transporter represents the operation to be private carriage. As in the case of leasing arrangements these operations have many variations, some of which present close questions as to whether the operation constitutes for-hire carriage. Some are obviously illegal for-hire operations and are handled as criminal cases. Others, however, are not so clearly unlawful as to warrant criminal action for the reasons stated above in connection with questionable leasing arrangements, but which, in the Commission's view, are nevertheless unlawful. Such operations may be continued for substantial periods during the pendency of a civil injunction proceeding and before a cease and desist order is issued by the court. If the proposed amendment were enacted a number of these cases could be made the subject of a civil forfeiture action in which, if successful, the operator would suffer a money judgment or forfeiture.

Enactment of the proposed legislation would also greatly facilitate the Commission's enforcement activities in the important area of motor carrier safety. Although a very high percentage of cases involving violations of the Commission's safety regulations are disposed of by pleas of guilty or nolo contendere, investigations looking toward such prosecutions are nevertheless extremely time consuming because of the necessity of proving to the court every element of the alleged criminal offense. Since the quantum of proof required in a civil forfeiture proceeding is not as great as that required in a criminal action, a substantial amount of the time that must now be spent in preparing for criminal prosecutions in such cases could be devoted to handling a larger number thereof under the recommended forfeiture procedure.

The Commission's efforts at more effective and expeditious enforcement would also be greatly enhanced if it were authorized to institute forfeiture proceedings directly in the courts instead of proceeding through the Department of Justice as it is now required to do. Delays would be avoided not only by eliminating the mechanics involved in taking the extra step, but also by the elimination of such delays as may be caused by the time consumed in convincing the U.S. attorney that an action should be filed.

These proposed amendments, coupled with a substantial increase in the amount of the forfeitures prescribed, would strengthen the Commission's hand considerably in dealing with some of the principal factors contributing to the decline of regulated common carriers.

AMENDMENT OF ADMINISTRATIVE EXPENSES ACT OF 1946, RELATING TO PRESIDENTIAL REGULATION OF CERTAIN EMPLOYMENT

Mr. McCLELLAN. Mr. President, I introduce, for appropriate reference, a bill to amend section 15 of the Administrative Expenses Act of 1946, to provide for regulation by the President of the employment of experts or consultants or organizations thereof, and for other purposes.

This bill is introduced at the request of the Director of the Bureau of the Budget, and is intended to provide general authority for the employment of individuals or organizations of experts and consultants; Presidential regulation of conditions under which individuals or firms may be procured, used, and compensated for such services, and to remove inconsistencies and confusion relative to the compensation of such individuals.

This draft legislation would place in effect the recommendations contained in the Bureau of the Budget's report on "Employment of Experts and Consultants in the Executive Branch," submitted to the Subcommittee on General Government Matters of the House Com-

mittee on Appropriations under date of January 16, 1961.

I ask unanimous consent that a letter addressed to the President of the Senate from the Acting Director of the Bureau of the Budget, dated August 31, 1961, which sets forth additional justification and background on this proposed legislation, be printed in the RECORD at this point as part of my remarks.

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

The bill (S. 2765) to amend section 15 of the Administrative Expenses Act of 1946; to provide for regulation by the President of the employment of experts or consultants or organizations thereof; and for other purposes, introduced by Mr. MCCLELLAN, by request, was received, read twice by its title, and referred to the Committee on Government Operations.

The letter presented by Mr. MCCLELLAN is as follows:

EXECUTIVE OFFICE OF
THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., August 31, 1961.

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

DEAR MR. PRESIDENT: We are submitting the enclosed proposed legislation amending section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a) for the consideration of the Congress. This draft bill would provide: (1) general authority for the employment of individual or organizations of experts and consultants without the need for additional authority in appropriation or other acts; (2) Presidential regulation of the conditions under which individuals or firms may be procured, used, and compensated for such services; and (3) that all authorizations in other statutes for use of experts and consultants be subject to Presidential regulation issued under section 15 unless specifically exempted by statute. A section analysis is also enclosed with this letter.

This draft legislation would place in effect the recommendations contained in the Bureau of the Budget's report on "Employment of Experts and Consultants in the Executive Branch," submitted to the Subcommittee on General Government Matters of the House Committee on Appropriations on January 16, 1961. That report, a copy of which is enclosed, contains detailed justification for the proposed legislation.

The proposed bill would remove inconsistencies and confusions in connection with various authorities for obtaining the services of experts and consultants, and would authorize the President to establish general executive branch policy with respect to such services. The Bureau of the Budget recommends favorable action by the Congress on this draft bill.

Sincerely yours,

ELMER B. STAATS,
Acting Director.

DRAFT OF A BILL TO AMEND SECTION 15 OF THE ADMINISTRATIVE EXPENSES ACT OF 1946; TO PROVIDE FOR REGULATION BY THE PRESIDENT OF THE EMPLOYMENT OF EXPERTS OR CONSULTANTS OR ORGANIZATIONS THEREOF; AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 15 of the Administrative Expenses Act of 1946 (60 Stat. 810, 5 U.S.C. 55a), is amended to read as follows:

"(a) The head of any department may procure the temporary (not in excess of one year) or intermittent services of individual experts or consultants (including stenographic reporters) by appointment as employees of the United States without regard to the civil service or classification laws.

"(b) The head of any department may procure the temporary (not in excess of one year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, as independent contractors and, except in the case of stenographic reporting services by organizations, without regard to advertising requirements of 10 U.S.C. 2304; section 3709, Revised Statutes, as amended (41 U.S.C. 5); section 302 of the Federal Property and Administrative Services Act of 1949, 63 Stat. 393, as amended (41 U.S.C. 252); or any similar law requiring advertising.

"(c) The President shall establish such regulations and require such reports as he deems appropriate relative to procurement, utilization, and compensation of the temporary or intermittent services of experts or consultants or organizations thereof under the provisions of this section or under any other law: *Provided,* That the compensation of individuals appointed under subsection (a) and contractors whose services are procured under subsection (b) of this section shall be reasonable by comparison with that paid them by other Government and non-Government clients, and by comparison with rates charged the Government by similarly qualified individuals or organizations."

SEC. 2. Any reference in any other Act to section 15 of the Administrative Expenses Act of 1946 (60 Stat. 810; 5 U.S.C. 55a), shall be construed to include the amendments to such section made by this Act.

PROPOSED AMENDMENT OF SECTION 15 OF THE ADMINISTRATIVE EXPENSES ACT

SECTION ANALYSIS

Section 1: Subsection (a) of the amendment would authorize department heads to procure the temporary (not in excess of 1 year) or intermittent services of individual experts or consultants and individual stenographic reporters, by appointment as employees of the United States, without regard to the civil service laws or the Classification Act. It differs from the present provision of section 15 in that it permits appointment as temporary employees, it does not contain a legislatively imposed maximum rate of pay, and it does not require supplementary provisions in other general or appropriation acts in order to use the authority.

Subsection (b) would authorize the department heads to procure similar services of experts or consultants or organizations thereof, including stenographic reporting services, as independent contractors. Such services, except stenographic reporting services by organizations, could be obtained without regard to the other laws requiring advertising of contracts.

Subsection (c) would direct the President to establish such regulations and require such reports as he considers appropriate relative to the use of experts and consultants by the agencies. It would make those regulations applicable to expert and consultant services procured under this provision or any other act, to the extent consistent with each act. Such other acts would include the Federal Property and Administrative Services Act, the Armed Services Procurement Act, and other individual agency authorities. A proviso would require that the compensation of employees and contractors be reasonable by comparison with that paid them by other Government and non-Government clients, and by comparison with rates charged the Government by similarly qualified individuals or organizations.

Section 2: This would provide that any reference in any other act to section 15 of the Administrative Expenses Act would be construed to include the amendents provided in section 1 of this act.

AMENDMENT OF TITLE 23, UNITED STATES CODE, RELATING TO HIGHWAYS

Mr. METCALF. Mr. President, I introduce, for appropriate reference, a bill to amend title 23 of the United States Code relating to highways, in order to require the approval of the Secretary of the Interior to surveys, plans, specifications, and estimates for projects on the Federal-aid highways systems, for the purpose of protecting fish and wildlife and recreation resources.

Highway construction is ruining many superb fishing streams. The problem which this legislation seeks to correct was well stated in a letter to me, dated January 9, 1962, from Director Walter J. Everin, of the Montana Fish and Game Department, in response to my request for information on stream damage, as a consequence of highway construction. Mr. Everin said:

As indicated by the enclosed reports we have made several requests to the Montana Highway Department that sections of proposed highways be rerouted to avoid damaging trout streams. To date we have not had a major request granted. The highway department has cooperated in saving a few natural stream meanders but only when there was no additional cost involved or the cost was negligible. In at least one instance a highway was routed into a trout stream to avoid the cost of moving a powerline.

Only on national forest land has adequate consideration been given to stream preservation during highway routing and construction. This is due, of course, to the fact that permits must be obtained before construction can be undertaken on national forests.

The basic problem is that by State law the highway department chooses the routes and makes decisions as to what considerations are important. There appears to be little question but that routing a highway up a stream valley is often the cheapest from the point of view of highway construction alone. Then, too, Congress has exerted pressure to keep Federal-aid highway construction as economical as possible.

The highway department maintains that the Bureau of Public Roads will not approve the additional costs involved in saving streams. We have been told that the highways could be built away from streams but that the public has given no indication of being willing to pay the extra costs.

Fishermen spent $36 million pursuing their sport in Montana last year. In other words, fishing is important enough to the State's economy alone that it should not be allowed to dwindle away for lack of concern. Good fishing depends, more than anything else, on good habitat, that is, natural stream meanders, pools, riffles, clean water, etc. At least 75 percent of the trout creeled in Montana originate from natural spawning. This is the fishing we are trying to protect from ruin due to stream alteration. Once lost it cannot be replaced.

Part of the answer, it appears to us, is legislation that will protect fish habitat when projects are built with Federal funds.

Eugene B. Welch, pollution control biologist for the Montana Fish and Game Department, concluded a recent study of changing fish habitat by stating that Montana trout streams "are slowly being eaten away by legitimate processes carried on under the guise of progress. Individually the losses do not appear great in most cases; however, grouped they are staggering."

In his report, "Destruction of Natural Fish Habitat Is Ruining Montana's Fishing Streams," November 15, 1961, Welch describes highway construction as the most destructive type of channel realinement. Welch reported that on 24 streams or segments of streams surveyed in 1961, 78.4 miles of original channel were lost. Meanders were cut off and the water diverted into new, shorter, straightened channels. The water velocity is thus increased and, in many cases, the stream bank—which has been cleared of vegetation—is eroded, causing sedimentation downstream.

This problem exists in many States. Welch reports that where there were once 1,200 miles of trout streams in the Black Hills of South Dakota, there are now only 160 miles remaining that will support trout. South Dakota biologists attribute the major portion of this loss to highway construction and the sediment pollution it produces. The President's Pollution Control Advisory Board considers highway construction as a major cause of sediment pollution and stream destruction. I shall place in the RECORD, following these remarks, an article concerning a controversy over road routing in Utah.

I hasten to point out, Mr. President, that Montana continues to furnish the best trout fishing in the world, in the Madison, Gallatin, Big Hole, Beaverhead, Yellowstone, Rock Creek—near Missoula—Spring Creek—which runs through Lewistown—and other streams.

Of course, we all want good roads. They are being built. But I am alarmed by the destruction of an irreplaceable resource, sport fishing streams, by road routing and construction. I hope, Mr. President, that this matter will receive the attention of the Congress this year.

Mr. President, I ask unanimous consent to insert, immediately following these remarks, the Welch report to which I have referred; an article, "Logan Canyon Portends National Road Implications," which appeared in the December 15, 1961, issue of Conservation News, published by the National Wildlife Federation; an article, "Detrimental Effects of Highway Construction on a Montana Stream," by Arthur N. Whitney and Jack E. Bailey, published in 1959 in Transactions of the American Fisheries Society; recent reports by the Montana Fish and Game Department on the effect of proposed interstate routes in the Dillon-Armstead and Helena-Wolf Creek areas of Montana; and the text of the bill.

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

The bill (S. 2767) to amend title 23 of the United States Code relating to highways in order to require the approval of the Secretary of the Interior to surveys, plans, specifications, and estimates for projects on the Federal-aid highway systems for the purpose of protecting fish and wildlife and recreation resources, introduced by Mr. METCALF, was received, read twice by its title, and referred to the Committee on Public Works.

The articles, reports, and bill are as follows:

DESTRUCTION OF NATURAL FISH HABITAT IS RUINING MONTANA'S FISHING STREAMS

(By Eugene B. Welch, pollution control biologist, Montana Fish and Game Department, November 15, 1961)

What is happening to Montana's fishing? Is it declining because of increased fishing pressure? Or is it because the Fish and Game Department isn't planting enough fish? These two possibilities can be ruled out because about three-fourths of the fish caught are wild fish and in even the most heavily fished streams, the wild trout populations are underharvested. These facts have prevailed in the face of increased trout stocking.

Records show a sevenfold increase in the catchable trout stocking program over the 10 years from 1948 to 1958. With all of these fish being planted it would seem our streams would soon be full of trout and fishing would be getting better and better. Why doesn't this happen? Biologists have shown that habitat is the key to good trout fishing. That is, a stream must have adequate cover for trout, preferably brush and undercut banks which are formed by a meandering stream. The stream must have adequate spawning conditions—this means little or no sediment pollution. And adequate food conditions must prevail—which again means little or no pollution of any form (sediment, organic waste, pesticides, or industrial waste). Yes, trout are fussy, and if any of these ingredients for good habitat are missing, a desirable trout fishery, the type that lures anglers from all over the United States to Montana, will also be missing regardless of how many hatchery fish are planted. However, if adequate habitat is available, wild trout can maintain a fishery, in most streams, without stocking.

Realizing the extreme importance of Montana's wild trout fishery and the fact that two-thirds of the Montana anglers prefer stream fishing, what is being done to preserve these streams so they will produce trophy trout for future generations? Tourists are not attracted by large reservoirs with expanses of exposed mud flats—that is not the kind of trout fishing Montana is famous for. It is the productive trout streams like the Madison, Gallatin, Big Hole, Beaverhead, Yellowstone, and Rock Creek (near Missoula), to name a few, that have branded Montana as a famous trout fishing State. The reason they have been productive is because the right kind of habitat has been present.

What is happening to our trout streams? They are slowly being eaten away by legitimate processes carried on under the guise of progress. Individually the losses do not appear great in most cases; however, grouped they are staggering. What are these processes? They are as follows:

1. Channel realinement by highway construction, railroad construction, individual landowners, municipalities, and various Federal agencies. Highway construction is the most destructive.

2. Dewatering of the natural streams for irrigation. Without water it is not possible to raise fish. If only the flow is cut for one day—the protection is taken away from the fish revealing it to predators or else the fish dies from increased water temperature and oxygen reduction.

3. Sediment pollution from overgrazing, irrigation waste water, logging, or mine wastes. Sediment seals the fate of fish by decreasing reproduction and the food supply. It does not kill fish directly under natural conditions.

4. Other forms of pollution: industrial waste, pesticides, etc.

5. Stream bank destruction, such as brush removal, overuse by cattle, diking for flood protection, and bank stabilization with car bodies, steel riprap, etc. These all have the effect of removing the all-important cover from the bank which is necessary for trout.

How extensive are the processes of habitat destruction in Montana? How many miles of stream have been affected? To partially answer these questions we might look at highway construction and the impact it has had and will have on several streams in the State. Twenty-four streams, or segments of streams (see appendix), were surveyed during 1961 and were found to have lost at least 78.4 miles of their original channel to highway construction. Meanders were cut off and the water diverted into new, shorter, straightened channels. The water velocity is thus increased and in many cases the streambank (which has been cleared of vegetation) is eroded, causing sedimentation downstream.

What effect does straightening the channel have on the fish population, the water is still there even though the area is reduced? Studies have shown that as much as 94 percent of the fish 6 inches long and over can be eliminated from a section of stream that was straightened to follow the highway. Even if the stream is given several years to recover there are still only 4 catchable-size trout where there once were 10. The removal of brush cover (coincident with highway construction) has been shown to decrease or even eliminate a fish population.

South Dakota biologists have shown where there were once 1,200 miles of trout streams in the Black Hills, a renowned recreation area, there are now only 160 miles remaining that will support trout. They attribute the major portion of this loss to highway construction and the sediment pollution it produces. The President's Pollution Control Advisory Board considers highway construction as a major cause of sediment pollution and stream destruction.

A pilot study was run by the fish and game department on the Little Big Horn River in which all types of channel alteration were considered. A total of 54 miles (45 percent of the total length) of original stream channel were lost or altered to the point of being unsuitable for trout.

A few words might be said about stream improvement. Stream improvement devices have not been found to take the place of natural cover. Michigan has been the leader in this field and they have given up widespread use of improvement structures as too costly with too few dividends. They have gone to improvement of the entire watershed under the theory that a stream depends on a well-vegetated watershed in addition to an undisturbed flood plain and without them it is not possible to improve a stream. With a good watershed producing water of sufficient quality and quantity the natural meandering of the stream will create desirable trout habitat. Of course, the stream has to be allowed to meander. Michigan has chosen to treat the real cause rather than the symptom.

Montanans must take action if the valuable trout streams of the State are to be preserved. With proper consideration and direction our trout streams can remain in a natural, productive condition long after highways have come and gone. However, if highways are built at the expense of the trout stream, Montana will soon be holding

a postmortem similar to that on the now ruined trout streams in the Black Hills of South Dakota.

APPENDIX

Summary of channel changes caused by highway construction on 24 streams surveyed in 1961

Stream	Nearest landmark	Miles of stream lost
North Fork, Blackfoot River.	Ovando, Mont.	0.50
Bitterroot River	Florence, Mont.	1.00
Skalkaho Creek	Hamilton, Mont.	.37
West Fork, Bitterroot River.	do.	.34
East Fork, Bitterroot River.	do.	1.83
Bridger Creek	Bozeman, Mont.	1.00
Big Spring Creek	Lewistown, Mont.	1.80
Clark Fork River (below Drummond to Missoula).		21.17
St. Regis River	St. Regis, Mont.	12.00
West Gallatin River	Bozeman, Mont.	6.52
Little Big Horn River	Hardin, Mont.	1.78
Boulder River	Boulder, Mont.	3.70
Deep Creek	Townsend, Mont.	4.17
Sheep Creek	White Sulphur Springs.	2.53
Belt Creek	Monarch, Mont.	4.40
Bison Creek	Boulder, Mont.	.45
Beaverhead River	Armstead, Mont.	.55
Do.	Pipe Organ Lodge.	[1] 1.62
Lower Prickley Pear Creek.	Clancy, Mont.	2.15
Newlan Creek	White Sulphur Springs.	.70
Otter Creek	Raynesford, Mont.	2.85
Prickley Pear Creek	Wolf Creek, Mont.	[1] 5.49
Cut Bank Creek	Browning, Mont.	[1] .25
Rocky Creek	Bozeman, Mont.	[1] 1.50
Total		78.40

[1] Proposed.

LOGAN CANYON PORTENDS NATIONAL ROADS IMPLICATIONS

Regional Forester Floyd Iverson, when interviewed by TV newscasters about the refusal of the Forest Service to grant a permit to improve a highway in Logan Canyon, Utah, stated that the action could have national effects. A large segment of citizens would hasten to add beneficial effects. Mr. Iverson told the Utah Highway Department and the U.S. Bureau of Public Roads that his agency is under increasing fire from groups throughout the Nation who protest marring of the natural beauties of forest lands.

Thus a series of negotiations has come to an apparent plateau for the time being. The highway department and Forest Service have worked on plans to improve the highway and still retain the scenic beauties and fishing for which Logan Canyon is famous. News releases state the two agencies are about $125,000 apart on a 4⅕-mile section of canyon highway. The meeting held on November 22 came to an impasse when neither side felt it could compromise further on the basic issues involved.

If authorities see fit to put the $125,000 addition into the project, what then? Just this—it still ends up being a compromise as far as the scenic values and retaining proper conditions for fish life are concerned. The decision to allow even this much destruction is causing a wave of wincing among people who know the fragile nature and importance of trout streams. How firm can one stand in the way of progress and still be practical?

Details of negotiations in this case are difficult to report. According to press releases from Salt Lake City, the State highway commission has, in a period of weeks, changed its mind several times on how to handle this negotiation.

The Logan Canyon case may be a promise that whenever new or improved highway projects are contemplated on forest lands the Forest Service will resist pressures to insist on all of the numerous land uses being taken into account. Increasing pressure for road rights-of-way, reservoir sites, energy and communication lines, public use areas, commercial operations, recreation facilities, and other uses will require increasing careful planning and long-range viewpoints so a hodgepodge of cluttered countryside will not occur on these Federal lands as is so often the case on lands where no such control exists.

It is reported that the State, with the blessing of the Bureau of Public Roads, in the planning figured about $125,000 more to preserve the canyon's beauties and stream over what ordinarily would go into this road. Incidentally, three-quarters of the total road costs for this project will come from Federal funds. Without the Forest Service being in a position to require compromise, the additional funds for preservation probably would not have even been considered. Unfortunately, no such agency exists for most lands on which highways are being built. While many highways use lands not critical in nature and while roadside beautification is improving, attrition is still hardly the word to describe what is happening to many public values due to road building.

The Forest Service can take a firm stand in these matters only as long as the public is willing to support them. Using the words "in the public interest" rings off key when uttered by individual public servants without concrete visible verbal and written support from individuals and groups which constitute this public. Floyd Iverson and his staff deserve praise for the Logan Canyon position. It may influence road building on forest lands in many States.

DETRIMENTAL EFFECTS OF HIGHWAY CONSTRUCTION ON A MONTANA STREAM

In 1955, it was learned that plans for highway improvement in Granite County, Mont., would involve some channel changes on Flint Creek. This stream is a tributary of the Clark Fork of the Columbia River. The fish population in several sections of Flint Creek had been inventoried annually each spring by electric shock census as part of a Federal aid investigations project (Montana F–13–R) initiated in 1954.

Flint Creek averages about 20 feet in width, 6 inches in depth. It has holes up to 4 feet deep, and has an average flow of about 15 cubic feet per second. In its original condition good trout cover was provided by overhanging willows and undercut banks (fig. 1). Rainbow trout (Salmo gairdners), cutthroat trout (Salmo clarks), eastern brook trout (Salvelinus fontinalis) and mountain whitefish (Prosopium williamsoni) are the game fishes in this study area.

A 230-volt direct current portable generator, used for fish population census, was efficient at capturing approximately 90 percent of the large sized (6 inches total length and over) game fish present in Flint Creek, as indicated by recaptures of tagged trout. Sections of the stream to be shocked were blocked off with one-half-inch mesh seines placed a measured distance (usually 300 feet) apart.

The new highway construction was begun in the fall of 1956 and continued through the summer of 1957. A bulldozer was used to remove brush, scour the stream bed and straighten approximately 350 feet of the channel of Flint Creek (fig. 2). Such channel changes are common along new highway construction in mountainous terrain and affect many miles of stream each year in Montana.

Nearly the same 300-foot section of stream at the highway construction site was sampled each spring from 1955 through 1957. Fish taken in 1955 and 1957 were enumerated, weighed, measured, and recorded (table 1). Those taken in 1956 were counted and recorded only as over or under 6 inches in total length. All fish captured were returned alive to the study area. Numbers of large sized trout captured were 75 and 69 in 1955 and 1956 respectively. Only six large sized trout were found in this section in 1957, after the channel changing phase of the highway construction had been completed.

The reductions shown in table 1 were 94 percent in both numbers and weight of large sized game fish. In small sized game fish (under 6 inches total length) these reductions were 85 percent in number and 76 percent in weight.

ARTHUR N. WHITNEY.
JACK E. BAILEY.

TABLE 1.—*Game fish captured by electric shocker from 300-foot section of Flint Creek, Mont., 1955 and 1957*

Species	1955		1957	
	Number	Pounds	Number	Pounds
Large-sized fish:				
Rainbow and cutthroat trout	68	12.63	6	1.19
Eastern brook trout	7	3.86	0	0
Mountain whitefish	16	2.25	0	0
Total, large-sized fish	91	18.74	6	1.19
Small-sized fish:				
Rainbow and cutthroat trout	46	1.32	6	.26
Eastern brook trout	6	.17	2	.10
Mountain whitefish	1	.04	0	0
Total, small-sized fish	53	1.53	8	.36
Total, fish, all sizes	114	20.27	14	1.55

SPORT FISHERIES RESOURCES AND THE PROPOSED INTERSTATE HIGHWAY BETWEEN MOUTH OF BELL CANYON AND BARRATTS SIDING

(Report by Montana Fish and Game Department, Helena, Mont., March 13, 1961)

The proposed route for the interstate highway in the Dillon-Armstead area involves several channel changes and other factors that will affect the fishery of the area.

One project (FAPI–15–1 11–37) concerns that portion of the proposed road between S28, T9S, R10W and S9, T11S, R10W. This construction will require channel changes on the Beaverhead River in T9S, R10W, sections 28, 32, and 33. It is our understanding that this portion of the construction will be put up for bids within the next month. Therefore, it appears that the fish and game department was advised of this project too late for recommendations or suggestions that would reduce the loss to fish habitat in the Beaverhead River.

The plans show an interchange at the Clark Canyon damsite and another at the south end of the Red Rock Arm of the reservoir. Between these 2 points, a distance of 5 miles, there will be no way for a fisherman to get to the reservoir. Over $1 million of the costs of the Clark Canyon Reservoir project are allocated to fish and wildlife benefits. Therefore every effort should be made to insure that adequate access to the reservoir is provided.

The proposed interstate highway between Pipe Organ Lodge and Barratts Siding involves extensive channel changing. Between stations 777 and 784 a 700-foot artificial channel will replace approximately 850 feet of streambed. The proposed route goes around the base of Pipe Organ Bluff and there is no reasonable way of avoiding this stream loss. A 700-foot change is also proposed between stations 973 and 980.

The most serious changes are between stations 852 and 937. The three changes in this area total 6,950 feet of artificial channel that will replace something over 7,000 feet (1.3 miles) of natural streambed. Part of the old streambed will be retained between stations 930 and 937 to provide drainage for

Grasshopper Creek. However, the quality of this portion of the channel for fish habitat will be greatly reduced. An alternate survey was made away from the river bottom between a point near station 820 and the mouth of Grasshopper Creek. This route would cause only one-fifth as much fish habitat loss as the proposed route; however, an evaluation by the highway department indicates it will be more expensive due to extra excavation and other work necessary to meet interstate highway standards.

Trout fishing in the Beaverhead River ranks high not only in Montana and the northern Rocky Mountain region but nationally as well. In fact, in a recent survey by a national outdoor magazine it was listed among the 100 best trout streams in the country.

The greatest importance of the Beaverhead River fishery lies in the fishing pressure it can absorb in future years. A combination of population increases, more leisure time, and better highways will result in greatly increased fishing pressures on Montana trout streams. Fish habitat must be preserved if the State and Nation's recreation needs are to be met.

It is anticipated that the Beaverhead River could easily support fishing pressures of 50 fishermen per mile each day or an annual total of 12,000 fisherman days per mile. Using the 1948–54 average fisherman expenditure of $7.38 per day, gives this stream a potential value of nearly $90,000 per mile per year. This is a minimum figure since this stream could support heavier fishing pressure and the estimated daily expenditure of $7.38 is undoubtedly below present or future costs.

Due to the importance of the Beaverhead River, the Montana Fish and Game Commission requests every consideration be given to following the alternate route which stays out of the river bottom between station 820 and the mouth of Grasshopper Creek.

THE EFFECTS ON FISH AND GAME OF PROPOSED ROUTES FOR THE INTERSTATE HIGHWAY FROM HELENA TO THE VICINITY OF WOLF CREEK, MONT.

(Report by Montana Fish and Game Department, Helena, Mont., January 30, 1961)

A multi-million-dollar highway construction program is in progress in Montana. Good roads generally assist hunters, fishermen, campers, picnickers and others reach the site of their outdoor recreation. However, the quest for faster, better roads often results in the ruination of fish habitat in streams and, in the case of limited access highways, bars access to outdoor recreation areas.

The proposed interstate highway between Helena and the vicinity of Wolf Creek could cause excessive losses to fishing and hunting due to the possible location of a four-lane, limited access highway in Wolf Creek Canyon.

Information furnished by the Montana State Highway Commission indicates three possible routes for this highway. The west and middle routes follow closely along Prickley Pear Creek from Sieben through Wolf Creek Canyon. The east route crosses the Missouri River and follows the east shore of Holter Lake until it meets the present highway. This latter route would have considerably less detrimental effect on fish and wildlife habitat than the other two. Following are evaluations of the effects of these three highway locations on (1) fish and (2) game.

COMPARATIVE EFFECTS OF THE THREE PROPOSED HIGHWAY LOCATIONS ON FISH

The proposed east highway location would involve no loss of stream channel and could provide much improved access to Holter Lake and the surrounding recreational area. Over much of the proposed route this area is now accessible only on foot or horseback. The middle route (the route most favorably considered by the highway commission) would destroy 4 to 6 miles of natural stream channel and greatly restrict access to the undamaged section of stream in Wolf Creek Canyon. The west route involves even more fish habitat destruction.

Two-thirds of the people fishing Montana waters prefer stream fishing to lake or reservoir fishing as indicated by their fishing habits. Prickley Pear Creek rates relatively high on the statewide stream evaluation. (Stream Classification Committee, 1959.) It is in the class III group, designated as of interest to a large portion of the State. There are only 3,900 miles of stream in Montana in this or a higher class. Most fishermen on Prickley Pear Creek are from Great Falls and Helena. This stream plus the Prickley Pear Creek through Clancy (which will also be subjected to severe fish habitat losses due to interstate highway construction) contribute a sizable amount of the stream fishing in this area.

A fish population study was conducted on the Prickley Pear Creek in Wolf Creek Canyon during the summers of 1949, 1950 and 1951 (Stefanich, 1952). Six 600-foot sections were randomly selected and found to have an average of 211 pounds of game fish per mile—a good population. The habitat was excellent for trout and whitefish except in relatively short stretches where it had already been destroyed by channel changing during highway and railroad construction. Observations in the sections studied, indicated that Prickley Pear Creek varied from 15- to 60-feet wide with maximum depths from 6 inches to 8 feet. There was a gradient of 41-feet per mile and the highest temperature recorded was 67° F. There was a good interspersion of pools and riffles with good cover provided by undercut banks and overhanging brush. Food production was good and adequate spawning areas were available.

Based on creel census estimates, 2,072 to 3,377 fishermen trips were made in the canyon in 1951 and again in 1952. This is about 230 fishermen per mile per summer. The U.S. Fish and Wildlife Service (Nicholson, 1957) estimated the average daily expenditure by cold water fishermen in the Missouri River Basin during the period 1948 to 1954 was $7.38. Using this figure the 2,072 to 3,377 fishermen on the 12-mile stretch of stream spent $15,291 to $24,922 annually or approximately $1,700 annually per stream mile.

The real value of Prickley Pear Creek lies in its potential as a fishing stream. The number of fishermen trips in the Nation and in Montana is expected to expand in the next few decades. In fact, in the past 10 years Montana fishing pressure has increased at about twice the rate of the general population increase. Increased numbers of fishermen coupled with destruction of many additional miles of fish habitat by dewatering, road construction, pollution, etc., will result in greatly increased use of all remaining fishing streams.

It is anticipated that Prickley Pear when managed for full utilization can furnish 6,400 man-days of fishing per mile each year. This estimate is based on present concentrations of fishermen on streams in more heavily populated States. Using the $7.38 per day fisherman expenditure figure gives Prickley Pear Creek a potential annual value of approximately $47,000 per stream mile. Either inflation or deflation could alter the potential annual value. It is anticipated that if the habitat of Prickley Pear Creek is maintained, the fisherman use will steadily increase from the present use to this full utilization.

An interstate highway through Wolf Creek Canyon has two possible routes (1) primarily east of the stream and (2) primarily west of the stream.

The east route through Wolf Creek Canyon would involve approximately 3,240 feet of channel change along with a serious reduction in access to the stream, parking areas, and picnic areas. This would greatly decrease recreational use of the stream. The access limitation could be alleviated if the old Mullan Road were reopened.

The west route through the canyon would result in 4 to 5 miles of additional channel change over and above that of the east route. These 4 to 5 miles would be in the most productive part of the stream. This channeling would reduce the fish habitat in the 12 miles of stream involved by at least one-half. Whitney and Bailey (1959) found that channel changes on Flint Creek due to highway construction near Philipsburg resulted in a loss of 94 percent (by number and weight) of game fish 6 inches and longer in affected stretches of the stream. Cutting the cottonwood trees along the river, as planned in connection with the west route, would reduce shade and cover important to fish life and to the recreation minded public. This route would probably involve a series of drops or dams in the stream to reduce the stream's velocity. Possibly these could be designed to permit fish passage and provide pools which would mitigate some of the fish habitat damage caused by stream straightening. It is anticipated that in time these pools would fill with sediment.

COMPARATIVE EFFECTS OF THE THREE PROPOSED HIGHWAY LOCATIONS ON GAME

Deer, elk, and mountain goats are the chief big game species found in the mountainous sections of the area between Helena and Wolf Creek. Important game birds are blue and ruffed grouse. Waterfowl, both ducks and geese, are commonly found on the section of Holter Lake adjacent to the east route.

Hunting is an important recreational activity in this area, particularly in the vicinity of Wolf Creek Canyon.

Difficulty in getting off the interstate highway to hunt big game and mountain grouse in the section between Sieben and Wolf Creek (Wolf Creek Canyon) would represent a definite wildlife management detriment in the selection of either the middle or west routes.

The exchange at the mouth of Lions Creek would aid in access to one of the more important hunting sections of the Wolf Creek Canyon area. A very substantial amount of the canyon area would still remain inaccessible, however.

Definite big game and game bird hunting benefits would be gained by the selection of the east route. A big game area of major importance on the east side of Holter Lake that is now definitely underharvested would be made much more accessible to sportsmen by the interstate highway. Waterfowl hunting on Holter Lake would become more important with improved access.

In summary, either the middle or west routes would seriously limit access to presently important big game and mountain grouse hunting areas in Prickley Pear Canyon.

Conversely, both big game and waterfowl hunting would be improved by the increased access made available in the construction of the east route.

DISCUSSIONS AND CONCLUSIONS

The route along Holter Lake is by far the most desirable from the outdoor recreation viewpoint. Improved access would be provided to an area that now has very limited access, and greatly increase the use of Holter Lake as a recreation area. Even more important, damage to Prickley Pear Creek and the reduction of access to hunting could be avoided.

The Highway Commission is dedicated to the policy of building the best roads possible at least cost. This often means straight routes through narrow canyons

which crowd formerly valuable streams into sluice-like runs of little value to fish life. Wildlife and esthetic values in this program, we feel, have not been given sufficient consideration. Roadbuilders should assume a responsibility toward maintaining certain other values when considering the routing of highways.

Funds financing roadbuilding come from the same public that enjoys outdoor recreation. In Montana one-third of the population fishes or hunts. There is no estimate of how many others simply enjoy esthetic values such as the beauty of a natural trout stream.

Due to serious wildlife losses the Montana Fish and Game Department takes the stand that the interstate highway between Helena and the vicinity of Wolf Creek should not be routed through the Wolf Creek Canyon.

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106 of title 23 of the United States Code, relating to surveys, plans, specifications, and estimates for the Federal-aid highway systems, is amended by inserting at the end thereof a new subsection as follows:

"(d) (1) All surveys, plans, specifications, and estimates submitted to the Secretary under this section shall be submitted by the Secretary to the Secretary of the Interior, and the Secretary shall not approve any project under this section until the Secretary of the Interior approves the surveys, plans, specifications, and estimates for such project as being satisfactory in the interests of conserving fish and wildlife and recreation resources in the area of the project.

"(2) In order to carry out his functions under this subsection the Secretary of the Interior (A) may conduct such investigations, surveys and research projects as he deems necessary, and (B) shall consult with and give consideration to the recommendations of the appropriate agencies of the State submitting such project.

"(3) Funds made available under the provisions of section 104(a) for administration and research shall also be available for investigations, surveys, and research carried out by the Secretary of the Interior under this subsection."

AUTHORIZATION AND PURCHASE OF UNITED NATIONS BONDS

Mr. SPARKMAN. Mr. President, at the request of the administration, I am introducing a bill to authorize the appropriation of up to $100 million for the purchase of U.N. bonds.

This bill will be given careful study by the Committee on Foreign Relations. On behalf of Chairman FULBRIGHT, I announce that 1 week from today on Tuesday, February 6, public hearings by the committee will commence at 10:30 a.m. in room 4221 in the New Senate Office Building. The first witness will be the Secretary of State. Persons interested in appearing before the committee should give notice to the clerk of the committee.

For one to understand fully the current financial crisis of the U.N. requires the study of many financial records, tables of assessments, accounts payable, and the like. The staff of the committee and that of the House Foreign Affairs Committee have been working with the Department of State to compile in a convenient committee print factual information which is pertinent to this bill. This material will be available for distribution sometime next week.

The U.S. representative to the U.N. voted last December with the large majority of nations which approved the U.N. Secretary General's three-point plan to relieve the deficit of the organization. In his state of the Union message on January 11, President Kennedy announced that he would ask the Congress to approve participation by the United States in a special plan to finance the expenses for the U.N. operation in the Congo and for the U.N. Emergency Force in the Middle East for a period of 18 months beginning June 30, 1962. Today the President transmitted to the Congress a special message explaining and justifying the bill which I am now introducing.

Thus, Mr. President, for several months there has been much discussion of the so-called U.N. bond issue. Some have taken this opportunity to review the history of the U.N. and to weigh its prospects. No doubt the Committee on Foreign Relations will examine many aspects of the functions of the U.N. I for one welcome a broad assessment of the work of the U.N. and the worth of this institution to the United States and to all nations.

In 1945 when the Senate was considering the question of the adherence to the Charter of the U.N., I believe that only two negative votes were cast. Since that time both Democratic and Republican administrations and Congresses have given strong support, financial and otherwise, to the U.N. President Kennedy in his message today recounted some of the past crises which the U.N. has gone through. I suspect that there exists among the people of the United States today a large reservoir of good will and support for the United Nations organization.

This bill, Mr. President, symbolizes the turning point to which the U.N. has come. Are members of the U.N. willing to pay the cost of having the organization carry out the peace-keeping operations which the organization has decided to undertake? Some members have been dodging their responsibilities. The United States has lived up to its responsibilities. The question now is whether the United States should help to buy a little time so that a sufficient number of other members of the organization can close the gap between their demands upon the United Nations and their financial support of the United Nations.

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

The bill (S. 2768) to promote the foreign policy of the United States by authorizing the purchase of United Nations bonds and the appropriation of funds therefor, introduced by Mr. SPARKMAN, was received, read twice by its title, and referred to the Committee on Foreign Relations.

EXTENSION OF TIME FOR COMMITTEE ON LABOR AND PUBLIC WELFARE TO FILE REPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time for filing the report of the Committee on Labor and Public Welfare called for by Senate Resolution 86, 87th Congress, 1st session, be extended from January 1 to February 28, 1962.

The VICE PRESIDENT. Without objection, it is so ordered.

NATIONAL PATENT POLICY IN GOVERNMENT CONTRACTS—REFERENCE OF BILL TO COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES

Mr. ANDERSON. Mr. President, yesterday the senior Senator from Wisconsin [Mr. WILEY] introduced the bill (S. 2754) to establish a uniform national policy concerning rights to inventions under contracts with the U.S. Government. Since the bill involves the Space Committee and other committees of Congress, I discussed the question with the majority leader, the minority leader, and the sponsor of the bill. I ask unanimous consent that when the Judiciary Committee finishes considering the bill that it be referred to the Committee on Aeronautical and Space Sciences.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

COLLEGE ACADEMIC FACILITIES AND SCHOLARSHIP ACT—AMENDMENTS

Mr. LAUSCHE submitted amendments, intended to be proposed by him, to the bill (S. 1241) to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities, and to authorize scholarships for undergraduate study in such institutions, which were ordered to lie on the table and to be printed.

DEPARTMENT OF URBAN AFFAIRS

Mr. ROBERTSON. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial from the Richmond Times-Dispatch of Tuesday, January 30, entitled "No Urban Portfolio Needed."

I am in full sympathy and accord with the views expressed in that editorial and hope very much that the Senate will vote to disapprove a plan to create a Department of Urban Affairs.

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

NO URBAN PORTFOLIO NEEDED

The otherwise clear-cut question whether this country needs a Department of Urban Affairs at Washington has, unfortunately, been obscured by the controversy over whether Robert C. Weaver, a Negro, should head the Department. Let's forget about Dr. Weaver—at least for the moment—and address ourselves to the issue of whether it is desirable to establish another huge Department of the Federal Government, headed by a man with Cabinet rank.

If the people of this country want to take another giant step in the direction of surrendering control of their local affairs to the National Government, they will support the creation of this new Department. If however, they want to retain control over what is left to them in this area, they will oppose the setting up of this Cabinet position with all their might.

A recent article in Nation's Business says, with much reason:

"By establishing a direct line of communication from the mayor's office to the center of the Federal Government, it would soon become the most powerful and expensive Cabinet post. The authority of Governors, State legislatures and other local levels of government would be demolished.

"Although the backers of the proposed Department put most of their stress publicly on the need for Federal coordination, planning and research, they have in recent years been in the forefront of every fight to enlarge present Federal welfare programs—housing, urban renewal, community facilities, water treatment plants, airports and schools. They have battled vigorously to get Uncle Sam deeply involved in dozens of new areas."

And that is exactly what will happen, if this Department is set up in Washington. Furthermore, it is nonsense to say that no existing Cabinet officer is concerned with urban affairs, and that the cities ought to have a member of the Cabinet who can provide guidance in the solution of their problems. Actually, such members of the Cabinet as the Secretary of Health, Education, and Welfare and the Secretary of Labor are largely concerned with the problems of the thickly populated areas.

Opponents of the bill point out that if further attention to such regions is needed, it can be provided by a coordinating official in the Budget Bureau or White House, without any huge bureaucracy set up to lobby for new spending.

Both the Governors' conference and the National Association of County Officials have expressed themselves in opposition to the proposed new Department of Urban Affairs. They feel that it would tend to destroy remaining functions retained by States and localities.

So there are plenty of valid reasons for opposing this proposal, wholly aside from the identity of its executive head. President Kennedy has made what is generally conceded to be a political 10-strike by announcing that Robert C. Weaver will be appointed to the post. All who oppose the new Department are thus put in the false position of being racists or white supremacists, since Dr. Weaver is a colored man. They are also charged with being against doing anything for the urban areas.

This may place the Republicans and some Democrats on the spot politically. On the other hand, the New York Daily News, with the largest circulation in the United States, has accused President Kennedy of "using Weaver in a bald and brassy effort to buy Negro votes," and it adds that he thereby "insults the intelligence of Negro voters." The paper went on to say that creation of the projected Department "would freeze a new horde of bureaucrats onto the Federal payrolls and the taxpayers' backs," and in all likelihood would "encourage cities to crawl to Washington for solutions of problems they should solve on their own."

The creation of this Department must be defeated, if the steady encroachment of the Federal Government into local and State affairs is to be halted.

THE PHILADELPHIA BANK MERGER CASE

Mr. ROBERTSON. Mr. President, we have all been reading and hearing a great deal in recent weeks and months on the subject of the relation between the antitrust laws and banking, especially bank mergers and the Bank Merger Act of 1960.

One of the most important developments in this field was the decision of Chief Judge Clary of the U.S. District Court for the Eastern District of Pennsylvania, handed down on January 15, 1962, in the case entitled "United States of America against The Philadelphia National Bank and Girard Trust Corn Exchange Bank."

The proposed merger had been approved by the Comptroller of the Currency under the Bank Merger Act. The Justice Department sued for an injunction against the merger, alleging that it violated section 1 of the Sherman Antitrust Act and section 7 of the Clayton Antitrust Act. The Judge denied the request for an injunction and dismissed the Justice Department suit.

This is the first decision involving the Bank Merger Act. It is the first decision involving the relation between the Bank Merger Act and the so-called antitrust laws. It is, as far as I am aware, the first decision under the Sherman and Clayton Acts dealing with a bank merger by consolidation, as distinguished from a stock acquisition.

The trial of the case was extensive, and Judge Clary wrote a thorough and comprehensive opinion which I think it is appropriate to call to the attention of the Senate. I should like, in addition, to make a few comments with respect to Judge Clary's decision.

Judge Clary first held that the approval of the merger by the Comptroller under the Bank Merger Act did not preclude a review under the antitrust laws. In other words, he held that the Bank Merger Act did not, in and of itself, supersede the antitrust laws with respect to bank mergers approved under it.

Judge Clary next considered whether section 7 of the Clayton Act applied to a bank merger not accomplished by a stock acquisition, and he held that section 7 was not applicable. This agrees with the position taken by the Banking and Currency Committee on several occasions, including our report on the Bank Merger Act in 1959, and it agrees with the position taken by Judge Barnes in 1956, Attorney General Brownell, and Judge Hansen in 1957, Deputy Attorney General Walsh in 1959, and Acting Assistant Attorney General Bicks in 1960.

Judge Clary went on to consider the facts of the merger as explained at the trial before him and considered the application of section 1 of the Sherman Act and section 7 of the Clayton Act—on the assumption that it was applicable. The opinion contains an interesting discussion of the product market or line of commerce and the geographic market or section of the country which must be found for purposes of section 7 of the Clayton Act. Judge Clary also examined the question of competition and the effect of the merger upon competition, and came to the conclusion that there was no reasonable possibility that competition, either in Philadelphia itself or elsewhere in the country, would be lessened or that the merger would tend to create a monopoly in the Philadelphia area.

Accordingly, the complaint was dismissed. I understand that the Justice Department has not yet decided whether to appeal.

Judge Clary did not discuss in the course of his opinion the question which I raised, in the remarks I made on the Senate floor on July 20, 1961—the question whether the Sherman Act is applicable to banking in general or to bank mergers in particular. In view of his decision, it was not, of course, necessary for Judge Clary to take up this point.

In my remarks on July 20, I pointed out that the assumption that the Sherman Act applies to banking and to bank mergers is based on a seven judge decision in *Southeastern Underwriters Association* case (322 U.S. 533), holding that insurance is subject to the Sherman Act. I pointed out that Mr. Justice Frankfurter dissented, along with Chief Justice Stone and Mr. Justice Jackson, on the ground that in 1890 it was universally considered that insurance was not commerce and, therefore, the Sherman Act did not apply to insurance. I pointed out that in 1890 every lawyer, including Senator Sherman, knew that banking was not commerce because the Supreme Court had said so in a long line of cases beginning in 1850. I questioned, when a case involving the applicability of the Sherman Act to banking might come before the courts, and eventually before the Supreme Court, whether the courts would follow the four judges who formed the majority in the Southeastern Underwriters Association case, or whether they would follow the views of the three judges who dissented, whose views were in my judgment adopted by the Supreme Court in the Supreme Court's decision in *Toolson* v. *New York Yankees, Inc.* (346 U.S. 356). In that case the Court took the position that, if there was to be a reversal of 30 years of practice under the Sherman Act, in effect an amendment to that act, the Congress should make the change and not the Court.

I believe that Judge Clary's opinion in the Philadelphia case is an important landmark in the field of banking law. I believe Senators will want to examine the full opinion carefully in order to know the exact facts and the exact rulings which Judge Clary has made. I ask unanimous consent that a few brief excerpts from the opinion be inserted in the RECORD at this point.

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

The Government here has brought an action—the first of its kind—to prevent the merger of two strong Philadelphia banks, and on the ground that this merger will (1) violate the Sherman Act by restraining trade, and (2) violate the Clayton Act by lessening and/or destroying competition and tending toward a monopoly. The court believes that the Government's general theory of the case should be set out in brief, broad outline before coming to the specifics.

The Government's case was predicated upon the premise that the banks involved were legally restricted to having offices in geographic limits. Starting with that assumption, the Government introduced a wealth of statistical data, the accuracy of which has not been questioned, which would show that a very large percentage of the deposits and loans originated in the restricted geographical area. Based strictly upon this premise, and applying the principles heretofore enunciated in industrial cases, the Government argues that these percentages are all persuasive, show a high degree of concentration of the market involved, and that it is therefore the duty of the court to prevent this clear, apparent restraint of trade, destruction of, or restriction of competition, and tendency to monopoly by prohibiting the merger.

The court accepts the statistics introduced as showing exactly what they demonstrate on the figures used, but, as will be pointed out later when discussing the specifics, refuses to accept the conclusions which the Government asks the court to draw.

In support of its contention that this merger is illegal, the Government attempted to show by the testimony of two university professors that the merger would have a profound adverse effect upon the banking system of this area, actually restrict credit, and permit price fixing for banking services. This attempt was far from successful. The professors had individual theories of the effect of the merger on the monetary system of the United States and of this area, which were completely destroyed on cross-examination, particularly as relating to the Philadelphia situation.

The Government also attempted to establish, by opinion testimony of smalltown bankers, that the contemplated merger would adversely affect not only the banking situation in Philadelphia, but generally throughout the country, including their own small towns. Their testimony was practically a rehash of the testimony they gave before both the House and Senate committees considering the Bank Merger Act of 1960. There they strongly urged the Congress of the United States to forbid further bank mergers and to maintain the status quo of the banking system of the United States. They attempted to have Congress limit prospective mergers to the very narrow situations where economic necessity would make a merger absolutely imperative.

For example, they conceded that where a bank was on the verge of insolvency, a merger should be permitted with a strong solvent bank for the protection of depositors and the general public. They also agreed that where ineffectual management was demonstrated, again it would be in the public interest to merge the bank with a strong progressive bank, again for protection of depositors and the public. With these two and other minor exceptions, not necessary to outline here, they fought vigorously to have the Congress absolutely forbid all other mergers. This the Congress refused to do, and, in the opinion of this court, properly so.

Commercial banking, despite the attempt of the Government in this case to have the court consider it an ordinary line of commercial endeavor, comparable to the ordinary industrial organizations, is a specialized branch of what the court chooses to term the financial industry. It is completely regulated. It may not, as an industrial plant might, establish a branch of operations where it pleases. By virtue of both State and Federal authority, it must keep its assets liquid, as will be hereinafter discussed. It may charge for its principal services (lending of money) a maximum prescribed by law. It may not pay interest on demand deposits and is limited by law to the amounts which it may pay for savings or time deposits. It may not go out and buy raw materials and manufacture products and attempt to extend its market. Its stock in trade is money and the only way that it can generate its stock in trade—money—is to create demand deposits which it may lend to individuals, corporations, or organizations. It is the commercial bank, even though strictly regulated, which comprises the backbone of the monetary system of the United States. To place it in and consider it as part of the commercial and industrial field, as contrasted with the financial, would be to ignore the realities of the situation.

Both the Government and the defendants have, in support of their respective contentions, cited the only antitrust case law available and all such cases were decided under the Sherman and subsequent acts. All involve only commercial and industrial organizations. While the court recognizes the validity of the broad principles of law therein enunciated, it certainly does not follow that those principles should be applied with the same force and effect to a regulated industry as to one in the so-called "free enterprise" field. The Congress of the United States has, in fact, in the industrial and commercial field, usually exempted regulated industries from the application of the antitrust law and in the public interest.

It is significant to note that in the Bank Merger Act, the Congress of the United States has included as one of the controlling elements, and an important one, for consideration in the determination of governmental approval of bank mergers, that same public interest. This court does not believe, as the Government would have it, that this was a mere passing reference without practical significance and actually completely irrelevant to a decision of this case, but, on the contrary, feels that the inclusion of this public interest concept is an important element in the congressional approach to monetary regulation.

* * * * *

In summary, it can be said that although the merger will increase concentration to the percentage figures given, the merged bank would have no power to control the price and supply of credit, nor could it dominate the market in any manner. And, although a direct substantial competitor will be eliminated, the only competent testimony upon the subject establishes that competition will be more vigorous after the merger. Also, although the commercial banking field is not an easy one to enter, it cannot be concluded that a new bank will not be established in the four-county area in the future. Finally, although the defendants have engaged in prior mergers, these mergers have had valid business purposes as the motivating force.

Viewing all this collectively, the court can see no reasonable probability that competition among commercial banks in the four-county area will be substantially lessened.

Moreover, it is difficult to perceive a reasonable probability that this merger will tend to create a monopoly in commercial banking in the four-county area. Certainly, every time one bank in an area is eliminated, the path toward an eventual monopoly or oligopoly is shortened. This can be said for the most insignificant combination. But this does not mean that a monopoly is inevitable.

Especially is this true in the area of bank mergers. Every future merger in the four-county area will be subject to the close scrutiny of the appropriate State and Federal agency. At some point any trend, if discernible in the future, will be checked. Although some of plaintiff's witnesses, for the most part independent bankers from smaller communities throughout the country, were of the opinion that approval of this merger would trigger others in the four-county area, as well as the remainder of the United States, this court is not prepared to concur. The competitive situation that exists in the four-county area, with the many alternatives available to a prospective customer, leads to the inescapable conclusion that any tendency to monopoly or oligopoly at this stage is nonexistent. What happens in the future must be left to the appropriate Federal banking agency, and, if necessary, to another court at another time. All that is being said is that this particular merger will not tend to create a monopoly.

* * * * *

RÉSUMÉ

As before stated, this is the first action tried after the passage of the Bank Merger Act of 1960. The controversy inherent in the case between coordinate branches of the executive department of Government is to be regretted. Congress, in passing the Bank Merger Act, deliberately fixed the responsibility of approving or disapproving proposed mergers of national banks in the Comptroller of the Currency. This responsibility was fixed despite vigorous protests of individual bankers and the Department of Justice. The Comptroller of the Currency then, by act of Congress, was of necessity required to consider the reports of the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Attorney General, with respect to the competitive factors involved. All three of these Departments of Government reported that in the opinion of their experts, the consummation of the proposed merger would adversely affect competition in the Philadelphia area. The Federal Deposit Insurance Corporation concluded that the merger would not be adverse in the regional, national and international field of competition. With these reports available to him, and after considering them, the Comptroller, in pursuance of his statutory duty, reviewed them and despite their content, approved the merger as not involving undue concentration of banking power, not tending toward a monopoly, not destructive of competition in the commercial banking field, and definitely in the public interest. The court, after a full trial, agrees completely with the conclusions of the Comptroller of the Currency.

This is one of the few instances in which one department of the Government, after having been consulted and its advice not being followed, has challenged in the court the findings of a coordinate department of the executive branch of the Government on the basis of disagreements between departments of our Government. And what is the expertise of these three dissenting coordinate branches of the executive department that prompted this challenge? The courts have uniformly held that once Congress has reposed its confidence in the expertise of a particular department, the courts should not substitute its judgment in the place and stead of the department involved. The Government has asked this court, without the production of a single shred of evidence,

and on the basis of reports no more illuminating than that of the Comptroller of the Currency, to give legal effect to the conclusions of the dissidents, rather than the department charged with the responsibility.

This court fails to see how any court, without some factual basis being laid therefor, could accede to any such request and this is all the more true in this particular case where experienced, substantial bankers throughout this entire area have appeared in open court, subjected themselves to searching cross-examination, and have unanimously demonstrated that the proposed merger would not cause an undue concentration of banking, would not tend toward a monopoly, and definitely would increase the vigor of competition which the Congress of the United States from the passage of the Sherman Act down to the present date has, by law, attempted to foster.

The court was not impressed with the attempts of the Government to show that banking is of minor importance in the life of a community generally and of almost absolute unimportance in the business life of the community. The Government, in its attempt to establish this contention by testimony that no single particular individual industrial organization had ever entered a particular territory because of the presence or absence of banking facilities, has ignored the industrial history of the United States. Should one ever speculate as to whether any industry would enter a community without banking facilities, the answer would be completely obvious. Historically, banking facilities have preceded industry in every community.

The Government also attempted to show that by combining the lending limits of all Philadelphia banks, borrowers in the larger categories could be well accommodated. This ignores again the realities of the situation and the positive testimony that in the larger industries, there is a decided reluctance on the part of financial officers to be made the subject of participating loans. With the originating bank, there is also an aversion to these loans as it requires considerable negotiation and technical handling which is to be avoided wherever possible.

The evidence demonstrated beyond peradventure of doubt that the Philadelphia area, plus parts of Delaware and New Jersey, and also New York City, as well as most of the Northeastern part of the United States, is the area of active competition for Philadelphia commercial banks and for the proposed merged bank. The testimony discloses that the competitive effect upon all Philadelphia commercial banks will be minimal. The larger bank, however, will be able to compete on better terms and in a better atmosphere with the banks of other cities and States that have been draining this area of banking business which might well be and perhaps properly should be handled here, and which cannot be handled under present circumstances. That it will benefit the city and area has been established clearly by a fair preponderance of the evidence as has been set forth in the findings of fact of the defendants previously affirmed.

There is nothing in this record which supports the averments of the complaint that the proposed merger involves an unlawful combination in restraint of trade; would result in or tend toward monopoly, or violate the provisions of the Clayton Act, if applicable; and the proposed merger certainly violates no provision, either express or implied, contained in the Bank Merger Act of 1960.

Since the proposed merger contains none of the defects alleged in the Government's case and will be in the public interest, it follows that judgment must be entered in favor of the defendants and against the plaintiff.

TVA'S TRIBUTARY PROGRAM

Mr. KEFAUVER. Mr. President, the proposed budget for fiscal year 1963 which President Kennedy recently submitted to the Congress envisages an important and historic step for the Tennessee Valley Authority.

It is proposed that the TVA spend $2.5 million during the coming fiscal year to begin work on the multipurpose development of the Beech River in west Tennessee. What distinguishes this resource development project from others in which TVA has heretofore engaged is: First, it represents TVA's first major move in the development of tributaries of the great Tennessee River; and, second, it calls for a sound new demonstration of the partnership for progress that has always existed among the TVA, State, and local people in the Tennessee Valley.

One of the most enthusiastic and articulate advocates of the principle of tributary development by the TVA has been one of the Nation's great newspapers, the Nashville Tennessean. Therefore, it speaks with energetic authority in its comments of the Beech River project in an editorial appearing in that newspaper on January 19, 1962.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD at this point.

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

TVA'S TRIBUTARY PROGRAM MODEST, BUT SOUND, START

In his budget message to Congress yesterday, President Kennedy proposed a $2.5 million appropriation next year to initiate a tributary stream development program in the Tennessee Valley.

Under this proposal, developed by the Tennessee Valley Authority following a couple of Presidential promptings, the Beech River watershed of west Tennessee would be developed with a series of 14 small multipurpose dams and 80 miles of channel improvement, at an estimated total cost of $6 million.

It is a modest beginning. But it is a start. And a sound principle has been established for completion of the river basin development job upon which TVA embarked more than a quarter century ago.

The financing proposals suggested are entirely sound. Local and State participation are involved, it is true, but recognition is given to two facts upon which this newspaper has predicated its insistence that capital financing and planning originate at the Federal level:

1. Local governments in Tennessee simply do not have sufficient revenue sources to undertake the broadly based basin-type development which commonsense and good conservation practices dictate. With demands growing upon the State for more revenue for education, highways, etc., it is likely Tennessee, too, would find difficulty raising the needed funds.

2. TVA, long since created for the very purpose this proposal entails, is the proper agency to develop the plans, to control projects which are an integral part of the mainstem system, and therefore to supply the capital funds necessary.

In its announcement of the Beech River program, TVA has taken note of the lack of local revenues, but there is nothing at all amiss in its suggestion that "under this plan the portion of the system which is primarily beneficial to the local area would pay for itself." And we know by long experience that this sort of development produces both the benefits and the local revenues mentioned.

It was our hope that TVA would embark on a bit more ambitious plan such as the Elk River basin offers. But it seems the directors want to utilize the Beech River watershed program as something of a pilot project, and we see nothing wrong in this as long as they do not forget there are other areas of perhaps more significant need.

We shall, therefore, continue to press for a broadening of this program with its multipurpose functions, designed to lend greater emphasis to the conservation-development role of the Authority.

In a conservative Congress, approval of the TVA-Presidential request is not assured, of course. It is therefore imperative that the valley delegation, which has a vast future stake in this program though only one congressional district is immediately involved, stand united behind the traditional principles to which the people of this State and valley adhere.

NEED FOR A REVIEW OF NATION'S TRANSPORTATION INDUSTRY

Mr. KEFAUVER. Mr. President, more than any similar event of recent years, the merger agreement by the Pennsylvania and New York Central railroads has pointed up the need for an overall review of the Nation's transportation industry.

Several days ago I proposed such a review by a Presidential commission. Now I note that the Nashville Tennessean, in an editorial on January 19, 1962, suggests that the Interstate Commerce Commission undertake a review of the entire rail system. However we may differ as to detail, we agree on the need for a study not confined to this proposed merger alone, and on the principle that monopoly must be avoided, competition preserved and the public interest protected.

I ask unanimous consent that the editorial appear at this point in the RECORD.

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

RAILROAD SYSTEMS REVIEW NEEDED

Formal agreement to merge the Nation's two largest railroad systems—the Pennsylvania and the New York Central—is symptomatic of deep-rooted troubles in the entire rail industry which foreshadow other consolidations.

The two lines, which together represent some $5.4 billions in assets, have agreed on merger terms. Many obstacles, including approval by the Interstate Commerce Commission, lie ahead, however. These could delay action possibly 2 years or more.

Both lines had rough going last year, although the Pennsylvania managed to end the year in the black. The merger, which would result in a 20,000 mile network formed by the two parallel systems, is estimated to save $100 million a year.

Many of these lines' financial troubles stem from overcapacity and excessive duplication of service. Few would argue that elimination of these weaknesses would, of themselves, bring about the kind of monopoly in railroad operation which made creation of the ICC necessary.

In various stages of negotiation are other mergers, including the Atlantic Coast Line

and Seaboard Air Line; the Great Northern, Northern Pacific, and Chicago, Burlington, and Quincy; the Norfolk and Western and Nickle Plate; and the Chesapeake and Ohio and the Baltimore and Ohio. Each of these mergers would result in multimillion dollar operating cost economies.

The dilemma of the railroads, in fact, has reached such proportions that a piecemeal attack by separate consideration of individual merger plans is no longer adequate. What is indicated is a comprehensive review by the ICC of the entire rail system.

It should be reshaped to meet the demands of the times, with primary emphasis on protection of the public interest.

This means preservation of real competition, and protection of shippers, passengers, railroad workers, and the towns the roads serve. Crippling of the Nation's lifelines must be prevented.

UNANIMOUS-CONSENT AGREEMENT TO VOTE AT 2 P.M. WEDNESDAY, JANUARY 31, 1962, ON THE NOMINATION OF JOHN A. McCONE TO BE DIRECTOR OF CENTRAL INTELLIGENCE

Mr. MANSFIELD. Mr. President, I should like to have the attention of the Senate.

The VICE PRESIDENT. The Senate will be in order.

The Senator from Montana may proceed.

Mr. MANSFIELD. The Senate will recall that some time earlier it gave its consent to vote on the McCone nomination at 2 o'clock this coming Wednesday. The request was made on the assumption that the American congressional delegation to the Punta del Este Conference would return to Washington, D.C., at 9 a.m. Wednesday morning and that therefore the rights of a Senator would be well protected if the vote were taken at 2 p.m. that afternoon.

Due to the fact that the Punta del Este Conference is still in session; that decisions have not been reached; that a particular member of the delegation asked that the vote on the nomination be held up until his arrival; at this time, in furtherance of that request and in view of the circumstances involved, on the basis of the absence of a Senator due to a Presidential appointment in effect to enable him to attend a conference, I wish to ask that the vote on the McCone nomination be held over until 2 o'clock on Friday next.

Mr. SALTONSTALL. Mr. President, I shall object. It will be the first time in 17 years I have objected to a unanimous consent request. I shall object because I believe this is an extremely important agency and I believe that we should act upon the nomination promptly. The nomination has been held over now for more than a week since the Committee on Armed Services reported the nomination unanimously.

Because of the importance to our national security and because of all the problems involved, I object.

I say to the distinguished majority leader that I believe it is quite clear the nomination of the gentleman will be confirmed, but in order to be courteous to any Senator who is away on a Presidential Commission I shall be glad to give that gentleman a live pair if I am told by the majority leader that there is any member of that Presidential Commission who is a U.S. Senator who wishes to vote against the nomination of Mr. McCone. I say now publicly to the majority leader, if he will give me his word that man wishes to vote "Nay" I shall give the Senator a live pair, but I object to further postponement of the vote on the nomination.

Mr. MANSFIELD. Mr. President, I appreciate the courtesy of the Senator from Massachusetts, and I shall keep his suggestion in mind. He is always kind and considerate.

Mr. President, I ask unanimous consent, in view of the request made by our absent colleague, that the vote on the McCone nomination be deferred from 2 p.m. on Wednesday next until 2 p.m. on Thursday next.

Mr. DIRKSEN. Mr. President, I share the same feeling of distress about objecting. I know many Members have made plans contingent upon the vote coming on Wednesday as originally scheduled.

I am very reluctant to object. I think in the interest of the Senate, and the implied commitments that were made, I would have to object. I would also tender my services and offer a live pair to the Senator in question, because I presume his vote would be opposite mine. I make that tender now.

Mr. MANSFIELD. I do not know how our absent colleague would vote. He did request, though, that the vote be held up until his arrival. We have tried to comply with that request. The time was set for 2 p.m. on Wednesday next. It appears that there is no possibility of obtaining a further extension. So at this time I will make no further request. I thank the distinguished Senator from Illinois [Mr. DIRKSEN] for his offer.

AID TO HIGHER EDUCATION

Mr. LONG of Missouri. Mr. President, last fall I acted as an intermediary in a very important exchange of correspondence between Dr. Elmer Ellis, president of the University of Missouri, and the senior Senator from Oregon [Mr. MORSE], chairman of the Senate Subcommittee on Education.

Dr. Ellis in this correspondence raised a number of objections to S. 1241 as reported.

He questioned its program of loans only for the construction of academic facilities. He also questioned its provisions for the States rather than institutions of higher education to determine who receives scholarships. In place of S. 1241, he offered a number of alternative suggestions to aid higher education.

Since this bill will be laid before the Senate soon, I believe all Senators will find this correspondence of great interest. I, therefore, ask unanimous consent that Dr. Ellis' original letter, the reply of the senior Senator from Oregon, and the further letter of Dr. Ellis be printed at this point in the RECORD.

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

OFFICE OF THE PRESIDENT,
UNIVERSITY OF MISSOURI,
Columbia, Mo., September 19, 1961.

Senator EDWARD V. LONG,
U.S. Senate,
Washington, D.C.

DEAR ED: I notice that the Senate Committee on Labor and Public Welfare has approved a version of Senate bill 1241 which is directly contrary to the interests of all State universities and colleges.

1. It offers loans but not grants for construction of academic facilities. This is absolutely of no use to any public institution in Missouri and almost no private college or university.

2. It offers grants for construction of academic facilities only to public community colleges. This is highly discriminatory against 4-year colleges and universities, public and private, and is highly discriminatory against certain States that do not have many junior colleges. While we will have more in Missouri in the future, still States like California, Iowa, and Texas, which have a great many, would get most of this money. Moreover, why should the Federal Government discriminate against 4-year institutions if that is what other States need?

3. The bill would establish a Federal scholarship program administered through State commissions rather than through the colleges and universities. Personally, I have no particular enthusiasm for big scholarship programs but if we are to have it, it is far more sound and much cheaper to administer it through the universities and colleges rather than through a State commission. Colleges and universities administer the present loan program of the National Defense Education Act without criticism.

I would be glad to enlarge on any of these points if you wish. I think, however, it has become a very bad bill and should not be passed in this form under any circumstances. I am certain it is bad for the State of Missouri.

Cordially,

ELMER ELLIS.

U.S. SENATE,
COMMITTEE ON LABOR
AND PUBLIC WELFARE,
October 5, 1961.

Hon. EDWARD V. LONG,
U.S. Senate.

DEAR SENATOR: Thank you for bringing to my attention and that of my subcommittee the September 19, 1961, letter addressed to you by President Elmer Ellis of the University of Missouri.

The points raised by President Ellis parallel views expressed by other educators in our hearings on S. 1241. I would only point out that, as indicated in the testimony of President Case of Colgate, which may be found on page 287 of the hearings, the committee did receive testimony that the loans are needed, are one practical way of meeting the urgent demands of academic facilities and would be used to the full extent of the $300 million a year authorized for the 5-year period.

It is true that President Case would welcome matching grants to institutions of higher education. However, as I am sure you realize, in view of the controversy which has enveloped other educational bills this past session, it might be most difficult to enact an across-the-board grant proposal.

These difficulties can be summarized somewhat as follows:

If grants to public institutions of higher education only were to be adopted then strong protests could be expected from nonpublic institutions of higher education on

the grounds of discriminatory treatment. It would be said that "the unity of higher education" was threatened. If grants are proposed for both private- and church-related institutions of higher education serious objection could be expected to be heard from a broad spectrum of the American public which holds, with sincere conviction, that such a course in all probability would be repugnant to the first amendment of the Constitution. Furthermore, the claim could be made, and with considerable justification, that if such benefits were to be conferred upon both public and private institutions of higher education, then in all equity equivalent benefits should be made available to the nonpublic or church-related secondary and elementary schools. I am aware that there are those who would attempt to draw a strict distinction between elementary and secondary education on the one hand and higher education on the other, based upon the criterion of compulsory attendance. While I am cognizant of this line of reasoning, I find it personally very difficult thus to segmentize the Constitution. I have no doubt, however, that interest-bearing loans can meet the constitutional test, and that, as indicated by testimony, such a loan program would meet a current and pressing financial need of many institutions for instructional facilities. I suspect that present legal barriers under State law would be quickly overcome if the loan money were to be made available.

With respect to the grants contained in S. 1241 for the encouragement of junior college construction, I would point out the testimony presented to us indicated that publicly controlled community colleges are expanding in 41 States. In the fall of 1959, these colleges enrolled approximately 12 percent of the degree-credited students attending institutions of higher education. I would also point out that in committee the needs of junior colleges were given sympathetic consideration by Senators on both sides of the aisle. Evidently there is a strong public demand in a great many States for this segment of our higher education system. Enactment of S. 1241 in the form recommended by the committee will, I am convinced, do much to encourage the establishment of junior and community colleges. Traditional 4-year institutions, I feel, will also benefit from this trend since the first 2 years of collegiate work taken at the junior college institution will enable many students to determine during that period what further formal education would be helpful to them. I believe that the community college is essentially a complementary rather than a competitive institution to the 4-year school.

With respect to the third point raised by Dr. Ellis, I am sure that you can appreciate the advantages to the student selected for a scholarship of being able to determine for himself the institution which best serves his unique and individual needs. Since there is no requirement that a student awarded a scholarship by a State scholarship commission pursue his education within the boundaries of the State in which he takes the examination, the student will have open to him a greater variety of educational choice than would be the case if institutions were to administer the program. In this area, I grant that sincere differences of viewpoints can and do exist, but it was the committee judgment that State scholarship commission program would enable more students in all geographic areas to receive better educational benefits than under alternative arrangements suggested to the committee.

One blunt point in this connection should be made, and that is that the State scholarship commission concept would be more advantageous to talented members of minority groups than the proposal advocated by President Ellis.

I realize that this has been a somewhat lengthy reply to your inquiry, but I feel that both you and Dr. Ellis would appreciate receiving a full explanation of the committee position.

With kindest personal regards.

Cordially,

WAYNE MORSE,
Chairman, Education Subcommittee.

UNIVERSITY OF MISSOURI,
Columbia, Mo., November 9, 1961.

Senator EDWARD V. LONG,
U.S. Senate, Washington, D.C.

DEAR SENATOR LONG: I have read Senator MORSE's letter with great interest. I certainly appreciate the courtesy of his reply which shows the care and consideration he is devoting to these problems.

The legislation recommended originally by the American Council on Education and others was a series of proposals that had been worked out by the various national organizations of universities and colleges. It was a compromise among different types of institutions and among regions and States. While no one would claim it was perfect, it certainly was a program that would promote higher education substantially and at the same time would not discriminate or favor one group as against another. The action of the subcommittee of course upsets all these compromises, and while it makes some of its own, the result is a series of proposals that would heavily favor some types of universities and colleges and some States and regions. It would do so far more, I am sure, than Senator MORSE and his subcommittee realize.

Missouri, I must add, is one of the States that will get virtually nothing out of the legislation as they propose to pass it. Let me take up the points in order.

The decision concerning loans, or loans and grants, for academic facilities I realize is a difficult one because of the church-State relationship. However, the "loans only" are of no value to public institutions. We are not prohibited by law in Missouri from using them but none of us would resort to them because the only way we could repay loans would be to raise our student fees beyond what they are now; and we do not feel that is a statesmanlike way to meet the problems of higher education, as it would further restrict access to educational opportunity. The loan feature would be of use only to a few private institutions and for the most part to those private institutions that are now the best financed, not to those that are in greatest need.

The second point is in regard to limiting to community colleges the grants for construction. As you will recall, I have been a principal advocate for State aid to these colleges in Missouri. Because of our new law we will now have some expansion but not much. The possibilities of its help here are trifling compared with those States that have developed great programs in the junior and community colleges. There is nothing in the Senator's statement that would indicate why 4-year institutions should be eliminated from these grants of funds. States such as Missouri depend much more on 4-year colleges and will continue to do so for many years. Of the college students in Missouri less than 6 percent are in public junior colleges, and the 4-year colleges are now growing much faster. At best we might increase the junior college percent to 9 in 10 years. In contrast, in California 45 percent of college students are in public junior colleges now. According to the Senator's letter, nine States would get nothing. Many others, such as Missouri, would get almost nothing. But California would get aid for nearly half of its college students.

Senator MORSE is mistaken, I am sure, in his belief that the establishment of junior colleges relieves the 4-year colleges of needs for buildings. The great benefit of junior colleges is that they add opportunities for higher education to students who otherwise would not have them. This is its major justification and about 90 percent of their attendance is of this type. Let's not forget that the States' needs differ greatly.

If the church-State relationship makes these types of aid as difficult to bring about as the subcommittee seems to feel, I would like to make the suggestion that these proposals for aid for academic buildings be dropped entirely and that instead we go back to our housing legislation that we have been using satisfactorily for several years for both public and private institutions. It is working successfully and presents no problems of this type, but it does have a great weakness in that it forces us to charge our students more than the real costs of the loans.

Under present regulations of the Housing and Home Finance Agency we are required to calculate occupancy for single student dormitories at 90 percent. In addition, we are required to set our room and board rates at a level which will guarantee 1.35 times the required interest and principal charges. I submit that this is not a sound Government policy but follows private banking principles that should not apply in the same way to a program of Government aid to higher education. Unless we can get subsidies from some source the difference between our cost and the actual sinking fund charges raises our rates so that many students cannot afford to live in college housing. If the committee would look into this I am sure they would see that as a practical matter this 35-percent overage could very safely be reduced to 10 percent or less for institutions with good records and the resulting saving would do all the colleges and universities more good than any of these other proposals.

It is not academic facilities that are the great bottleneck. We could make more efficient use of those we now have in many cases, but the great shortage is student housing and many of us instead of having 90-percent occupancy are overcrowded to 115 or 120 percent.

The third point is whether the scholarships provided should be granted by the colleges involved or by a State commission. The admissions procedures of our colleges require close relationships with high school advisers, and it is very simple for them to locate academically able but financially needy students who must have help to secure an education. No State commission, even with an elaborate bureaucracy, can do this as well as the staffs of our colleges. The purpose of the scholarships is to find these students and bring them to college. Only the colleges can do this.

Our present NDEA loan program is handled by the colleges and I do not know of anyone who would argue that it is not being done well that way. If, as the subcommittee contends, the scholarships should be granted by a State commission and be usable anywhere in the country, it would mean that more able boys from Missouri would go to distant, prestige schools and hence would rarely return to Missouri after graduation. There was nothing in the original plan to keep a student from applying to any college he wished; he was free to go where he could qualify. But this State commission plan will encourage students who can well afford to go at home to apply to go to the glamor, distant schools. Much present scholarship money works this way now and it has been bleeding this State of ability for years. The subcommittee's proposal would compound it by adding Federal money for this purpose. It would not help students who cannot now

go to a good college but will merely move them to other parts of the country for their education. While some of this movement over the country is excellent, the merit scholarship plan as well as the large funds for scholarships in the prestige institutions already provide for a great deal of such movement; if we add Federal funds for this, the States in the West and the South would be robbed of many more of their most able students. I submit that higher education and national strength will be weakened rather than strengthened by such a program.

If I understand Senator MORSE correctly he believes that a State commission would distribute the scholarships more fairly and with less minority discrimination than would the universities and colleges. Does he really believe that a commission appointed by Governor Faubus would be more fair than the faculty committee of the University of Arkansas? I am sure on rethinking this problem he will realize from his own academic experience that this is a faulty conclusion. Has there been the slightest suspicion that the present loan funds as administered by the colleges discriminate against any group? On the contrary the State commission plan in the subcommittee's bill will not aid additional good students to secure an education but will merely move students now able to get an education in their own States, or nearby, to distant glamour institutions, and increase the strong tendencies that now exist to strengthen certain institutions and regions at the expense of the great majority.

As I proposed an alternate to the aid for educational facilities to get us off dead center here, I would like to propose one for this scholarship fund, and that is to improve the national defense education loan program. So far this program seems to be going very well, although I could suggest a number of minor improvements. But I am entirely convinced it would serve our national purposes better than scholarships if we would—(1) supply more money for loans under this program and (2) take off the institutional maximum which makes it unfair to the students at the large universities such as New York University or the University of California. It will do more good with less cost to the Government than any of the proposed scholarship programs. It likewise involves none of the problems that the subcommittee finds in the proposals recommended to them from various educational groups.

I repeat that the program as now visualized by the subcommittee will do very little good nationally and will certainly discriminate seriously against States such as Missouri. It will waste resources that higher education desperately needs if we are going to carry out our national obligations.

I enclose a copy for Senator MORSE.

Sincerely yours,

ELMER ELLIS.

COMMENDATION OF JAMES V. BENNETT ON HIS 25TH ANNIVERSARY AS DIRECTOR, BUREAU OF PRISONS

Mr. LONG of Missouri. Mr. President, I should like to take this occasion to recognize one of our most distinguished public servants, Mr. James V. Bennett, Director of the U.S. Bureau of Prisons. This week is a most appropriate time to do so, for it was exactly 25 years ago this Thursday, February 1, that he was first appointed to the important position which he still holds. Over the past year, as chairman of the Judiciary Committee's Subcommittee on National Penitentiaries I have had the opportunity to work with Jim Bennett and to appreciate the difficult and essential assignment that he has fulfilled so long and capably.

Before I came to the Senate I was already familiar with Director Bennett's many contributions to the national welfare. Several years ago he made a survey of Missouri's penal system, and he has been helpful in a consultant capacity ever since. Needless to say, our State penal system has profited immensely from his advice and assistance. He has rendered similar services for several of our communities, including St. Louis.

The revered Senator Tom Hennings, my predecessor in the Senate and on the National Peniteniaries Subcommittee, shared a similar respect for Mr. Bennett. He related to me more than once the many ways in which our Prison Director had helped to uplift and improve the administration of justice. He commented upon several of these achievements in the annual reports of the subcommittee. He was convinced that as long as Mr. Bennett held stewardship of the Bureau of Prisons, our Nation's penal system was in the best possible hands. In the 1959 report our honored Senator from Missouri wrote, among other things, that while he realized that there is no such thing as the indispensable man, Director Bennett "comes as close to this role as any man I have known in public service."

Jim Bennett was an obvious and natural selection for the post of Prison Director in 1937. Ten years previously, as a management analysist for the old Bureau of Efficiency, he was assigned the job of investigating the Federal prisons, then in desparate straits and rocked by recurrent irregularities. He later assisted a congressional committee in drafting a report which led to the legislation creating the Bureau of Prisons in 1930. Appointed an Assistant Director of the new agency, he spent the next several years developing basic legislation to fit the expanding prison system, creating prison industries to provide respectable employment for inmates, and bringing about many profound improvements in our penal system. The Honorable Sanford Bates, who retired as Federal Prison Director in 1937, firmly endorsed his assistant as the logical choice to take over his post.

On February 1, 1937, there were 19 Federal institutions. Today there are 31 in operation, another in the construction stage, and still another on the drawing boards. Under the pressures of successive congressional enactments broadening the Federal jurisdiction over crime, the population of the Federal prisons has grown almost uninterruptedly over the past 25 years, usually more rapidly than available space. The period was also one of repeated national crises, which meant that the needs of the Federal prisons had to be subordinated to the national defense effort. Director Bennett conscientiously did his best to solve or at least to contain the consequent problems imposed up his institutions. He performed the task with stringent economy and at the same time managed to improve the institutional programs designed to salvage the offender and return him to the community better able to assume the responsibilities of citizenship.

During World War II and the Korean war, he geared the industrial activities of the Federal prisons to the exclusive production of articles to meet national defense needs. He refused to seek deferments from military service for any of his personnel, no matter how valuable they might be to his service. He further assisted the Selective Service Administration in developing workable policies for drawing manpower from among the Nation's prisoners and ex-prisoners. He aided the War and Navy Departments in developing their own correctional programs and running their own confinement facilities. After World War II he spent several months in West Germany, reorganizing its prison system and getting it off to a good start. Incident to all these services, he received a number of medals for distinguished public service.

When Jim Bennett was first introduced to the prison field in the 1920's, the Federal prisons were virtually without the rudiments of a rehabilitation program. They were filled with idle men who left prison no better prepared for community life than when they had entered. The institutions were headed frequently by political appointees and staffed by untrained guards who were not even accorded civil service status. Today, largely through Jim Bennett's efforts, the Federal prison system is internationally recognized as superior to any other.

The prisoners enter upon a rehabilitation program on the day of their commitment and it continues until the day of their departure. The Federal methods for classifying prisoners in terms of the problems they present and prescribing programs of treatment to fit those problems has been widely copied. While this treatment is underway the problems of custody and public safety are not neglected. Few men successfully escape from our Federal prisons, and it is no accident that the Federal system has been virtually free of the prison disorders experienced so frequently elsewhere, particularly during the early 1950's. Federal prison employees, now in full civil service status, are brought to peak efficiency through extended and intense training. Jim Bennett expects top performance from his employees, and they give it.

Conceded to be the ranking expert on correctional programs and architecture, Director Bennett has had a national and worldwide influence. At the request of innumerable municipalities, counties, and States, he has given generously from his store of experience and knowledge. Many foreign governments in Latin America, Europe and Asia have sought his advice. As early as 1935 he was a delegate to the International Penal and Penitentiary Congress in Berlin, and in 1950 chairman of the American delegation to a similar congress at The Hague. He served as delegate to the first United Nations Congress on Prevention of Crime and the Treatment of Offenders in Geneva in 1955, and as chairman of the American

delegation to the second U.N. Congress in London in 1960. Nationally he has been active in so many welfare and correctional organizations that I cannot enumerate them here.

His efforts have done much to improve the quality and fairness of the sentences imposed for crime. He helped to develop the legislation which became the Federal Juvenile Delinquency Act in 1938. He labored earnestly over the years to obtain sentencing statutes which would fit the problems of youthful offenders, and to him belongs a good share of the credit for the proposals which, in 1950, became the Federal Youth Correction Act. He helped to draft the 1948 statutes which provide fitting dispositions and psychiatric care for the mentally ill charged with or convicted of crime. In 1958 he worked with Senator Tom Hennings and Congressman EMANUEL CELLER in their efforts to obtain enactment of legislation to make Federal sentencing less inequitable. The final act provided for indeterminate sentences, commitments of defendants for observation and sentencing recommendations, and judicial seminars on sentencing problems. Since 1958 virtually every Federal circuit has sought Director Bennett's participation in those seminars, in a joint attempt to achieve the objective which the Congress directed—a more consistent and fair sentencing practice.

Jim Bennett has found time from his many duties and interests to do a great deal of writing on a wide range of subjects. He has written a book and a later supplement on correctional architecture, and it now serves as a handbook on the subject for the entire correctional field, the only available publication of its kind. Out of the distillation of his experience he has written articles for publication on such subjects as jails, juvenile delinquency, sentencing, the treatment of the mentally ill, narcotics control, prison psychiatry, and many others. His works are widely quoted by others who write in the same fields.

His contributions to the Nation's welfare are too numerous to summarize, but I would like to say a few words about Jim Bennett himself. He has, as a man in his position should have, an intense personal interest in improving the lot of our society's unfortunates. He runs a taut, no-privilege penitentiary at Alcatraz, but he travels frequently to the island to inquire into the welfare and progress of the men confined there. Many of them have eventually straightened out, earned their release, and returned to the community to do well. I am confident that Jim Bennett's personal efforts have had a lot to do with salvaging these men, once considered too dangerous and hostile to be kept anywhere but at escapeproof Alcatraz.

When he visits other prisons in the Federal system, he is never too busy to talk to any inmate who wants to see him, and he seeks many others out for helpful talks. Many of these men write him or call at his office after their release to express their appreciation; while they were serving their terms it was comforting to know that the Prison Director himself was interested in how they were getting along. Some ex-prisoners, down on their luck, shamefacedly report to the Prison Director's office when passing through Washington. Invariably he draws from a small fund he has established through the proceeds of his writings, or if it is exhausted, he digs into his own pocket.

The employees of the Federal Prison Service, too, feels a personal tie to him and a sense of mutual confidence and respect. They are, I might say, far from the best paid in the Government service. But as anyone can attest who has visited a Federal prison, they have an unbelievably high morale, and according to the Civil Service Commission, the lowest turnover in Government.

Jim Bennett has well earned the sobriquet of "Mr. Corrections." He has served in successive Democratic and Republican administrations, but there has never been any doubt about his reappointment. All of the 10 Attorneys General of the past 25 years have enjoyed his loyalty and in turn have come to rely upon him with unreserved confidence to operate the Prison Bureau with a minimum of anxiety to them. Only a couple of years ago, President Eisenhower conferred upon him the President's Award for Distinguished Federal Civilian Service.

I consider it a privilege to be associated with Jim Bennett in my capacity as chairman of the National Penitentiaries Subcommittee. During his 25 years as Prison Director, he has proven a credit to his post, his Nation, and his fellow men.

TRIBUTE OF SENATOR HRUSKA

Mr. HRUSKA. Mr. President, the distinguished Senator from Missouri [Mr. LONG] has paid a fitting tribute to Mr. James V. Bennett, who on February 1 will have served 25 years as Director of the Federal Bureau of Prisons. I should like to associate myself with the kind words of the Senator.

My opportunity to know Mr. Bennett springs from my service on the Subcommittee on National Penitentiaries of the Committee on the Judiciary and also on the Subcommittee on Appropriations for the Department of Justice, from which Department the Bureau of Prisons secures its funds.

Through personal contact with him in committee sessions, as well as from visits to many of the institutions in his Bureau, I have come to regard and respect Mr. Bennett as one of our foremost public servants. A reliable test of an official's effectiveness can be found in the loyalty and cooperation extended by the personnel of his department.

On this score, I have commented many times in my reports, following visits to various penitentiaries, on the capabilities, the qualities, the devotion, and the diligence of the many men and women who are engaged in the work of the Bureau of Prisons. They are involved in work which is both difficult and delicate. It is far reaching in its effect and impact upon the lives and fortunes of many persons. It is dangerous work, as well. Yet the staff of the Bureau has a vision and an enthusiasm which constitute a real tribute to their Director, Mr. James Bennett.

The talents and the achievements of Mr. Bennett himself are quite impressive. I should like to pay tribute to his humane philosophy and to the enlightened efforts by which he has succeeded in making the Federal prison system a standard for the world. The Senator from Missouri enumerated Mr. Bennett's qualities and contributions. Again I wish to say that I concur in that statement.

I wish, however, to comment particularly on one of Mr. Bennett's achievements—namely, his many contributions to the literature in the field of penology and its related problems. I am sure that if all of his writings are ever collected in one place, they will be of enormous benefit for many years to come to students and to legislators.

Mr. President, on Sunday there was published in the Washington Post an article by Alfred E. Lewis, a staff reporter, which is very excellent. It includes one statement which I especially like. In referring to Mr. Bennett, Mr. Lewis wrote:

> He has served every minute of it—a prisoner of his own dedication to the plight of the imprisoned—and with no time off for good behavior.

I firmly believe, Mr. President, in giving time off for good behavior, and I also wish to say that I am in favor of the granting of parole, in proper circumstances, to prisoners. But in this case I wish to say that I hope no time off will be given to James Bennett and no parole will be granted him unless he so desires.

Mr. President, I ask unanimous consent that the entire text of the article written by Mr. Lewis be printed at this point in the RECORD.

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

JAMES BENNETT COMPLETES 25-YEAR TERM AS PRISON CHIEF

(By Alfred E. Lewis)

On this coming Thursday, James V. Bennett, 64, rounds out a 25-year term as Director of the Federal Bureau of Prisons.

He has served every minute of it—a prisoner of his own dedication to the plight of the imprisoned—and with no time off for good behavior.

An impressive group of his contemporaries in the penological field are in agreement that his behavior in the post has been exemplary and that he should have no time off because of it.

In a field so replete with controversy and theoretical crosscurrents, this agreement is in itself remarkable. But then, Bennett is in himself a remarkable man.

ONLY REAL REWARD

The only real reward in prison work, he finds, is the knowledge that about one-third of his charges never return.

Bennett feels the general public is too little acquainted with the stories of ex-convicts who have been successfully rehabilitated.

"When an ex-convict reverts to type," Bennett explains, "he usually makes headlines which are very discouraging to us. When a man lets us down everyone is told about it. When he resumes the place in society to which his birthright entitled him, no one hears about it."

Research on the motivations and machinations of the so-called criminal mind, Bennett predicted, will one day enable the penologist to separate with great accuracy the chronic

wrongdoer from the one-timer who is as shocked as society is at his transgression.

When a sick man goes to a hospital and comes out ostensibly cured, Bennett said, no one blames the hospital when he has a relapse. Bennett wishes people would start applying the same logical tolerance toward prisons.

More and more jurisdictions are coming to appreciate the value of the Federal Youth Corrections Act which he helped as a penologist to promote and as a lawyer to draft. It calls for indeterminate sentences for youthful offenders whose prospects for rehabilitation appear good.

One of the worst stumbling blocks in the community's duty to assist in rehabilitation of its former convicts, Bennett points out, is his own boss—the U.S. Government, which refuses to hire anyone convicted of a felony.

FAVORS WEEKEND SERVICE

Bennett also favors such innovations as the weekend services of jail sentences for traffic offenses.

The preparation for a prisoner's return to society begins the minute he checks into prison at any one of the 31 institutions under Bennett's supervision.

The entire Federal prison system currently reflects Bennett's belief that restricting man's freedom to move among fellow men comes pretty close to being punishment enough.

REGIMENTATION OUT

Regimentation in every activity has given way to prison freedoms which Bennett's predecessors were certain, almost to a man, were unworkable.

Lock-step cafeteria lines and bucket feedings have been supplanted by informal table arrangements permitting inmates to eat in some measure with mealmates of their own choosing—and at times within a spreadout dining period of their own choice.

Prerelease units were set up to ease the transition for a prospective ex-convict.

As a result, the violent rash of prison riots which spread across the Nation in the early 1950's involved only one Federal institution. Despite the new freedoms, the Federal prison escape rate remains exceptionally low.

In 1960, the survey of the prison health field found the quality of medical services, including psychiatric care, to be at a par or better than that available in most communities.

It is another of Bennett's beliefs that an administrator must administrate personally. To this end he manages to visit at least once a year each of the institutions in his far-flung jurisdiction, inviting suggestions from his field officers—and getting them in profusion from the inmates themselves.

This doesn't leave Bennett a whole lot of time to spend at home, 5840 Marbury Road, Bethesda.

Mr. HRUSKA. Mr. President, I yield the floor.

REORGANIZATION PLAN NO. 1 OF 1962 TO CREATE A DEPARTMENT OF URBAN AFFAIRS AND HOUSING—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 320)

Mr. MANSFIELD. Mr. President, a message from the President of the United States has been received with reference to the creation of a Department of Urban Affairs and Housing, which has been read in the House. I ask unanimous consent that the message may be laid before the Senate and referred to the appropriate committee.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The message was referred to the Committee on Government Operations, as follows:

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 1 of 1962, prepared in accordance with the provisions of the Reorganization Act of 1949, as amended.

In my special message on housing of March 9, 1961, and again in my message on the state of the Union earlier this year, I recommended the establishment in the executive branch of a new Department of Urban Affairs and Housing, of Cabinet rank. This plan would fulfill that recommendation.

The times we live in urgently call for this action. In a few short decades we have passed from a rural to an urban way of life; in a few short decades more, we shall be a nation of vastly expanded population, living in expanded urban areas in housing that does not now exist, served by community facilities that do not now exist, moving about by means of systems of urban transportation that do not now exist. The challenge is great, and the time is short. I propose to act now to strengthen and improve the machinery through which, in large part, the Federal Government must act to carry out its proper role of encouragement and assistance to States and local governments, to voluntary efforts and to private enterprise, in the solution of these problems.

The present and future problems of our cities are as complex as they are manifold. There must be expansion; but orderly and planned expansion, not explosion and sprawl. Basic public facilities must be extended ever further into the areas surrounding urban centers; but they must be planned and coordinated so as to favor rather than hamper the sound growth of our communities. The scourge of blight must be overcome, and the central core areas of our cities, with all their great richness of economic and cultural wealth, must be restored to lasting vitality. New values must be created to provide a more efficient local economy and provide revenues to support essential local services. Sound old housing must be conserved and improved, and new housing created, to serve better all income groups in our population and to move ever closer to the goal of a decent home in a suitable living environment for every American family. We will neglect our cities at our peril, for in neglecting them we neglect the Nation.

The reorganization plan I am transmitting would establish a new executive department to be known as the Department of Urban Affairs and Housing. To the Department would be transferred the existing programs and responsibilities of the Housing and Home Finance Agency. These programs include an extraordinary range of diverse yet closely interrelated activities: insurance of mortgages to finance the construction of homes and the ready interchange of existing homes, as well as their modernization and improvement; financial aids to local communities in comprehensive local planning, in slum clearance and urban renewal, and in the conservation and rehabilitation of neighborhoods and whole urban areas; advances and loans to assist in the planning and construction of needed public facilities; loans to assist in meeting the needs of our hard-pressed colleges and universities for student and faculty housing; financial aids in the search for solutions to the baffling problems of urban mass transportation; a variety of tools to stabilize and encourage liquidity in the private mortgage market; financial assistance in providing decent housing for low-income families; and others still.

Widely different as these Federal programs are in subject matter and in techniques, they all affect the lives and welfare of families in our cities and their surrounding areas, and they all impinge in one degree or another on each other. None can or should stand by itself. The basic purpose of this plan is to establish a department which will bring a maximum degree of coordination and effectiveness to the planning and execution of all of them.

Our cities and the people who live in and near them need and deserve an adequate voice in the highest councils of government. The executive branch and the Congress need an adequate instrument to assist them in the formulation and execution of policy concerning urban affairs and housing. States and local governing bodies urgently need an agency at the departmental level to assist them in formulating and carrying out their local programs for dealing with these problems. All these needs can best be met through the establishment of the Department provided for in this reorganization plan.

It should not be assumed that these are matters of concern only to our larger cities. Hundreds of smaller cities and towns are located on or near the fringes of rapidly growing urban areas. The problems of the cities affect them today, and will be theirs tomorrow. Hundreds of other smaller towns and cities not now affected will be so situated a few short years hence. Thus, the smaller towns and cities have a stake in this proposal as vital as, and only a little less immediate than, that of our large urban centers. This plan is addressed to their needs as well as to those of the major cities. Likewise, it should be emphasized that the Department will have important activities of service to the States. The establishment of this Department does not connote any bypassing or reduction of the constitutional powers and responsibilities of the States under our Federal system of government. Rather, the States must assume additional leadership in the future in dealing with problems of urban areas, and the Department will maintain close working and consultative relationships with them. An example of this relationship can already be found in the urban planning assistance program of the Housing and Home Finance Agency which provides matching funds for use by States to aid municipalities and State, metropolitan, and regional planning agencies facing rapid urbanization. Grants may be used by the States themselves to prepare statewide comprehensive plans for

urban development. Just as the programs of the Department of Agriculture have strengthened the role of the States in measuring and helping solve the problems of their farmers, so the Department of Urban Affairs and Housing will provide additional opportunities for the States to play a strong role in the development of their urban communities.

As the Senate committee noted in its report on S. 1633 (S. Rept. No. 879, 87th Cong., 1st sess.), "A Department of Urban Affairs and Housing is needed to provide Federal leadership to solve the problems emerging from the transformation of the American scene from a predominantly rural society to a vast urban complex. More than two-thirds of the American population now lives in metropolitan centers. The figure is multiplying. It is compounded of explosive population growth resulting from an increased birth rate, a declining death rate, and rapid migration of people from rural areas to cities, towns, and villages." The importance of our Nation's metropolitan areas entitling them to representation at the Cabinet table is further emphasized by the great amount of tax revenues they contribute to the Federal Government. For example, in 1959, taxpayers in the 10 largest metropolitan areas paid over $13 billion in taxes or 35 percent of the total amount of individual income tax.

The need for such a Department has been increasingly recognized in recent years. A proposal for a Cabinet Department substantially similar in nature was advanced at about the same time that the first consolidated Federal Housing Agency was established, 20 years ago. Since then, year by year, both the executive branch and the Congress have taken successive steps to create a more coordinated agency with a fuller range of tools to attack these problems. No fewer than five reorganization plans submitted by my predecessors have contributed to this process. On the legislative side, the Congress has enacted major legislation in the field of urban affairs and housing in every year but one since 1946. The time is here to take the next needed step.

First, Reorganization Plan No. 1 of 1962 would establish a Department of Urban Affairs and Housing, to be headed by a Secretary who would be assisted by an Under Secretary, three Assistant Secretaries, and a General Counsel. All of these officers would be appointed by the President by and with the advice and consent of the Senate. There would also be in the Department, as in many others, an Administrative Assistant Secretary appointed from the classified civil service by the Secretary, with the approval of the President.

Second, the plan transfers to the Secretary of Urban Affairs and Housing the functions of the Housing and Home Finance Agency and its Administrator, including the administration of the programs of the Urban Renewal Administration and the Community Facilities Administration and the authorities now vested by law in the Public Housing Administration and its officers.

Because of its magnitude in our economy and the immediacy of its impact on our people, housing has been and will continue to be the heart of this complex of related programs. In recognition of this fact, the plan provides for the transfer of the Federal Housing Administration as an entity to the new Department. Provision is also made for the continuance of the existing office of Federal Housing Commissioner, appointed by the President with the advice and consent of the Senate. The Commissioner would continue to head the Federal Housing Administration under the supervision and direction of the Secretary as head of the Department.

Finally, in view of its special legal status as a mixed-ownership corporation, the Federal National Mortgage Association would be transferred to the Department without change. The Secretary would serve as Chairman of the Board of the Association, as the Housing and Home Finance Administrator now does. No change in the organization or functions of the Association within the Department affecting its secondary market operations could be made unless the Secretary finds that such change would not adversely affect the rights and interests of owners of outstanding common stock of the Association.

In accordance with the spirit and intent of the Reorganization Act of 1949 as amended, this plan promotes the better execution of the laws, the more effective management of the executive branch of the Government, and the expeditious administration of the public business. It aims to promote economy and increase efficiency to the fullest extent practicable. Its significance in the pursuit of these purposes must be judged in the light of the magnitude and significance of the programs affected.

The various programs with which the new Department would be charged involve Federal investments of billions of dollars, and contingent liabilities of billions more. The quality of administration of these programs has profound effects on land values and tax revenues in local communities throughout the country. The operations of these programs figure importantly in the vitality of the general economy. The policies that govern them play a major role in determinations of national fiscal and monetary policy. Their management in the most effective and coordinated way possible, therefore, will yield economies in the broad sense far outweighing the amount involved in the administrative cost of their operations. And even in the latter area, I am convinced that economy and efficiency will be importantly enhanced by the improved coordination which this reorganization plan will make possible.

For all the reasons herein set forth, I have concluded that the creation of a Department of Urban Affairs and Housing is urgently needed to permit me to discharge most effectively the responsibilities in this area placed upon the President by the Constitution and by the statutes respecting these matters enacted by the Congress.

After investigation, I have found and hereby declare that each reorganization included in Reorganization Plan No. 1 of 1962 is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949, as amended. I have also found and hereby declare that by reason of these reorganizations it is necessary to include in the reorganization plan provisions for the appointment and compensation of the new officers specified in section 2 of the reorganization plan. The rates of compensation fixed for these officers are, respectively, those which I have found to prevail in respect of comparable officers in the executive branch of the Government.

Although the taking effect of the reorganizations provided for in the reorganization plan will not in itself result in immediate savings, the improvement achieved in administration will in the future allow the performance of necessary services at greater savings than present operations would permit. An itemization of these savings in advance of actual experience is not practicable.

JOHN F. KENNEDY,
THE WHITE HOUSE, *January 30, 1962.*

Mr. McCLELLAN. Mr. President, today the President of the United States sent to Congress Reorganization Plan No. 1 of 1962. In my opinion this plan would merely elevate the Housing and Home Finance Agency to a Department status. Obviously, its initial major objective is to bestow Cabinet rank on the present Administrator of that agency.

In presenting the plan, the President is making use of procedures authorized under the Reorganization Act of 1949, as amended. This reorganization plan procedure is being employed by the President in an effort to obtain what the Congress has thus far denied and been unwilling to grant and establish by the normal and regular legislative processes.

The plan is designed to deal with metropolitan and big city affairs. Since the Reorganization Act does not permit the creation of new functions, urban affairs could not be included in the plan. Therefore, in my judgment, the plan falls far short of accomplishing all of the objectives sought by the President in the legislation that the House Rules Committee rejected. It is also quite significant that the plan, as submitted, includes about 30 percent of the housing functions of the Federal Government. It does not include and would not incorporate into the proposed new Department the Home Loan Bank Board nor the veterans and military housing which comprise 70 percent of the Federal Housing operation.

It, therefore, seems to me that the provisions of the plan are probably more inadequate and less desirable than are the provisions of the proposed bill which the House Rules Committee rejected.

HOSPITALITY TO STUDENT VISITORS

Mr. CASE of New Jersey. Mr. President, it is not always possible for our countrymen, indeed, the world at large, to know of the many fine impressions which the United States makes on student visitors. All too often the reverse is true. I ask unanimous consent that

a letter written by an exchange student from abroad be printed in the RECORD. Quite probably, many other letters of a similar nature are written but never see the light of day.

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

NOVEMBER 24, 1961.

Mr. E. RUSSELL LINCH,
Cultural Attaché,
American Embassy,
Beirut, Lebanon.

SIR: My tour to some parts of the United States of America this summer was of great benefit for me. It gave me a good opportunity to study, observe, and exchange views with unofficial people as well as with those who are concerned with the international relations. In this tour I have found that the Americans, in general, are generous, hospitable, kind, and eager to know about other people. It is true, as one may expect in other countries, that the common man does not know much about the people of other countries, but the mere fact that he tries to learn and satisfy his curiosity will in the long run lead him to know better. I was also impressed by the freedom of expression and the sense of tolerance in the United States of America. This attitude, I think, will eventually lead to experimentation and thence to the right solution of any problem. To me, it is this attitude which made the United States of America socially and materially more advanced than any country in the world. What impressed me most was the scientific achievements and how the benefits of these achievements are shared by all.

As an Ethiopian, to tell the truth, the color problem in the United States of America was one of the main problems to attract my attention. When I was assigned to go with the group to North Carolina I was hesitant to go there. But in the South things were not as bad as I have expected it. In the contrary, I have enjoyed the South. Most of the white southerns whom I met were very kind, generous, and liberal minded, who believe that the color problem should be solved once and forever. Those people were so strong in their belief that I, compared to them, was moderate. My visit to North Carolina convinced me that nearly all the people there agree on the evilness of the problem and the necessity of solving it. They only disagree on the method to be used.

* * * * *

During my stay in the States I was able, to certain extent: to satisfy my own interests. An ample opportunity was given to me to meet some educators and youth counsellors in Raleigh, Duke University, a high school in Chicago, Georgetown University, and the School of Education in University of New York. In all these institutions I was able to discuss the modern problems of education some of which I will be facing in the future. So may I ask you to convey my gratitude to all those educators who were of great help to me by sharing me their long experiences.

As far as the group is concerned I would like to make two comments. First, though there were some good elements in the group but still I think that the group was not harmonious and lacked a sense of belongingness. This may be due to the fact that we come from different schools, backgrounds and have different expectations to be gained from the tour. Second, because some members of the group did not speak English they could not communicate with the people on an intellectual level. As the result many a time our discussions were descending into a lower level of chatting lacking any sense of seriousness.

As for the tour in general is concerned I came out with the following conclusions:

1. The American people are eager to build a healthy relationship with peoples from other countries. They do this by trying to understand the other peoples' point of view about them (the Americans) and how could they be of any help in any situation.

2. The freedom of opinion and the responsible individual freedom which is practiced in the States is a guarantee always to lead to the right solution to any problems. And this will keep the United States of America strong to defend freedom.

In conclusion I would be very pleased if you kindly convey my deep gratitude to all those who took part in giving me the opportunity of this thrilling and rich experience of visiting the United States of America. These, of course, are the American people who for the sake of human understanding and assistance sacrifice a large amount of their income in such projects. It gives me pleasure also to thank those men and women who took the trouble and worked hard to make the groups' stay in the States pleasant. Specially I give my deep appreciation to the American Friends of the Middle East people who used to work without rest to make the group feel comfortable.

Thank you,

Faithfully yours,

OMAR MUSSA HAJJ.

FIVE-YEAR CENSUS

Mr. KEATING. Mr. President, a number of groups and community organizations in New York State have petitioned the Congress for legislation to provide for a quinquennial census.

I ask unanimous consent that several letters and resolutions which I have received on this subject be printed in the RECORD at this point.

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

Whereas many of the fiscal aspects of town government are directly related to the Decennial Census, conducted by the U.S. Bureau of the Census; and

Whereas the town of Lancaster is a rapidly growing community, and

Whereas a census conducted every 5 years would more equitably reflect a true population count of the town of Lancaster, and more equitably benefit the township in per capita State aid: Now, therefore, be it

Resolved, That the Town Board of the Town of Lancaster hereby requests congressional action to implement the taking of a Federal census every 5 years; and further be it

Resolved, That copies of this resolution be sent to Jacob K. Javits and Kenneth B. Keating, U.S. Senators, to John R. Pillon, Representative in Congress, to John H. Cooke, State senator and to Julius Volker, member of the State assembly.

TOWN OF WEST SENECA,
West Seneca, N.Y., December 7, 1961.

Hon. KENNETH B. KEATING,
U.S. Senate, Washington, D.C.

DEAR SENATOR KEATING: The Town Board of the Town of West Seneca, by resolution adopted December 4, 1961, has asked me to contact you and advise that it desires that you do everything in your power to promote Federal legislation to authorize the Federal census to be taken each 5 years.

It is extremely important to municipalities of the State of New York to know the population trends, both to plan for the future and to assist in obtaining adequate State aid.

The following is the text of the resolution adopted:

"Moved by Councilman Kirchberger, seconded by Councilman Stephan, that the town of West Seneca forward letters to Congressman JOHN PILLION and Senator KENNETH KEATING requesting that the Federal Legislature authorize a Federal census every 5 years, and that letters also be sent to Senator John Cooke and Assemblyman Julius Volker requesting that the State legislature memorialize Congress to act favorably on the 5-year census, copies of communications to be forwarded to County Executive Edward Rath."

Very truly yours,

MARTIN E. FUNSETH.

ALBANY CHAPTER,
AMERICAN STATISTICAL ASSOCIATION,
November 28, 1961.

Hon. JOHN LESINSKI,
Chairman, Subcommittee on Census and Government Statistics, New York, N.Y.

DEAR SIR: The following statement is forwarded for inclusion in the written record of the hearings of the Subcommittee on Census and Government Statistics of the House Post Office and Civil Service Committee.

The membership of the Albany chapter of the American Statistical Association includes professional statisticians and economists working in the agencies of the State and Federal Government, in community services, and in private industry.

We believe that a mid-decade census of population would be very useful in many fields of our work and would be valuable to the businessmen of the State. The very rapid growth of certain geographic areas within our State and the important shifts which take place in others progressively lessen the value of the decennial census data for analytical purposes with the passage of time. The lack of validity becomes particularly important during the latter half of the decade. The mobility of our population has become so accelerated in recent years that a quinquennial count appears essential.

More accurate data is needed, especially for planning in the fields of public health, education, industrial location and manpower utilization, urban renewal, housing, public welfare, highway construction, commuter transportation, and State aid to localities. While reasonably good intercensal estimates have been made in the past for the State as a whole, it has not been possible to make satisfactory estimates for smaller ones even for geographic subdivisions as large as counties.

It is highly important that the introduction of an interim census should not be permitted to result in any dilution of the quantity or quality of data secured through the regular decennial census. In order to minimize the cost of a mid-decade census, and to facilitate the earliest possible release of data, it is recommended that a very limited number of items be gathered, specifically: name of individual, sex, age, color, and possibly marital status, and relationship to head of household. It is important that these data be tabulated for minor civil subdivisions and census tracts. Unless data for such minor divisions are made available, there would be no purpose in taking a census in 1965.

Even a population count of such limited proportions is admittedly costly, but the estimated cost of some $50 million on a nationwide basis may well be much less expensive than community planning made inefficient for lack of accurate population data. It is also noteworthy that many localities have found it necessary to spend considerable sums for special censuses between 1950 and 1960. In New York State, for

example, $3 million was spent for such special censuses during this period.

I appreciate the opportunity to present this brief statement on behalf of the Albany chapter of the American Statistical Association.

Respectfully yours,

HELEN C. CHASE, Dr. P.H.,
President, Albany Chapter.

ALBANY CHAPTER,
AMERICAN STATISTICAL ASSOCIATION,
Albany, N.Y., January 18, 1962.

Senator KENNETH KEATING,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KEATING: I would like to present the following statement on behalf of the membership of the Albany chapter of the American Statistical Association with regard to the proposed legislation for a quinquennial census. This chapter has about 160 members, and about 90 percent of them are professional statisticians, economists, research analysts and associated personnel working in the State agencies. Our chapter has considered the matter of a quinquennial census, and has officially notified Congressman JOHN LESINSKI of its position.

No business can function efficiently nor its administrators plan wisely for its conduct without an annual review based on statistical summary. Many private and governmental activities require more frequent reviews. Yet, the Nation as a whole is gaited to a decennial stocktaking of one of its most important assets; namely, its manpower. The population of this country has greatly increased in mobility over the past 20 years. A commonly quoted statistic is that one family in five moves in a year's time and the net result of this mobility is reflected in the decennial census. However, when the mobility is this high, decennial statistics soon become outdated. On a local basis, more current data are needed. Because of rapid growth and despite the 1960 census, the village of Elk Grove, Ill., has already purchased a special census as of November 14, 1961 at its own expense. Many communities are finding themselves in similar predicaments because of rapidly shifting populations.

The chief obstacle seems to be the financial one. Although it is estimated that a minimal census in 1965 would cost approximately $50 million, this expenditure would be reflected in better information for many groups and individuals. Business could make better determinations of available markets. Governments would find it useful in urban renewal, long-range planning for school construction, administration of State aid to local units, highway construction, etc. For individual investigators, the information would provide more current information for research and analysis of sociological phenomenon and economic development. A mid-decade census would reduce the number of special censuses between 1960 and 1970. In the decade between 1950 and 1960, local governments in New York State alone spent over $3 million for this purpose. During that period, 1,170 communities in the United States paid the Census Bureau to conduct 1,529 special censuses at their own expense, and one community in California had 8 censuses during the decade.

Our chapter feels that the need is sufficiently great to warrant the cost. If we can be of any further service, please do not hesitate to call on us for additional information.

Very truly yours,

HELEN C. CHASE, Dr. P.H.,
President, Albany Chapter.

NEIL STAEBLER

Mr. McNAMARA. Mr. President, a well-deserved recognition came recently to a man who has received many honors and commendations for the great contributions he has made to making our political processes more effective in this country.

I speak of Mr. Neil Staebler, now Democratic national committeeman from Michigan, who served for more than 10 years as chairman of the Democratic Party in Michigan.

Neil Staebler, on January 20, 1962, was awarded an honorary doctor of laws degree from the University of Michigan. This honor is particularly appropriate at this time, since Mr. Staebler soon will begin a visiting lecturer series on political science at the University of Massachusetts.

Mr. President, I ask unanimous consent to place the text of the citation accompanying Mr. Staebler's honorary degree in the RECORD at the conclusion of my remarks.

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

TEXT OF CITATION AWARDING HONORARY DOCTOR OF LAWS DEGREE TO NEIL STAEBLER BY THE UNIVERSITY OF MICHIGAN

Neil Staebler: Servant of the public weal, bachelor of arts of the class of 1926. It testifies to Neil Staebler's political skill that his party, traditionally the minority party in Michigan, won a steadily increasing number of general elections during the recent decade when he served as chairman. It testifies to purposes transcending the partisan that he drew the attention of the public to substantive issues and greatly enhanced the role of the citizen-amateur in State political life.

A further measure of his high idealism has been his quietly effective work as founder and director of the Ann Arbor Citizens' Council and as proponent of humane causes nationally. The sources of his every achievement are to be found in his own acute and comprehensive mind and in a personal humility and good will which have captured the respectful affection of all who know him.

In conferring upon him the degree of doctor of laws, the university pays glad tribute to the distinguished abilities and to the blameless and devoted life of this loyal son.

Mr. MANSFIELD. Mr. President, is morning business concluded?

The VICE PRESIDENT. The morning hour has expired.

CONVEYANCE OF CERTAIN REAL PROPERTY TO THE STATE OF WYOMING

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H.R. 3879) to authorize and direct the Secretary of Agriculture to convey to the State of Wyoming for agricultural purposes certain real property in Sweetwater County, Wyo.

A REPORT OF U.S. FOREIGN POLICY AND OPERATIONS

Mr. MANSFIELD. Mr. President, under the agreement entered into yesterday the senior Senator from Louisiana [Mr. ELLENDER] will now be recognized.

The VICE PRESIDENT. The senior Senator from Louisiana [Mr. ELLENDER] is recognized.

Mr. ELLENDER. Mr. President, because of a throat ailment I do not propose to address the Senate very long. I rise to present my most recent report on U.S. foreign policy and operations to the Senate. This is the 10th such report for the use of the Committee on Appropriations that I have presented. I have submitted these reports to every department of the Government affected, including, primarily, the Department of State, the Department of Defense, the U.S. Information Service, and those who direct our foreign aid program, which today is known as the Agency for International Development.

Last year I again visited Russia. It was my fourth visit to that country, and during this trip I spent 7 weeks in that huge country. I have had incorporated into my report the complete day by day diary of my trip. I invite Senators to read that diary, as I believe it reflects conditions as I found them in Russia.

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

Mr. ELLENDER. I yield.

Mr. CASE of South Dakota. I have been looking through the diary of the distinguished Senator from Louisiana in the past half or three-quarters of an hour. I have read several pages of it, and I have found it most interesting. I not only intend to take home the copy which I hold in my hands for further reading, but also to supply myself with additional copies of the Senator's report in order that I may send them to various persons who, I think, would find the report of interest.

I commend the Senator for executing the extraordinary task which he imposed upon himself in keeping the diary, and then preparing the report as a whole. Like other Members of Congress who have found the time, I have had occasion to visit countries abroad, but invariably I have found that when I returned, the crowding of the day's events has limited what I was able to do in the way of writing a report. On occasion I have tried to summarize what I had seen on my trip in the countries I visited, especially in reference to the mission of the particular trip. However, I think no Senator has shown greater diligence than that demonstrated by the Senator from Louisiana in preparing such a detailed report. To do so is quite a chore.

As I have gone through the report I have been amazed by the specific information provided. I am sure that it will be useful to every Member of the Senate and to people generally who want a firsthand report of an experienced, capable, and diligent observer.

Mr. ELLENDER. Mr. President, I am deeply grateful for the very kind remarks of my good friend from South Dakota. Returning to my trip, I followed my usual custom and traveled without any staff members accompanying me. I had two interpreters during most of my trip, one American and one Russian, as my diary will show. I kept all the notes which form the basis of my diary, in longhand. From time to time I sent these daily reports to my Washington

office, and there they were transcribed, and they form the basis of my report.

On this most recent trip to Russia I visited 12 of the 15 so-called Russian republics. I took 6,750 feet of 16 millimeter motion pictures, all at my own expense, in an effort to show the American people, and particularly my colleagues in the Senate, what I found in Russia.

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

Mr. ELLENDER. I yield.

Mr. MOSS. I, too, have been reading the report of the Senator from Louisiana since it came to my hands only today. On previous occasions I have read his diaries as he prepared them on visits to various countries of the world. Immediately prior to a visit I made to the Soviet Union I leaned very heavily on the diary the Senator from Louisiana had prepared on his previous visits, to give me a background for understanding what I was to see there.

I join the Senator from South Dakota in saying that no one has served the Senate and the people of the country more diligently than has the Senator from Louisiana in making such detailed and very interesting notes and observations about the countries he has visited. He has been diligent in his effort to visit all areas of the world, but particularly places that are not so commonly visited by people from the United States, and places that have great importance to our country because of the international situation which prevails.

I was particularly interested, in skimming through his account of his visit to Russia, to notice that he had some problems that were perhaps related somewhat to a trip we made there in 1959.

I regret most deeply that there has been a misunderstanding about exchange visits with the Soviets relating to hydroelectric installations and transmission of electricity, the field in which we were interested when we went to Russia. I have heard from Mr. Novikov by letter two or three times since I returned, and I have done everything I could to try to clear up this misunderstanding. I regret that it exists. I believe we should make a determined effort to see to it that we are not at fault by provoking petty reprisals, one against the other, and creating misunderstandings, which seems a rather childish thing to do. Despite these difficulties, the Senator from Louisiana still managed to see a great deal of Russia and to report in detail on it. I commend the senior Senator from Louisiana very highly for the work he has done.

Mr. ELLENDER. I thank my good friend from Utah. Since he has mentioned his own trip there, I believe I should elaborate a little on that portion of my report.

When I left the United States on October 1 last year my itinerary to Russia had been more or less agreed upon. After I reached Moscow and before I started on my trip through Russia, I was called upon by Mr. Zhukov—and he is not related to the famous Russian general in any way—who is the head of the cultural department in Russia. He informed me that it would be necessary to change the itinerary that had been agreed upon. I asked him why. He said that they had to change their policy because of what had recently happened between his department and our State Department in Washington. It seems that there has been a great deal of correspondence between Mr. Zhukov's office and the State Department with reference to an exchange of delegations between Russia and the United States to visit high dams in the two countries.

While this exchange of cablegrams was going on, the distinguished Senator from Utah headed a delegation to visit the high dams and other facilities in the Soviet Union. When the Russians decided to permit the so-called Moss Committee to visit Russia, it was understood, as I was informed by Mr. Zhukov, that Mr. Novikov, who heads the Ministry for Construction of Hydroelectric Power Stations in the U.S.S.R., would be permitted to send a reciprocal delegation to our country.

However, our State Department took the position that the Moss delegation was not an official delegation and, therefore, did not count; that, in order for the Russians to be permitted to come here, another American delegation had to be sent to Russia.

I was quite disturbed and upset when I looked over the correspondence in this case and when I was informed by Ambassador Thompson about what had happened. I immediately cabled President Kennedy asking that this matter be rectified. I thought the Russians should have been permitted to visit our high dams, because the Russians had permitted our delegation to visit their high dams. There was no valid reason why the Russians should have been refused permission to come here.

When I came back to our country, I was surprised not to have received an answer from the President, because I know he usually answers correspondence, particularly when it is sent from abroad.

I detailed one of my assistants, Mr. Fellom, to investigate to find out why it was that the President had taken no action in connection with my cable and that of Mr. Thompson. Mr. Fellom did this the early part of this month. What do Senators think I learned? I found that the cablegram was sent to the State Department, and that neither Mr. Rusk nor the President had ever seen it. It was pigeonholed somewhere.

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

Mr. ELLENDER. I yield.

Mr. MOSS. As I previously indicated, I was most distressed to learn that this situation arose. To return to the experience we had in 1959, it would appear now, in hindsight, perhaps, that the requests were being studied at that time.

The Senator may recall that the delegation with which I went to Russia was sent pursuant to the adoption by the Senate of Senate Resolution 48. We had been in preparation for some time. We departed after having been cleared by Mr. Lacey, who was in charge of the exchange desk at the State Department. He had made extensive arrangements for our itinerary, in which the Army Map Service cooperated. Ours was to be no flash-in-the-pan or surprise visit; it had been prepared over a long period of time. When we left, it was with the cooperation of Mr. Lacey. It was understood that we were the delegation that was to go on the exchange mission to Russia. But when we arrived in Moscow and sought clearance from the Ministry of Power Stations, to make certain that our itinerary was approved by them, for the first time the question was raised: "Are you the exchange delegation?"

We replied, "Certainly; we are the exchange delegation."

The Russians then asked, "How do we know that?"

We replied, "Simply speak to the Ambassador; or we can get the clearance from the State Department. But we are the delegation."

That situation existed for about 24 hours, with their ministries communicating, apparently, with the United States. Ultimately, it was necessary for me to make a telephone call to Senator FULBRIGHT, chairman of the Committee on Foreign Relations, in which I said, "We are in Moscow, and there is a big stir taking place as to whether we are in Russia as an official delegation or not. Will you please communicate with the Secretary of State and have this fact confirmed?"

Senator FULBRIGHT did so. Within a matter of hours, a cablegram was received—I am sure it could be located—verifying that we were the exchange delegation, and that we were in Russia pursuant to the general agreement which had been negotiated. From that point on, we had no difficulty. We visited the places to which the Senator from Louisiana was denied admittance. We made our trip as completely as we had planned it, with one exception, in that we were permitted to visit some extra places, which we had not planned to see. So the arrangements worked out well for us.

In the course of our conversation with Mr. Novikov and members of his staff, we were asked two or three times when the Russian group, which was to visit the United States in exchange, could see certain places—and they named two or three particular places they wanted to see. We had no authority to say whether they could or could not see them; we simply said that, so far as we were concerned, the United States would cooperate in enabling the Russian delegation to visit any of our installations they wanted to see for scientific reasons. We said we felt certain they would be open to the Russians, and that we would do everything we could to facilitate their visit and to make it as profitable for the Russian delegation as the Russians had made our visit to their installations. The Russians went out of their way to give us engineering information and to have engineers explain everything in detail. They loaded us down with technical data about their dams, generators, transmission lines, and all the material we could possibly want.

When I returned to the United States, I wrote a letter to the Secretary of

State, describing our visit and saying that the officials in Russia were desirous to complete the exchange and wanted to see the particular places which I named. All I received in reply was a sort of general letter, acknowledging that my letter had been received. Nevertheless, I have continued since that time—of course, there has been a change of administration since then—to urge the State Department to facilitate the exchange between the Soviet Union and the United States. We have nothing to hide; we have nothing to fear. We are contributing to a misunderstanding, it seems to me, by erecting a kind of wall from our side, when we are constantly urging the Russians to reduce the restrictions on their side.

I have written to Mr. Novikov on two or three occasions, explaining to him that I have been interested to the extent of communicating with the State Department, urging that the exchange be completed.

I was very sorry to learn from the distinguished senior Senator from Louisiana, at the opening of this session of Congress, that this subject was still a sore point and that he had been denied access to some of the places he wished to visit because of the old holdover quarrel which I could see brewing 2½ years ago.

Mr. ELLENDER. Mr. President, I thank the Senator from Utah for confirming the view that the Russian representatives felt that the Senator's group was an official delegation. There is no question that the Senator's group was an official delegation, but the State Department took the position that it was not.

This is not the only instance in which the State Department apparently looked for ways to foment discord between our countries. When I made the first leg of my trip, I traveled from Moscow, to Leningrad, to Minsk, to Kiev, to Kishinev, the capital of Moldavia; then on down to Odessa, from there to Rostov-on-Don, and thence to Stalingrad; in fact, to all of southern European Russia as well as southern Asiatic Russia. The itinerary I had arranged was complied with, except that I was denied a visit to Frunze, which is the capital of Kirghizia.

I was also denied a visit to Tallinn, capital of Estonia, and Riga, capital of Latvia.

While I was on my visit in southern Asiatic Russia and southern European Russia, the second leg of my trip was outlined. I was to go from Moscow to Kuybyshev, to Omsk, to Irkutsk, to Bratsk, to Khabarovsk, and thence to Nakhodka, a port on the Pacific. That was agreed to.

Yet, when I came back from southern Asiatic Russia, I was again confronted by Mr. Zhukov with another cable which had been received from our State Department. This time the visit to our country by a party of natural gas experts was refused. There had been an understanding whereby a delegation of natural gas experts from Russia would visit the United States in return for a similar delegation from the United States being permitted to visit gasfields all over Russia. The United States gas delegation visited the gas installations all over Russia. I believe they were denied a visit to one small place, and it was explained to me why that visit was denied. The Russian delegation was supposed to come to the United States last May. The visit was postponed to September. But the September visit was also postponed. However, the State Department agreed that should an application be made at any time up to November 15, 1961, the Russian delegation could visit the United States.

When I returned to Moscow through southern Asiatic Russia, in order to have my itinerary confirmed, Mr. Zhukov said, "Senator, your State Department has gone too far. First, they denied our delegation a visit to the high dams; now they are denying them a visit to your gasfields."

The excuse given by the State Department at the time was that the Russian delegation tour was to be conducted by representatives of a gas association in the United States, but that the gas association said it would not be ready to make the tour until April of this year.

I again sent a cablegram to the President and asked him to have the Department of the Interior arrange a return visit for the Russians. The cablegram I sent, through Ambassador Thompson, was pigeonholed; and I believe, up to now the President has not seen those communications. They are still in the State Department. That is something I cannot understand. Evidently there is someone in the State Department who is holding these communications back and trying to make things as difficult as possible in respect to the exchange programs between ourselves and Russia which for the past 8 years I have been advocating. As I state in this report, I think it is shortsightedness on our part if we do not take full advantage of these exchange programs.

As my good friend the Senator from Utah has correctly stated, the Russians were eager to come here and to have us see their installations. Why we should object and make it impossible for their delegations to visit us, I cannot understand. I must conclude that there are in the State Department and in other agencies of our Government groups which like to keep the pot boiling all the time, perhaps to retain their own job. That is why, in my judgment, we are having a great deal of trouble with the Russians. Irritations such as these cause a great deal of trouble, and they give the Soviet leaders a chance to criticize our Government to their own people.

Mr. President, the good Lord knows that I abhor communism as much as any other Member of this body or anyone else in this country or in the world. But for the past 16 years we have tried to fight communism by pouring billions of dollars abroad.

Through June of this year we shall have spent or obligated in excess of $100 billion in our efforts to fight communism abroad and prevent it from invading our shores and engulfing us. But even after all those expenditures, our relationships with the world as a whole are worse today than they have ever been.

All that I am advocating in my report is that we change our course. The old programs have not worked. We should do what I have been advocating, not only as a result of my latest trip, but also as a result of other visits I have made to Russia and to other parts of the world. In a few moments I expect to read into the RECORD my recommendations. They are not new; I am merely trying to emphasize the things that should be done by us to better our position vis-a-vis our chief antagonists, the Russians.

It has been my privilege as a U.S. Senator to go abroad many times during the past 14 years. I have now visited every country in the world except one—Albania. Yet, I can say without any equivocation that I have never been treated better anywhere in the world than I have been treated by the Russian people. You will note that I said the Russian people and not the Soviet Government. It is my belief that, if possible, we should by all means try to work with the Russian people. This is the weak spot of the communistic overseers of that country.

Anyone who goes to Russia now and visits it, as I have done on four occasions; studies Russian history, and considers how the Russian people lived before the revolution and the physical progress that has been made since the revolution, must be either biased, prejudiced or blind not to see the progress made. You must recognize the progress that has been made. When I say "progress" I point out that it must not be measured by the progress of our country. The Russian people do not live as well as we do, by any means. But when measured by the conditions which existed in Russia in 1917 or in 1928, when the 5-year plans began, and when compared with the situation which exists today in Russia, one must conclude that much progress has been made there.

As I have said, on this trip I visited the major portions of the U.S.S.R. I was permitted to see factories all over the areas which I visited. Great progress in the industrial field has been made since my last visit there, in 1957. There is no question about that. More consumer goods have been manufactured. A little more food has been produced, but the progress in agriculture has not been at the same rate as that in manufacturing.

Mr. President, in my judgment, realistic exchange programs would show the Russian people that there is a better way of life than the one they now have. As I have said many times, this is one of our strongest weapons against world communism. In any fair comparison, our way of life will win hands down. Furthermore, in my opinion, Mr. Khrushchev is the only Russian leader who has in some way responded to the will of the Russian people.

I can demonstrate that by giving example after example to show that more local autonomy is today being given to the Russian people than they have ever had before. I have no doubt that if the people of Russia can be shown that there is a better way of life than the one they now have, they will demand the better way of life, and will get it

under the present regime. Today a great deal of trouble is brewing in Russia against Mr. Khrushchev, because—in my opinion—of the attitude he has taken in trying to respond to the will of the Russian people, as he has done in the past.

I should like to be more specific about what I have in mind in regard to the local autonomy. My 1957 report backs up what I shall say now. In a discussion which I had in 1957 with Mr. Mikoyan, the chief economist in the Presidium, and a member of the Presidium, he stated to me that there was then a great deal of trouble in the country in connection with getting the people of the various republics, the oblasts, and the other subdivisions in Russia, to vote to ratify the sixth 5-year plan. In my conversation with Mr. Mikoyan, I said to him "Mr. Mikoyan, I am very much interested in your 5-year plans. I notice that the sixth 5-year plan has not been adopted up to now. Why is that?"

He said, "Well, Senator, to be frank with you, we cannot get the people in the republics, in the oblasts, and the other subdivisions, to ratify our sixth 5-year plan." All this is in the RECORD, Mr. President; I stated it to the Senate in 1957.

I asked him, "What reasons do you assign for their failure to ratify them?"

He replied, "They complain that they want to have a voice in regard to the manufacture of all the goods that are planned for certain areas in Russia."

I asked, "Why?"

He said, "Because we have failed to give to the Russian people the amount of consumer goods we promised; and they want to retain the authority to manufacture goods, without any interference from Moscow."

What happened? By the end of 1957, 2 or 3 weeks after I returned to the United States, a 7-year plan was adopted by the Russians. What did that mean? It meant that the sixth 5-year plan went on a year-to-year basis for 3 years, so that the people could be assured that more consumer goods would be made. The 7-year plan is composed of 2 years from the sixth 5-year plan and 5 years from the seventh 5-year plan. That is how we get the figure of "7."

Under the present procedure, all the planning is done at the Moscow level, but that planning is done from facts and figures that are furnished Moscow by all the factories—the superintendents and workers of those factories—all over the country. Once those figures are gathered, the capability of each factory is established. If a factory manufactures tractors, for example, and in the past it manufactured, let us say, 15 tractors a day, and that factory is told, "You can manufacture 18 a day," the plan is to make 18 a day.

By the same token, if a shoe factory had made a thousand pairs of shoes a week, and the planners at the Moscow level felt that it should manufacture 1,200 pairs a week, that was the planned amount determined for that factory to manufacture each month of the year. But after the plan is agreed upon at the Moscow level, it is not carried out by Moscow. Moscow has nothing to do with the execution of the plan agreed upon. This is left to the superintendents and workers in each factory. That is how it is done now. In addition, the needs of the locality are taken care of first, and the excess production over and above the local need is then distributed to other sections of the country.

I repeat, the reason that was done was that the people demanded it, so they could be assured that the manufacture of consumer goods agreed upon at the Moscow level would be carried out by the people on the local level.

To me, that is a significant change in Russia. In my judgment, an evolution, a decentralization of power, is in progress in the Soviet Union.

I found another change of significance. When I was in Stalingrad in 1956, I visited a large factory that made tractors. At that time, the tractors and all parts for the tractors were made under one roof, or complex. There were some 8,000 parts in the finished tractors; and every bolt, wheel, cog, and gear for each tractor was made under one roof.

When I talked to the superintendent and workers, I expressed my amazement that this procedure was followed. I told some of the workers it seemed to me that much of the making of bolts and smaller parts could be done in other localities than Stalingrad, and production could be increased by the use of assembly line techniques. When I went back to Stalingrad last October, to my surprise they were following the capitalistic system of having the assembly done there and having parts made in other sections of the country. So instead of having the 8,000-odd parts made under one roof, only some 1,000 parts are made in that complex; the rest are made in various parts of Russia. Today it is more or less an assembly plant. As a result, more and more tractors are being constructed.

I do believe, as I said earlier, if we can only show to the Russian people that the capitalistic system is more efficient, we will create much trouble for the Soviet leaders. I do not believe it would hurt to have them come and visit us in this country. Many people complain that they would engage in sabotage. I say to Senators that we ought to let as many Russians come to this country as desire to come, so they can see what we have. We should not be ashamed of it. In order to protect ourselves against sabotage, if necessary, I would advocate having an FBI man go around with everyone who came here. It would pay us to go to that expense. We must show them that there is a better way of life than that which they have now. The only way I can conceive of our being able to do that is to let them come to this great and bountiful country and see for themselves. I am satisfied that, if they can ever be shown, they will make demands of their leaders.

It is my considered judgment, resulting from my visits there, that what has kept Mr. Khrushchev going at the speed he is proceeding now is the fact that in 1957, Sputnik I went up. That feat gave Mr. Khrushchev and his policy a fine boost. When Messrs. Gagarin and Titov were put into orbit, that gave him another big boost. In my judgment, those events took away from the minds of the people the troubles now going on in Russia, and believe me when I say there is much trouble brewing there. Those troubles are more or less personal. They relate to the people themselves, in that today the people of Russia are not receiving wages in keeping with their cost of living.

My report will show—and I shall not take the time to read it—that I visited many factories. I always asked what the average wage of a factory worker was. I asked what the highest pay, the lowest pay, and the average pay were. Those facts appear in this report. It will be seen that the average pay all over Russia is from about 95 to 105 rubles a month.

What does that mean in American dollars? When I was there in 1957, tourists could obtain 10 rubles for $1. The first time I went there, in 1955, the ratio was 4 rubles to $1. But now a ruble costs $1.10. In other words, a ruble is worth 10 percent more than an American dollar.

A person receiving 95 rubles a month would receive $104.50 in our money.

I wish to discuss the cost of living. The only cheap foods in Russia are cabbages, potatoes, and bread. When I say "cheap" I do not mean they are by any means as cheap as they are in America.

In the wintertime, which lasts for a long period, potatoes range in cost from 5 cents to as much as 8 cents a pound, in our money. Bread costs about 20 cents for a 1-pound loaf.

Fifty years ago, back in my hometown of Houma, I used to be a clerk, in a small country general store. I sold sowbelly at 4 cents a pound. Now if a person goes into a store in America to buy sowbelly, he will pay about 36 cents a pound for it. In Russia sowbelly is $1.40 a pound.

A little scrawny chicken, weighing not more than 3 pounds, costs $4.50. That is $1.50 a pound.

A skinny turkey, weighing about 8 pounds, sold for $11 American money. All of that is stated in the report, including where I saw it and the names of the markets involved.

Mr. LONG of Louisiana. Mr. President, will my colleague yield?

Mr. ELLENDER. I yield.

Mr. LONG of Louisiana. When the Senator talks about the cost per pound, is he talking about a chicken dressed or a turkey dressed?

Mr. ELLENDER. No.

Mr. LONG of Louisiana. On the hoof, so to speak.

Mr. ELLENDER. They are not eviscerated. The feathers have been plucked, but they have not been eviscerated.

Mr. LONG of Louisiana. They are not cleaned.

Mr. ELLENDER. That is correct. The neck is not even chopped off. The head and everything else remain. Only the feathers are pulled off.

Let us consider the cost of meat in Russia. Some people say there is no competition in Russia, since the state owns everything and since the collectives

are operated through a state agency, and that the prices ought to be uniform. That is not true. In Moscow, for example, one can go to a state store to get meat at $1.10 or $1.15 a pound. In a collective store, where one can get fresher meat, or in a store where the collective sells for the farmer who produces it on his own little plot, one might pay from 40 to 50 percent more for the meat, because it is fresh.

The meat may be pork, beef, lamb, or mutton. It is all about the same price, and the price is near $1.75 a pound.

When a customer goes to a store to buy some meat, as I point out in the report, the first thing the customer must do is to note the price of the meat. If the price of the meat is 4 rubles for a kilo—a kilo being 2.2 pounds—he will then go to the clerk and pay his 4 rubles and get a receipt for the 4 rubles. He then takes his receipt to the butcher. The butcher does not permit him to select the meat he wants, but grabs the piece of meat hanging before him and cuts off what he thinks will weigh 2.2 pounds. If it happens to weigh 2.3 pounds instead, the butcher does not ask the customer, "Will you pay a little extra for this extra meat I have cut?" No; he cannot do that. The butcher must take from the customer's purchase a little sliver. If the first sliver he cuts off is not quite enough, he must cut off another. He will cut off as many slivers as necessary to be sure that the amount of meat sold is 2.2 pounds.

On the other hand, if the piece of meat does not weigh quite 2.2 pounds, the butcher will then cut a sliver from the big chunk of meat, to add on, until the weight is exactly 2.2 pounds.

I have never seen so many clerks anywhere else as I saw there. I have often reflected that it is no wonder there is no unemployment in Russia. There are too many people doing the same thing in stores. Particularly in keeping accounts and the handling of goods. One has to see to believe.

I go back to the proposition that in Russia today, with the small amount of money paid to the worker, dissatisfaction is bound to mount. It is my belief that this discontent could be accelerated if only we would permit the Russians to come to America and show them how we live, how much our people have as compared to what they have.

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

Mr. ELLENDER. I yield for a question.

Mr. McNAMARA. I think the Senator has established some things very clearly on the cost of living in Russia. I believe at this point in the Senator's presentation it would be interesting, though the Senator no doubt covered it in his report, to know something about the housing situation. Housing is a great part of the cost of living. Could the Senator give us briefly his reaction in regard to housing?

Mr. ELLENDER. I have stated that in the report, but I shall be glad to highlight my findings in this field.

First, as I recall the last figure, approximately 19 to 20 percent of the average salary of a U.S. worker is required for food and clothing. In Russia 80 percent or more of what the worker makes is required to pay for food and clothing. In many cases it takes 100 percent of what the entire family earns. Not only does the head of a family work, but also the mother and many of the children have to work. I found no Russian family who told me the amount necessary to buy food and clothing was less than 80 percent. It was always 80 percent or more.

In respect to housing, I noticed a great difference in housing facilities which have been built since 1957. I saw a number of apartments now being rented, in which bachelor quarters have a bedroom, a nice little kitchen, a bathroom, a toilet, and a clothes closet.

Also, there were two-bedroom apartments with the added facilities, kitchen and so on. I have seen a three-bedroom apartment, with gas and electricity, furnished, which rented for as little as 9 rubles a month. The average is about 7 rubles a month. The rentals for apartments are very cheap in contrast to our own.

In America, as I remember the figures, it takes about one-fifth or 20 percent of the average person's salary to pay the rent. In Russia from 3 to 5 percent of the salary is required for payment of rent.

Mr. President, it is my hope that Senators will read the report. As I said at the outset, I am suffering from a condition in my throat, which might be a good thing, because I could talk from now until tomorrow morning about my trip. Of course, I do not wish to do so.

I went to a great deal of trouble and hard work to do the best I could to bring before the Senate and the American people a clear picture of conditions as I found them in Russia. When I left Washington a few of my colleagues who knew I was going admonished me that I should not go. One of them even went so far as to say, "Senator, we need you here badly. You should not go."

I said, "Why?"

He replied, "Because you might not come back. They may take a shot at you."

Of course, nothing like that happened. I am not going to name the one who made that statement, but I say to him that it is my belief—and I make this statement without fear of contradiction—that a couple is as safe walking the streets of Leningrad or Moscow as in walking the streets of Washington, D.C., or perhaps safer. I make that statement without fear of contradiction, because I have walked those streets alone, not only in Moscow and in Leningrad, but in other places within the Soviet Union, and I was not followed by anyone. I was not stopped from taking pictures or anything of the sort.

I believe that more Senators and Representatives should visit the Soviet Union in the hope that there may develop a new approach for a better understanding of each other between the peoples of the two countries. I think the sooner such an understanding is reached the better off we shall be.

I believe it is useless for us to try to reach agreement with Russia on anything so long as fear exists on both sides of the so-called Iron Curtain. The Russians fear us; we fear them. Unless that fear can be dispelled, I cannot see any hope of agreement on the solution of any serious problems. I do not know of a better way for us to accomplish that objective than through a realistic exchange program.

At this point I should like to read into the RECORD my recommendations. I presume I shall be criticized for these recommendations, but that does not matter. I have made similar recommendations before. I made them in 1955, and I repeated them in the last pages of my report in exhibit 14. I am very hopeful that a little more attention will be paid to my recommendation than has been the case in the past. I sent to the State Department my detailed reports containing all the original data, which had a great deal of classified material. What happened to that material I presume is what happened to the messages I sent to the President last October and November. They were undoubtedly pigeonholed. No one looks at them.

I repeat that I hope Senators will read the report. If in the future, any Senator desires to ask questions about the report or wishes further details concerning it, I will cheerfully respond. These conclusions and recommendations appear on pages 163, 164, 165, and 166 of my report.

CONCLUSIONS AND RECOMMENDATIONS

Throughout the U.S.S.R. there has been a significant change in the administration of its controlled economy, particularly in the manufacturing industries. The ministries on the Moscow level that formerly initiated, promulgated, and executed all plans for industry have been abolished. There has been substituted the GOS–PLAN, a group which gathers all data as to the capability of all industrial plants throughout the U.S.S.R. and fixes the amount of production for each plant, after consultation with those in charge of actual production at each plant—the manager and workers. After production goals have been agreed upon, they are left in the hands of the local plant manager and the workers for fulfillment, with no interference from Moscow.

In addition, the planned production is so distributed that the needs of the people where the plants are located are first provided for, and the rest of the production is distributed through other parts of the U.S.S.R. through a ministry on the Moscow level.

This decentralization has meant a small degree of autonomy and has resulted in expanded production everywhere. Let me emphasize that this change did not come about because the leadership desired it, but because the people demanded it so as to assure them more consumer goods.

Another change I found significant was that in many areas there has developed some semblance of the assembly-line techniques which have proven so successful in our own country. On my

previous visits, I noted that in almost all instances, all parts for any manufactured commodity were made under one roof—that is, in a single factory. Today I find many small Government plants erected in various sections of Russia to produce parts for automobiles, tractors, combines, and other like commodities. These parts are sent to assembly plants, where the finished tractors, automobiles, combines, and other manufactured articles are being turned out. This, too, has resulted in a spurt of increased production.

Significant changes have also taken place on the collective farms. Prior to 1957, a collective farm was completely dependent upon an MTS, a machine tool station owned and controlled by the Central Government, for equipment to plant, cultivate, harvest, and transport all commodities. Under that system, collectives were forced to sell as much as 75 percent of those crops, at a fixed price, to the Government, in advance of production. All that has been changed. Collectives can now purchase and own their own equipment, and all they produce is sold on the open market. I find that even under communism prices fluctuate considerably, depending upon the supply in relation to the demand.

Although I found more food and clothing—in fact, more consumer goods available to the people than on my last visits, most goods are still in short supply. There is considerable discontent, primarily because prices of goods available are high in comparison with wages earned. Even though the disparity in wages and the cost of living is not as marked as on my previous visits, many of the people must still spend their entire earnings for their minimum needs in food and clothing.

I find that no effort is made to assist the individual worker by providing wage incentives, luxury items, and the like. He is helped in a collective way as in the past, by providing for general benefits such as better schools, more hospitals, elaborate cultural centers, spacious parks, and the like. Few workers, I am informed, are enthusiastic or really interested in 10- and 20-year plans. As I pointed out in my diary, and as I have stated many times before, even though it is true that the lot of the average Russian has been greatly enhanced in a physical sense, still he desires more improvement in his standard of living, and I doubt that he will continue to be satisfied with promises of a better life years hence. He has been hearing that tune for many years now, and I doubt that he will much longer be reconciled by it. In short, it is my belief that unless the Russian leadership takes steps now to provide higher pay for factory workers, or in the alternative to lower the price of consumer goods, including food and clothing, discontent will become more and more apparent.

First. I again recommend an expanded and realistic exchange of persons program with the U.S.S.R. We should lean backward in our efforts to promote such a program.

This exchange should not be promoted on the basis of an exchange of one Russian for one American, but I advocate that we permit as many Russians to visit us as desire to come. Care, of course, must be taken that the exchange be bona fide, and not used as a means for infiltration of our borders by Soviet agents. I believe we can insure ample safeguards against infiltration by exercising proper precautions. Visits to our country by Russians from all walks of life would give them an opportunity to see at first hand what a free society has to offer. By the same token, visits to the U.S.S.R. by Americans in all walks of life would give them the opportunity to learn at firsthand what a totalitarian form of government has to offer.

Second. I recommend that unnecessary travel restrictions in our country and the U.S.S.R. be lifted. Any area in our country that is not closed to foreign diplomats should not be closed to diplomats from the U.S.S.R. The same rule should apply to our diplomats in the U.S.S.R. Too often have I observed that areas in the U.S.S.R. opened to British, Italian, French, and other foreign diplomats are closed to American diplomats.

Third. I recommend some trade and a restoration of commercial contacts between the United States and the U.S.S.R.

There was a time when the U.S.S.R. was short in supply of certain minerals, but that condition no longer exists. Now the U.S.S.R. possesses a vast storehouse of strategic materials, and it seems to me we are only cutting off our noses to spite our faces by refusing to trade with Russia, when all other countries of the free world are doing so.

Fourth. I recommend that in dealing with the Russians we continue to "exercise the patience of Job." As I have pointed out, they have always been suspicious of foreigners and difficult to approach. We should by all means endeavor to gain their confidence, else we will never be able to reach agreement with them on any grave world problem. Too often we have bickered with them over trivialties.

Mr. President, in this connection, I went to a great deal of trouble in the study of Russian history. I have placed in the appendix of my report a summary of the development of Russia from its earliest beginings to date to show that the suspicion which now exists among the Russians is nothing new, and that their outlook with respect to religion has likewise existed for a long time.

Fifth. I recommend that all propaganda efforts, through the Voice of America or any other medium, remain completely objective and positive in extolling the virtues of democracy. In other words, as I have stressed before, we should objectively depict the great advantages that our way of life has to offer, without disparaging or criticizing theirs. As I pointed out before, the Russian people have attained, under the present system, a much better way of life than ever before. Our objective should be to show them the superior virtues of ours.

Sixth. I recommend that we offer the same advantages to the Russians in our exchange programs as we provide for the countries of the West. After all, we are supposed to have the West on our side already, so why not try to win over our chief antagonist? Would it not be better to attain our goal in that manner than to continue to spend ourselves into bankruptcy?

As I pointed out before, we have an exchange program on the statute books today under which we spend between $50 million and $55 million. Most of that money is spent with the British and French and Italians—our so-called allies. Of that huge sum less than one-half million dollars is spent on the Russian people and on citizens from other countries behind the Iron Curtain, yet, I believe this is where we need the program the most.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. LONG of Louisiana. It was my impression—and I ask the Senator to correct me if I am in error—that originally the Bolshevik system was established on the theory that every workingman should earn exactly the same amount regardless of his place in society; in other words, a plant superintendent would earn the same amount of money as the commonest laborer in the plant.

My impression is that the Soviets began to believe that that system, which was in accordance with the pure theory of communism, did not work very well, because it failed to provide the incentive that made one man strive to do better work day in and day out. It is my impression that that system was changed some years ago, and a system conforming more to our own theory, and which incidentally contains some elements of capitalism, was set up. It is my further understanding that now the difference between what a plant worker earns and what the foreman of the plant makes is very great.

Mr. ELLENDER. The Senator is correct. I have found, in talking to doctors, engineers, and mechanics that some doctors earn as much as 1,000 rubles a month, an engineer 800 rubles a month, and a mechanic 700 rubles a month. The mechanic can purchase for himself and his family all the food and fiber that is available out of his salary of 700 rubles. However, the doctor who earns 1,000 rubles has no place to invest this extra money; nor the engineer, who gets 800 rubles. As a result, a great many of the better educated people are wondering, "Why should I spend so much time at school in learning to be a doctor or an engineer, when a mechanic who has spent half the time I have spent at college or school can earn enough to satisfy all his needs of food and clothing?"

On this trip and on past trips I tried to find out whether the person who earns extra money over and above what he needs to buy the food and fiber that is available could invest that money anyplace. I found three ways in which he could invest it.

First, he could invest it in a savings bank. These banks lend money to people whose salaries are not high and who need a few rubles to help them make special purchases. The savings

banks pay 2 to 3 percent interest, on deposits.

The second and third ways are lotteries. The first form of lottery is a national lottery run by the Government. A person can buy as many tickets as he desires and pays about 30 kopeks for each ticket. That is about 30 or 35 cents in our money. If he happens to pick the lucky number he wins quite a large sum of money. If his number does not turn up, he loses. That is one form of lottery.

The second form of lottery works in this way: A person buys as many tickets as he desires. Assuming that the tickets sell for 50 kopeks apiece, he can buy a 50-kopek ticket and must also pay a 3-percent insurance fee on the 50 kopeks, which would be 51½ kopeks. Every year the lottery is drawn. If he fails to get the lucky number, the 3-percent insurance fee sees that he gets his original investment back. The interest or insurance that is paid by all those who buy tickets goes to make the pot, less expenses, which the lucky winner gets if his number is drawn. So the Government gets the use of this money in its banks, without interest. The investor puts up the insurance or interest in advance, and he loses it if his number is not drawn. So those two lotteries and the bank investment are the only methods by which the people in Russia can have their money work for them.

I believe that Russia is the only country in the world where such conditions exist. The Government is supreme and all powerful. Everything is owned by the Government. Every acre of land is owned by the Government. No person can own anything, not even a square inch of land, except the clothes he wears and the little food he buys. If he makes enough money to be able to buy an automobile or a television or a radio, he can do that if any are available. In order to be even a bootblack in Russia, it is necessary to work through the Government. In order to be a barber, it is necessary to work through the Government. One cannot be a taxi driver or own his own car so as to engage in the business of taxi driving unless he operates through the Government.

If the people of America could go to Russia and see these things for themselves, they would not want any part of communism. That is why I often wonder why some people in the United States are afraid of communism or of coming in contact with it. I do not believe that any person who has known the fruits of liberty and our way of life would ever succumb to the lure of communism after he has seen how it actually operates. I wish more Americans would go to Russia and see how the system operates. They would come back to America, the same as I have always come back, abhorring communism more and more. The more I go to Russia and see communism in operation, the more I abhor it.

That is why I say that if we could get realistic exchange programs in operation, we could probably do a better job in combating the spread of world communism than by spending ourselves into bankruptcy pumping money into the economics of countries that I sometimes call unworthy allies.

Mr. LONG of Louisiana. Is it not also true that the Soviet Union has made some moves in the direction of permitting the workers on state farms, or at least cooperative farms, to have a little land of their own in order to enable them to raise some of the produce they need, and that that would belong to those who raised it, rather than belong to the Government?

Mr. ELLENDER. The Senator is correct. I point that out in all my reports.

Mr. LONG of Louisiana. All of those things are encouraging, in that they are significant signs which indicate that the same things which motivate the American people tend, at heart, to motivate the Soviet people; and that the Russians in considerable degree are pressing, so far as they have the power to press for them, the very kinds of things we have evolved in our country. I am inclined to believe—and the Senator has helped to persuade me in my belief—that we cannot be self-righteous about these things. The Senator is saying, is he not, that the best way is to let the Russians see what we have here, and let them figure things out for themselves?

Mr. ELLENDER. Exactly. Since the Senator has raised the point, I should also say that I learned something significant on this trip while visiting a state farm outside Irkutsk, near Lake Baikal. That state farm contains around 75,000 to 80,000 hectares. A hectare is 2½ acres. Formerly this huge state farm was composed of nine different collectives. The collectives were asked to join themselves into bigger collectives, and they did so. Instead of nine collectives, they consolidated themselves into three collectives. Later the three became a state farm. But before they consented to become members of the state farm, they demanded to retain their little plots, so that they could plant them for their own benefit. Those are the exceptions which are taking place all over Russia today.

These little plots are being retained, and the workers not only produce food for themselves from the plots, but also sell quite a bit of the food. I visited a collective which was near the base of Mount Ararat, in Armenia. I visited one of the many home gardens. It was located on a plot of about three-quarters of an acre. The owner could raise as many chickens, sheep, hogs, or cows as he desired. He was even able to buy feed in order to raise more chickens to sell on the market.

Today the food produced on the small home gardens or plots accounts for 10 or 12 percent of the food produced in Russia. All of it is grown by the individual farmers and is sold by them either directly or through a collective, and all the profits go to the farmers. In my opinion, more and more of that activity would develop if only the Russians could visit us and learn from us what it means to work for oneself, to be your own boss.

Mr. LONG of Louisiana. Does the Senator think it might be constructive for the people of the United States to know what is taking place in the Soviet Union, so that so far as the Soviets have something which they have found a way to do better than we are doing it, whether it be the planting of trees or anything else, we could learn about it and try it in the United States, to see whether it is any good?

Mr. ELLENDER. I am glad the Senator has asked the question, because it reminds me of a little incident which took place at Stalingrad. I met a very intelligent agronomist there. He is a forester. He had just returned from a visit to the United States 3 or 4 months earlier. At times it is quite warm around Stalingrad. Strong east winds erode the land considerably. The rainfall there is under 20 inches annually. The Russians have discovered a way to retain the moisture and prevent wind erosion by growing tree belts.

The Russian agronomist said to me, "Senator, I visited your country. I learned much. However, we prepare our land much better than you do for the planting of our trees." I believed him, because very few trees die there. The Russians take good care of them. I saw some trees which had been planted only 2 or 3 years previously, which were probably twice as large as trees which had been planted in our country for the same length of time. The trees in Russia are better taken care of on an individual basis. But his statement to me was—and he had observed the situation—that the Soviets take more trouble to prepare the soil to plant trees than we do. Although my notes show that I did not agree with him, I am willing to admit now that they have planted their land better than we have with tree belts.

Although the Russians are doing a good job in that respect, and they are learning from us, we ought to continue to invite them to this country to let them see what we have. To me, that is the best way to fight communism, to meet it head on. We will never accomplish anything in opposition to communism if we bury our heads in the sand and ignore it. Nevertheless, I must admit that communism has accomplished for 220 million people a good deal more than I have seen in other countries governed by monarchs and other rulers, in which there were but two kinds of people—the rich and the very poor. The point is, that our way of life can do even more for these people than communism, and this is what we must sell.

As my colleague pointed out a while ago, it is true that at the beginning communism was supposed to treat everyone alike. But they are veering away from that. Today some apprentices are paid as little as 45 rubles a month, and some factory workers are paid as little as 75 rubles a month. In Leningrad, I met a man who wanted to talk to me. He followed me around for quite a while, and waited until I reached a little park not far from the hotel. When I sat down there, he sat next to me. He wanted to know about America and about conditions in America. I asked him, "What do you do?"

He said, "I am a translator."

I asked, "How old are you?"

He said, "I am 27 years old."

I asked him, "Are you married?"

He replied, "No."

I asked, "How much salary do you earn?"

He said, "95 rubles a month."

I asked, "How much education do you have?"

He replied, "I had 10 years in the preparatory school and 4 years in college."

I asked, "You are being paid only 95 rubles a month?"

He said, "Yes."

Mr. LONG of Louisiana. That would be about $100 a month, would it not?

Mr. ELLENDER. Yes, or about $103 a month.

Then I asked him, "How much tax must you pay out of the 95 rubles a month?"

He said, "13 rubles a month."

I asked, "What do you pay that for?"

He said, "Because I am a bachelor, and I must pay the bachelor tax of 7 rubles, and also 6 rubles as income tax—13 rubles altogether."

I asked, "Why don't you get married?"

He replied, "Because it is cheaper for me to pay the 7 rubles bachelor tax than to feed a wife."

That man had been out of college for 4 or 5 years. As a translator he was earning only 95 rubles a month, and he had a tax burden of 13 rubles. He admitted to me that he was having a hard time making ends meet, even though he received a little help from his father and mother, for he was living in their home, more or less rent free.

I found many others in a similar condition—many Russians who were anxious to talk to me, and who talked to me individually. Every now and then, someone on the streets of Leningrad would ask me, "Parlez vous francais?" or I would be asked whether I could speak Spanish. The moment they learned I could speak either French or English, they would wait for a convenient time, and then talk to me. We conversed a great deal about America. In addition, I visited many schools and talked to the children there. All were interested in America.

So, Mr. President, we have a golden opportunity to show off our Nation to the Russian people; we have here a great showcase filled with the fruits of our way of life we could exhibit to them. We should do that by all means. I have been advocating it for the past 7 or 8 years.

Mr. President, on this trip I visited Japan. I think I am the first American who, since the Russian revolution, in the course of a trip around the world, has passed through the entire length of Russia, including Siberia, in returning to the United States. After leaving Moscow, I passed through all of Siberia, and reached the Sea of Japan, at the port of Nakhodka. There, I boarded a Russian ship which took me to Yokohama. The ship was 310 feet long, and had a complement of 110 people, 40 percent of whom were women—cooks and maids who worked on the ship. There were only three passengers—two Japanese and myself. So I traveled by ship to Yokohama. That trip from Nakhodka to Yokohama marks the first time in my seven trips around the world that I traveled by ship rather than by airplane.

Mr. President, I wish I could tell the Senate all that I found in Japan in terms of the assistance we are now giving that country—assistance which I think we should not now be giving Japan, for Japan is now better off than she has ever been before. Yet we are contributing quite a bit—in the form of military assistance—to her economy.

I also visited Formosa. I wish to take off my hat to Chiang Kai-shek. He has done a good job there, and Formosa is now a beautiful island. It is a nice place for tourists; and if any Members of this body desire to spend a good summer or even a good winter, I advise them to visit Taipei. Formosa is a beautiful island. We have spent in excess of $3 billion there, I believe. The economy has grown considerably, and we are gradually lessening the amount of our aid to that area of the world.

From there I went to South Vietnam. I had been there three times before, and on those three previous visits I had had occasion to talk to President Diem. But he would not see me this time—why, I do not know. Much dissatisfaction exists in Vietnam, and much trouble is brewing there. But in my judgment, that trouble stems from inside the country. In South Vietnam there are two areas and two tribes which President Diem has never been able to subdue. One is located, as I recall, northwest of Saigon, and the other is in the southern part. These dissatisfied tribesmen invite some of their North Vietnamese friends to come help them; and most of the trouble that is occurring now in South Vietnam stems from this. Of course, Mr. Diem has asked for more money from us, and has obtained it. It strikes me that it is high time for us to reevaluate our assistance program in that area.

I also visited Vientiane, the capital of Laos. In that capital a fight is going on between three brothers, in their attempts to obtain power. The "outs" are trying to get "in" to get "on the gravy train." We are supporting one of those brothers. The other two are fighting their own brother, in their attempts to "get into the saddle." There, again, Mr. President, all the difficulty results from internal dissensions among the three brothers. The head of the Pathet Laos, which is the Communist Party within Laos, has an army that is a little weaker than the army of the prince we are supporting, and does not have to solicit too long before obtaining aid from North Vietnam. But all of it is done from within, Mr. President. It strikes me that every effort should be made to make that country neutral—not to make it pro-West, because that is where the mistake was made, when we made efforts to make Laos a pro-Western country. That is where we got into trouble.

In Cambodia the Prime Minister is doing well for himself, I think, in getting aid from everyone; but in that area, we are "the bad boys." Why do I say that, Mr. President? As I point out in my report, in my visit to Cambodia, I found that the Chinese have furnished the Cambodians a little more than $40 million, and with that money the Cambodians have built four manufacturing facilities. One of them is a plywood mill. Another is a textile mill. Another is a paper mill for the manufacture of cardboard for boxes and wrapping paper. The fourth is a cement plant. All those facilities have been built by the Chinese, and are producing commodities for the Cambodians, and give the Cambodians work.

The Russians have built a fine hospital there. But what have we spent our money for? We have spent almost $200 million in equipping a large army for Cambodia. Mr. President, why do you think Cambodians want the army there? So they can remain neutral. I think we have spent entirely too much money to maintain an army in Cambodia to maintain neutralism. I think our money has been wasted there. I have not found greater gougers anywhere than I found in Cambodia. Money is simply being wasted. We have there a USIS office, with a total of nine officers scheduled for fiscal 1962. The public affairs officer is a person by the name of Mr. Darrell Price, according to my memory. He is not responsible for the situation there, but the annual rental we pay for a place for his family to live is $10,332. I think it is shameful for us to pay that kind of money in light of the amount of money we are spending in Cambodia.

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

Mr. ELLENDER. I yield.

Mr. DWORSHAK. I recall that 5 years ago last fall I had the pleasure of traveling several weeks with the Senator from Louisiana through Japan, Taiwan, South Vietnam, Laos, Cambodia, and Thailand. I have not heard all of the report the Senator is delivering today, because I was downtown, shortly after noon, attending a conference, but I shall read his written report.

I would like to interrogate the Senator on the basis of making a comparison between what we found 5 years ago and what was true last fall. Have the Communists gained a stronger foothold and are they wielding a stronger influence in southeast Asia? Because of the billions of dollars of foreign aid which the U.S. Government has expended in that area, is the situation improving so far as the United States and its prestige are concerned?

Mr. ELLENDER. They are much worse. They have grown much worse.

Mr. DWORSHAK. There has been a constant deterioration in the last 5 years?

Mr. ELLENDER. As I have pointed out, we have spent $1⅓ billion in South Vietnam. Prosperity reigns there as it never did before. The Senator would not recognize Saigon any more. They built a hotel there. Now when one wants to get a room in a little place like Saigon he has to pay a high price. I had to pay $25 a day.

Mr. DWORSHAK. They must have learned the Senator was an American.

Mr. ELLENDER. Possibly so. That was done by a few Frenchmen and a few rich Vietnamese. There is prosperity in South Vietnam today. The people are

much better off than they have ever been. It would seem to me, since we have helped bring about prosperity, the people should be satisfied; but they are not. There are two areas there which Diem has been unable to get together. The fighting going on there is internal; the "outs" of government are trying to oust the "ins" in the Government.

Mr. DWORSHAK. If what the Senator says is true—and I am sure it is—that the situation is becoming more difficult for us to cope with and we are losing our prestige, then would the Senator recommend that the time is long past due when we should have a complete reappraisal of our foreign aid program, both from an economic and military standpoint, in southeast Asia, or should we continue to spend huge sums of money so that, sooner or later, the United States will lose out completely in southeast Asia and make it possible for the Reds to move in and take complete control?

Mr. ELLENDER. Mr. President, I intended to read into the RECORD—and I think this is a good place to do it—my conclusions as to that area. Those conclusions appear at page 165 of my report, beginning about the middle of the page. I read as follows:

The record shows that by June 30 of this year, 1962, the United States will have spent a total of well over $100 billion in foreign assistance since the inception of the Marshall plan in 1945. Of this huge sum, approximately $13 billion has been spent in the countries of the Far East and southeast Asia covered in my report; namely, Japan, Taiwan, Hong Kong, South Vietnam, Laos, Cambodia, Thailand, Burma, and the Philippines. Adding to this the $4½ billion spent in Korea for rehabilitation and its military requirements, a total of almost $17½ billion has been poured into the countries of the Far East and southeast Asia by a magnanimous Uncle Sam. With such an outpouring of American dollars into these areas, one would think that by now all of them would be on a sound basis, economically, and that they would be fully convinced that their best interests lie in maintaining close ties with the United States.

With the exception of Taiwan, what do we find? Despite the tremendous "shot in the arm" given to the economies of each of these countries, despite our efforts to help them solve their financial ills, despite our unselfish attempts to bolster their military strength, our prestige throughout southeast Asia continues to be at low ebb, and the only thanks we receive, in most instances, is a threat to go over to the Communist bloc unless we continue to extend aid or even increase our total effort.

We have done all this with virtually no help from our allies in Western Europe. In Korea, in Laos, in Thailand, in Taiwan—in fact, in all these countries we have borne the burden of assistance, not only in dollars, but in men and material where military assistance has been granted.

If this tremendous effort had been successful, we would have no regrets whatsoever for the sacrifices made. But let us take Laos, as an example. That country is more than ever wracked by internal disturbances, and we seem unable to bring any influence to bear in the settlement of differences between opposing factions. To add insult to injury, some of the material which we furnished there is being used in opposing the forces with which we have now become definitely alined. In South Vietnam, as another example, there is still boiling discontent which threatens to erupt at any moment, and the acknowledged leader of that country appears to be almost completely indifferent to our good opinion.

To say that the developments in South Vietnam and Laos as a result of our assistance in that area are disappointing is putting it much too mildly—to me, the developments are shocking and disheartening.

I wish to emphasize what I have said before when I visited these areas of the world—sooner or later we will have to face up to the situation. In my view, there are only two alternatives—either we can go on spending and spending, and in the process ravish our own economy and our resources; or, we can come to grips with reality and alter our course in the Far East and southeast Asia.

Of course, there are those who say we have no alternative, that if we do alter our course, then those nations will go all the way toward communism, and they will be completely lost to the free world. If this view is correct, then why is it that we are the only ones who see the danger? Where are our allies of the free world? Should they not be giving us financial and military support?

Now listen to this:

Therefore, I recommend that every effort be made to obtain help from our allies, and failing in that objective, we consider a gradual withdrawal of assistance in all fields.

That should be done starting now, unless we can get our allies to assist:

In the above I am merely reemphasizing recommendations I have made before and I call attention to the appendix exhibit 14, page 333, for further details of recommendations heretofore made by me, not only as they relate to the U.S.S.R., but as they pertain to our programs on military and foreign aid throughout the world.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point my formal recommendations on three previous trips that I made, with particular reference to the Soviet Union.

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

PREVIOUS RECOMMENDATIONS

This might be a good time to review some of the comments I made following my previous visits to the Soviet Union. Following my 1955 trip I submitted a report to the Senate Appropriations Committee, which included a résumé of my meeting with Anastas Mikoyan. The report read as follows:

"* * * I stated that I believed a more cordial relationship between the U.S.S.R. and the United States was desirable and that this goal was obtainable through the medium of increased exchanges of visits involving industrial, agricultural, and similar delegations. I pointed out that I had been in the U.S. Legislature for nearly 19 years, during which time I had voted billions of dollars to help defeat Hitler in the common cause with U.S. wartime allies.

"I told Mr. Mikoyan that the American people find the mutual suspicions which characterize United States-Soviet relations strange and not in keeping with wartime relations. I said that I felt that these suspicions, and strained relations were due in large measure to misunderstanding. I expressed the belief that frequent exchanges of visits would do much to eliminate these misunderstandings and that while the United States would not expect the Soviet Government to open its arsenals to American inspection, nevertheless I felt that if there was an increase in the movement of Soviet citizens visiting the United States the Soviet people would be able to clear away their suspicions about U.S. intentions. I stated that I came as a humble American citizen to express my thoughts to Mr. Mikoyan in the hope that something good would come of my visit. I added that if Mr. Mikoyan cared to make any comments on my statements I would be glad to hear them.

"Mr. Mikoyan replied that he fully concurred in my statements and that he felt that the American and Soviet peoples had no differences on points of view expressed by me. He stated that the type of system pertaining in individual countries was a matter of choice of the people involved.

"I replied that so far as I knew, the American people as a whole don't care about the system prevailing in the Soviet Union and regarded that as the business of the Soviet people. I did state, however, that somehow the American people have the idea and are concerned that the U.S.S.R. is spreading a doctrine which is harmful to American interests, and that I felt that relations between the two countries would be much more cordial if this fear could be dispelled. I stated that the American people may be wrong in this assumption but that there was, nevertheless, much evidence that the assumption was correct."

* * * * *

"* * * Mr. Mikoyan asserted the belief that if 100 Americans came to study in the U.S.S.R. and returned to the United States that this would not result in the establishment of a Communist regime in the United States. He said that the question of communism versus capitalism is a matter for peoples and not for governments. He said that governments cannot impose doctrines and asked what the Soviet Union can do if people read Communist literature. He said that he thought the differences of opinion and strained relations were the fault of the United States and asserted that the more you attempt to prevent the spreading of a doctrine the more you actually contribute to the propagation of it.

"I explained that in America the rank and file of Communists are not molested, but that the Government is protected by law against those who attempt the violent overthrow of our governmental system. I told him that the views expressed by the imprisoned American Communist leaders to which our Government objected had been obtained from the U.S.S.R; that these Communists had certainly had a fair trial which lasted 8 months, but that the evidence was clearly against them.

"Mr. Mikoyan rejoined that he did not wish to approve or disapprove of the actions of the U.S. Government versus the American Communists. He stated this was not his concern but that of the United States. He added that it was extremely possible that there was a connection between the ideas expressed by the American Communists and the Soviet Union, but that he could not control this. He said there can be no frontiers to ideas. I stated that the American people and our Government do not object to the idea of communism in a country, but do object to any attempt by a country to impose these ideas on others by force. Mr. Mikoyan repeated that this entire affair did not concern the U.S.S.R. I remarked that many Americans had been informed, through various sources, that the peoples of Poland, Czechoslovakia, Rumania, and Hungary, frequently referred to as satellite states, were not free and that communism had been imposed on them by the U.S.S.R. I stated that if this were true, that if the U.S.S.R. had anything to do with the establishment of the governments in Eastern Europe, that this was the type of thing which caused concern and fear in the minds of American people, and that anything that could be done to dispel this fear would lead to improved relations between the United States and the U.S.S.R.

"Mr. Mikoyan said that if the U.S. people have this fear they need to be educated prop-

erly. He said that Soviet troops completely withdrew from Czechoslovakia at the end of the war. He said that United States has many bases abroad, whereas the Soviet Union has not and that he believed there were more U.S. troops stationed abroad than Soviet."

In 1956 I traveled extensively through the agricultural areas of the Soviet Union. I also visited many industrial centers. I made numerous comments then which I still believe hold true. I criticized at that time certain agricultural practices being undertaken by the U.S.S.R. as being impractical. I also pointed out industrial shortcomings. The gist of my comments on the Soviet Union are as follows:

"Russian agriculture suffers tremendously from the concentration of production in either collective or state farms. Many of the Russian farmers have no desire to increase production or become more efficient, since they have lost their identity as individual entrepreneurs. The old saying 'What's everybody's business is nobody's business' can be successfully applied to the collective farms.

"As to Russian industry, I saw some modern processes (such as a most unique shoe production line), along with great evidence of expansion, but for the most part, Russian industry seems to be crude and backward when compared with our own. I saw only five different models of passenger cars, two models of passenger buses, one for short and the other long haul, two models of refrigerators, one standard model of trucks. I do not desire to leave the impression that this status may long remain, for great efforts are being made to modernize Russian industry, and to expand production—particularly in the area of heavy industry. Dams, both for navigation and power generation, are being constructed. More factories are rising. The industrial base is being widened, and within the next 5 to 10 years, Russia will undoubtedly become a mighty industrial power. That will come about by the increasing demand for more and more consumer goods.

"* * * I am firmly convinced that it is the Russian educational system that offers the greatest hope for ultimate Russian freedom. The people are beginning to think for themselves and as time goes on, it will be more and more difficult for the leaders to keep them in line.

"Joseph Stalin grew to power in the midst of ignorance and poverty. I am convinced that because of the changed conditions in Russia the people will not permit another despot to assume such powers as those exercised by Stalin.

"As more Russians become educated, they will become less and less prone to accept at face value the propaganda-loaded description of life in the United States which the Red propaganda system dins insistently into their ears. The Russian people are curious by nature; they are becoming increasingly more curious about Americans, about life in America, and about the freedoms we enjoy.

"I therefore recommend that, subject to reasonable security regulations, we broaden our exchange-of-persons program with the Soviet Union, and that we bring more of the Russian people into the United States, to see at firsthand how our people live. I recommend, too, that our Information Service increase its efforts to reach behind the Iron Curtain with the message of freedom. In this connection, it is of vital importance that our magazine, our broadcasts, and so forth, to the people of Russia contain no criticism of their way of life. Although we abhor communism, instead of disparaging it we must stress the positive aspects of our own system. We should say, in effect: 'We give you credit for believing in communism as an economic system; that is your right. But, here is what a free people, living under a democratic system of government, have both in physical and spiritual things.' A better plan would be to extoll the virtues of democracy and completely ignore their system.

"I do not pretend to be a psychologist, but I do know that the surest way to shut the ears of the Russian people to the story of our way of life is to criticize their existing form of government. As the old saying goes, 'You can catch more flies with honey than with vinegar.'

"I am sincere in my belief that by bringing more Russian farmers, more Russian industrial workers, doctors, teachers, more Russian housewives and children and others, to our country, permitting them to see at firsthand how we live and the benefits available to us under a free system, we can demonstrate that communism cannot hold a candle to democracy in furthering the cause of individual freedom or bringing a better way of life. This exchange of persons, coupled with objective reporting of our American way of life, will—I believe—create a mighty force for peace with its genesis among the Russian people, a force which the leaders of Russia could ignore only at their personal peril.

"As a matter of fact, the Russian leadership has done much to make any effort on its part to generate a warlike spirit extremely difficult. Throughout the countryside were posters bearing the legend: 'Peace.' The Russians radio repeated the message that Russia desires only peace. The Russian people have been conditioned to expect peace, and I feel it will be extremely difficult for Soviet leaders to plunge them into a major conflict without creating fearsome conditions within the U.S.S.R., conditions which could perhaps result in a violent reaction among the Russian people.

"The Russian people with whom I spoke believe that the United States fears Russia, and that present American policy is designed with one ultimate objective—the forcible destruction of the Soviet Union. Therefore, they fear us. As patriots (and the Russian people love their land if not their present government), the people of Russia would be willing to fight for their existence. Soviet leadership has capitalized upon this fear; through this medium, they have been able to keep living standards low in order to forge a military machine. If it were possible (and I think it is) to dispel this fear, to eliminate the distrust of American motives among the Russian people, then relations between our two countries would improve overnight. We must make every effort to convince them that our preparations are not for war or aggression, but for defense.

"To illustrate what I am driving at, while visiting the great dam at Stalingrad, I asked the engineer in charge if it were not true that the dam was started in 1950 or 1951 and that suddenly orders came from Russian leaders to stop building the dam. I asked why that was done. He said because the money was needed for other purposes. 'And what were those purposes?' I asked. He said it was political and he did not care to answer. I chided him and said, 'I suppose you spent the money to make weapons of war to fight us.' He smiled, but insisted that the question was political and he would not discuss it further. I then asked, 'When did you resume work?' He said, 'After the Geneva Conference, when your President indicated to the world that America wanted peace and not war.'

"The older Russian citizens with whom I spoke, people who had lived under and could recall the rule of the czars, were unanimous in their belief that 'things are better now than then.' They have more food, more clothing, and a greater sense of their individual worth, as I indicated earlier in my remarks. However, there is much discontent within Russia—discontent that, nourished by exposure to America and Americans, could blossom into such a powerful force that communism could receive a telling blow.

"These factors—increased education, natural curiosity, and a desire for self-improvement—are available to the United States for intelligent use as the foundation for an ultimate rejection by the Russian people of communism as both a way of life and an economic system.

"I therefore regard as most unwise our Government's recent shutdown of exchange of persons between Russia and the United States. I think it was stupid. The reaction of the Russian people, fostered by the Communist propaganda machine, will be: 'America fears us—she fears that we will see her poverty and her ignorance—she does not want us to see how weak she is and how her people are oppressed.' In addition, this action will lend credence to the repetitive pronouncements of Moscow propaganda mediums that the United States wants war, while Russia wants peace. This, of course, will create an atmosphere which could ignite like tinder should even a tiny spark fall.

"Since my return to the United States, I have been referred to by some mediums as having been 'brainwashed' by Khrushchev. This I most vehemently deny. I believe I have noted basic factors which, if only capitalized upon by our country, can result in the destruction of dictatorial rule in Russia. The people of Russia bear within their great masses the seed of American victory in the cold war—a victory which can result not only in benefiting the free world, but in rekindling the light of freedom behind the Iron Curtain. It is now time for us to begin nourishing this seed, to the end that fear will be replaced with trust, ignorance with knowledge, and, ultimately, cold war with warm friendship between the people of Russia and the people of the United States."

Following my 1957 trip I filed another report with the Senate Appropriations Committee. My general impressions of the Soviet Union were as follows:

"Perhaps the most significant aspect of my findings on this visit was change, and, with respect to the various goods and services available to the Russian consumer, the change was invariably for the better. Also, people are more talkative—they were more prone to assert themselves. Generally speaking, I found a much higher degree of contentment among the peoples of Russia than on my previous visits. In addition, I found considerable national pride—a pride which was visibly increased when the people learned of the successful firing of the first space satellite. I was in Russia when the event occurred and the news was made public, and there was much jubilation among the Russian masses.

"Thus, in prefacing any account of my journeys through the Soviet Union, I feel it important to impress upon the committee my three major impressions of postsatellite Russia.

"First, there is an atmosphere of confidence.

"Second, there is apparent domestic contentment, but a rising curiosity about America and an urge to forge ahead of us.

"Third, there is a growing belief among the Russian people that their system is superior in all respects to ours in the West.

"These three factors must certainly receive primary consideration in any policy our Government undertakes vis-a-vis the Soviet Union. But, in considering these factors, they must be read against a background of Russia as it stands today compared with the pre-Bolshevik Russia of the czars.

"Only by measuring present-day conditions in Russia by the comparative yardstick of conditions as they existed a quarter century ago can any proper perspective concerning this vast nation be attained. In addition, the conditions existing in the Soviet Union under communism and the Government's abolition of private property are important circumstances to be weighed before reaching

any conclusion concerning future policies toward that country.

"In Russia, the Government is supreme. Nothing else matters—only the Government. Every square inch of land belongs to the Government. All commerce and industry are Government controlled. Under no circumstances is an individual able to go into business for himself, not even as a barbershop owner or a taxi operator.

"Instead, all crafts, in fact, all businesses, are incorporated into state-managed entities where everyone works together for what Soviet leaders declare to be the common good of the state. Revenue-producing investments by the individual of any of his surplus funds are limited primarily to state institutions that lend money. The money deposited by the individual bears a small rate of interest, depending on the length of time it is left on deposit. This type of social and economic organization exists through all strata of Russia.

"Under such a controlled system, in which the welfare of the individual is evidently sacrificed to the good of the state, Russia has been able, within a short span of years, to pull itself up from a weary, downtrodden nation, wracked by internal strife and bearing the heavy burden of a hungry, desperate class of peasant serfs under the old czarist system, to its present leadership of obviously high technological development.

"Many Russian people today may have only black bread, cabbages, beets, potatoes, and a pot of tea—but today it is enough to fill their stomachs. To a hungry population, the mere advance of a crust of bread is an accomplishment—and one, which whether or not we agree with the manner in which it is done, must be recognized as a form of progress.

"From the days of 1916, when almost all of Russia hovered together in abject poverty, in hunger, in a state of serfdom, and serving a fantastically rich nobility, the older people of Russia today can see visible signs of their march forward—toward national pride, better living standards, and industrial development—a march which today places them among the vanguard of the world's nations.

"The younger people, who have known nothing but communism in their lifetime, and who have had no opportunity to observe any other form of government, glory in their country's progress—and in the corresponding rise in the welfare of their fellow countrymen.

"This, above all, we must recognize. And in that recognition we must, I believe, abandon the approach of some who, because they dislike or perhaps fear communism—indeed, I am sure they abhor this system of government as I do—will not hear or even listen to the spoken words of its accomplishments.

"The mark of an intelligent soldier is to recognize the capabilities of his opponent. To mock a foe is to mock yourself.

"Communism will not vanish because we ignore it. Neither will it disappear because we vilify it. It exists. It is functioning.

"It has brought a new way of life to a people once left far beyond progress in the wallow of inner conflict. It has provided a better standard of living—no matter if we care to dismiss it as still far below our own—for an entire nation of people.

"Of course, in the U.S.S.R., there is nothing remotely resembling the freedom of individual choice, action, and enterprise which we in the United States enjoy today. However, it must be recognized that in the Soviet Union such freedom has never existed. Russian history bears ample witness to the lack of what we regard as basic principles of freedom. Under the czars, which is the period with which the typical elder or middle-aged Russian compares his life today, there was no freedom of the press, no freedom of expression, no freedom of economic choice for the average Russian. Opposition to the then-existing Government was ruthlessly ferreted out by a secret police whose methods were not basically different from those used by the Communists.

"Perhaps the most astonishing accomplishment of the Russia of today is its rapid transformation into an industrial empire. That the tremendous growth of Russia's industrial economy has been reached in the short span of one generation testifies to the hard work done by the Russian people. To those who would dismiss, or soften the impact of this achievement by merely pointing out that it was accomplished by a ruthless leadership holding the combined noses of an entire people to the Marxist grindstone, it again must be remembered that compulsion is nothing new to the average Russian. Under the Communists, he exchanged the compulsion of the czarist aristocracy for the compulsion of a totalitarian state. The only change in the picture insofar as Ivan is concerned is that at least part of the nation's increased wealth has trickled down to him instead of all of it remaining in the pockets of a very few persons of supreme social status.

"In other words, in assessing the present temper of the Russian people, not their present leadership, but their people, we must always bear in mind that there are no shades of gray in the picture of Russian development since 1917. Instead, there is only absolute contrast between the days prior to the October revolution and those now upon the colossus of Europe and Asia. The term 'capitalism,' as applied by the Communist leadership in describing the United States, does not reflect the system which our country actually enjoys today, but instead is used as a synonym for the system prevalent in Russia during czarist times. By insisting that all economic systems are either capitalistic (i.e., czarist) or socialist (i.e., that now in effect in the Soviet Union) the Soviet leaders have been able to keep their people convinced that the Russian system today is the ultimate of perfection.

"The Western World is now at a great disadvantage in waging a positive campaign to change this unbalanced and untrue picture laid before the Russian people, because there are not words available to convince them of the progress we have made, of the abundance we enjoy. To the average Russian, a system which would prove more beneficial than the one under which he now lives is inconceivable, simply because he has no knowledge of anything other than absolute exploitation under the czars compared with a much better way of life under communism.

"As it stands, then, we must realize that the Russian people—as of this day, at least—are apparently well content with their way of life. The individual may not have progressed much, by our standards, but he has progressed—he is much better off than he has ever been."

In my 1957 report I also included a formalized presentation of conclusions and recommendations. I think that these, too, are worth repeating in the light of today's events. They are as follows:

"CONCLUSION

"The Soviet Union today is undergoing a process of evolution—not revolution, but evolution. There is a great surge of decentralization taking place. The people are demanding more and more autonomy in the hope of attaining more voice in their local affairs. Sparked by increased emphasis upon universal education—an emphasis which carries with it a growing desire for individual leadership, an eagerness for information, and an abundant curiosity regarding events, developments, and peoples outside the Soviet borders—the present Russian leadership is taking a calculated, but evidently necessary, risk.

"Having placed their people in a position where they are more and more able to think for themselves, the Soviet leadership is gambling with its own future. The time is now ripe for free world action, designed to properly capitalize upon this new advent within the Soviet's borders.

"If, by increased exchanges of delegations in every walk of life—such as engineers, farmers, legislators, scientists, students, teachers, to name but a few—of motion pictures, of television programs, of radio broadcasts; if, by increasing the points of contact between East and West, particularly, the United States and Russia, we can lay the full picture of Western culture, development, and individual freedoms before the masses of Russia, as well as other peoples of the world closely associated with Russia, there is no doubt in my mind that they will become envious of our way of life. They will doubtless become dissatisfied when they learn there is a better way of life than that which they are now enjoying, and, as a result, will develop an urge to imitate ours.

"This should be our primary objective.

"The free world, particularly the United States, secure in the absolute belief that our economic and political systems have nothing to fear from a fair comparison with Soviet-style communism, must leave no stone unturned in placing before the people of Russia and the world an unbiased picture of the way we live. We should—yes, we must—open the way for peaceful competition between the United States and the U.S.S.R., with the understanding that all peoples will be free to choose the form of government under which they prefer to live.

"This is a competition which the free world would most certainly win. It would bring a tremendous victory to us, for either the Soviet leadership would be compelled to give its people a more abundant way of life, or the Soviet people would compel a change in their leadership.

"Either of these alternatives would represent a basic step forward in the winning of the cold war.

"In the past, the tendency in the United States has been to be somewhat apologetic about the abundance we enjoy—to regard our blessings as the result of more good fortune than anything else. The Soviet Union, on the other hand, has consistently credited the progress it has made since 1917 as the result of two things: First, the alleged superiority of the Socialist system, and, second, the constant hard work of the Soviet people.

"Concerning the latter, no effort is spared in Russia to acquaint the people with the progress being made, and to heap praise and credit upon the workers. Propaganda within Russia is one of the chief weapons of the Communist leaders in maintaining the Communist way of life. Radios are installed in all public places, including factories and farms, and they constantly blare out the accomplishments of Russia's economy and its people.

"Awards are made for worker excellence.

"Competition between areas producing the same commodities, or manufacturing the same goods, is fostered. Region vies against region in an endless productivity contest.

"Specific projects—such as the construction of a power dam, for example—are recorded step by step on motion-picture film. First the ground breaking, where thousands assemble, then the river closure, then the installation of the first generator and so on. Awards are made to the best workers at each function.

"These films are then exhibited across the length and breadth of the Soviet Union, with abundant praise heaped upon the 'workers' who made such projects possible and with added emphasis that they are the beneficiaries.

"In the so-called neutralist or other nations experiencing a Soviet economic and political offensive, the progress achieved within the Soviet Union since the advent of communism is constantly cited as an example of what can be accomplished in an underdeveloped area under the socialist system.

"Instead of, in effect, apologizing for our abundance, instead of fostering and following a philosophy dedicated to the proportion that because America has so much it must be shared with those who have so little, the United States should point out that our present national wealth was created and obtained through the hard work and ingenuity of Americans, laboring under a free enterprise system, to tame a wilderness and devote its resources to the betterment of all our people.

"Indeed, it must be remembered that the United States as we know it today is only 5 years older than the Soviet Union as it now exists.

"Only with the admission of Arizona as the 48th State in 1912 did the United States really begin its great rise and progressively forge to the forefront of the world's nations. Russia began its climb with the deposing of the czars in 1917.

"Yet in this relatively short space of time, the United States has achieved a much greater advance than the U.S.S.R. in all fields—without subjecting our people or our economy to the iron rule and inflexible discipline that communism imposes.

"In other words, if it were possible—as I believe it is—for the United States to place its record of achievement beside that of the Soviet Union for the people of Russia to observe, there can be no doubt which would prove the more attractive.

"It is necessary for us as leader of the free nations to realize and understand that the Russians have progressed under their present form of government, and that we must recognize that progress, not disparage it, in our dealings with the Russian people.

"It has become increasingly obvious during recent years that a new approach to the problems plaguing East-West relationships is not only desirable, but urgently necessary, particularly to the United States, upon whom rests the greatest burdens of present policies.

"Since 1948, the year the Marshall plan began, our Nation has spent over $50 billion ostensibly to roll back the Red tide of communism. Initially, these expenditures were designed to restore the war-ravaged nations of Western Europe, in order to place them in a position to be of aid to the free world should the Soviet Union attempt an armed aggression. Later, when proposed goals were reached and even surpassed, the program was transformed from one of rehabilitation into one of development and mutual defense. Huge amounts were supplied to a host of countries to help build armies, for capital development, for technical aid.

* * * * *

"Viewed in the light of these vast expenditures, the record of achievement thus far is a dismal one.

"Europe, fully restored to economic health, and enjoying unprecedented prosperity, still leans on the United States for participation in her home defenses—still refuses to bear her fair share of the free world's burdens, particularly in the Middle East, southeast Asia, Formosa, and South Korea.

"Many other nations which we have assisted lavishly in the past are either actively practicing or moving in the direction of neutralism if not outright alinement with the Soviet Union.

"A few make no bones of the fact that they pursue a policy of pitting the United States against the Soviet Union in order to obtain the maximum aid from both countries.

"Russia, and her satellites—who are our avowed opponents in the global cold war—are not weakening, nor do their policies seem to suffer defeat or even frustration as a result of the heavy-spending approach we have used in the past. On the contrary, some of our advisers contend that the Russians are making gains in the Middle East, in southeast Asia, in Africa, and even Latin America.

"They are increasing their domestic agricultural and industrial bases, as my report amply demonstrates.

"Their technology is constantly improving. Sputniks I and II offer abundant proof of this.

"In almost every imaginable way, by almost any comparison that might be made, the United States today is in a much less favorable position in its international relationships—and particularly in its competitive position with the Soviet Union—than it was in 1948, despite the expenditure of over $50 billion of our dwindling national wealth.

"As I have often stated, our country cannot continue on its present course without inviting not only ultimate international defeat, but national disaster.

"Our present policy involves the continued expenditure of gigantic sums for foreign aid purposes (over and above funds appropriated for the maintenance and modernization of our own Armed Forces); large appropriations for an Information Service; continuation of an almost unbearable and destructive tax rate that threatens to destroy initiative; the constant threat of near stagnation in the proper protection and preservation of our precious natural resources; and the promise of continued neglect of other vital areas of our national economic progress, particularly public power, housing, commerce, and others.

"The recommendation I have advanced for the past 3 years is reemphasized at this time; that is, the time has come—in fact, it may even have already passed—for us to take stock and to take a new look at our foreign policy.

"Given a continued or heightened cold war of indefinite duration, the pursuance of our present policies must eventually result in the strangulation of our free-enterprise system, either by a continued decline of individual initiative and increasing reliance upon Government control and regulation of the economy, or eventual collapse of our total economy under the pressures of constantly growing Government spending and a swelling debt load.

"Either of these alternatives would be disastrous.

"The first would represent an easy default victory by State socialism over the forces of free enterprise, the second would carry with it the full realization of a basic tenet of Marxist communism; namely, that given a long-term crisis to face, the free enterprise (capitalistic) nations must fall of their weight.

"The three visits I have made to the Soviet Union, the impressions I have gained during them, and the information I have gathered, have resulted in the following suggestions, which I offer for the consideration of the committee—indeed, for the consideration of all our people.

"RECOMMENDATIONS

"I recommend that the United States reexamine its approach to the waging of cold war. Recognizing that our actual adversary in this conflict is the Soviet Union, I recommend that this reexamination be undertaken in the light of the following, the implementation of which will help to dispel the fear of each other prevailing among the peoples of the East and the West, and restore mutual confidence, which is necessary if we are to achieve a lasting world peace.

"1. Our information program directed to the Iron Curtain and particularly to the Soviet peoples should be expanded. In this expansion, all propaganda in its traditional forms should be abandoned. Instead, a positive approach should be applied uniformly. No reference to communism per se should be permitted. Accurate, factual reporting of the news and conditions in the free world must be stressed. Every effort should be made to objectively depict the enormous advantages of our way of life, without disparaging the system presently in effect in the Soviet Union or behind the Iron Curtain.

"2. An expanded and realistic exchange-of-persons program between the Soviet Union and the United States should be inaugurated at once. This expansion can be achieved with no additional cost, by simply discontinuing many so-called information programs operated elsewhere that are unnecessary. As detailed in the body of my report, I am convinced that most of the peoples of the Soviet Union are sincere in their belief that the form of government and the economic system under which they live are second to none. This conviction flows from their inability to compare their present-day living standards, industrial and agricultural techniques, cultural progress, and technological development with anything other than those existing within the Soviet Union's borders in prior times. By exchanging delegations, from every walk of life—scientists, technicians, workers, farmers, students, legislators—the people of Russia would have the opportunity to see at first-hand the boundless advantages which a free-enterprise system, founded on the bedrock of representative government, has to offer. In this program, however, extreme care must be exercised. Under no circumstances should a bona fide exchange program be permitted to become a means for infiltration of our borders by Soviet agents.

"3. With the change of emphasis in our cold war policy toward the Soviet Union outlined in recommendations 1 and 2, designed to dispel the fear which exists between the peoples of the United States and the U.S.S.R., and to create a climate of confidence, should also come increased willingness upon our part to meet as often as possible with leaders of Iron Curtain countries, or the Soviet Union. Despite the record of broken promises which prior Soviet leaders have left in the wake of prior talks, our failure to join and participate in top-level conferences—even summit conferences—provides powerful ammunition for the Soviet propaganda machine. It eases the task of Red information agencies to picture the United States to the people of the Soviet Union—along with other lands throughout the world—as unwilling to discuss peaceful solutions of world problems.

"The committee is well acquainted with the desire of all Americans to attain and maintain a lasting world peace, a peace secured in dignity and made lasting through mutual trust. However, our Government's failure to show a willingness to confer with Soviet leaders on the peaceful solution of world tensions is being broadcast throughout the length and breadth of the world as indicative of our aggressive intentions. With a weapon such as this at the command of expert Communist propagandists, we are constantly losing ground in our effort to maintain sympathy for and understanding of our international objectives.

"4. I recommend that our policy of attempting to create full-fledged modern armies in small underdeveloped countries be terminated, and that our assistance be confined to a realistic technical-aid effort. This move would be designed to create a broad base of trained native peoples, a base which would attract private investment capital, or which—at the very least—could properly utilize any government-to-government capital which might later be made available for development purposes. An approach of

this type would strengthen the economic stability of the country, while at the same time allowing the country to maintain its prestige and self-respect by standing on its own feet.

"By encouraging underdeveloped countries to maintain military forces far beyond their capabilities to support, we are actually creating conditions tailor made for the advance of communism.

"As the Comptroller General noted in his report to Congress on an examination of the military assistance program on March 31, 1957, the extensions of arms aid to a number of nations has not always been motivated by purely military considerations, nor has the impact of this aid been properly evaluated in advance, or in conjunction with its availability:

" 'The military force objectives presently approved for U.S. support in certain allied countries are not always realistic in terms of recipient country manpower and financial capabilities, are not always mutually acceptable to the countries concerned, and are not always motivated by military considerations (report, supra, p. 2).'

* * * * *

" 'In a number of countries the United States has programed and is delivering military equipment in excess of that which can be effectively absorbed and utilized by the recipients at their existing stage of development. The recipients either have not been able to use the aid furnished because of their financial and economic incapacity and their manpower limitations or they have not desired to use the assistance for the purposes intended by the United States (report, supra, p. 3).'

"As it now stands the hasty application of great amounts of economic and military aid to newly independent, underdeveloped nations is often working to our extreme disadvantage.

"First, in those nations whose economies are not sufficiently developed to maintain a military force of the capabilities desired by U.S. advisers, the gap in national income created by heavy military expenditures is sought to be filled by America extending so-called defense-support assistance.

"As administered in the past, this type of economic aid has frequently failed to trickle down to the masses. In a number of countries, particularly in the Middle East, and southeast Asia, living standards remain visably unchanged for the great majority of people despite large U.S. expenditures there. There are, in these countries, two economic strata—the very rich, and the miserably poor.

"The latter are, without exception, the object of constant Soviet propagandizing. U.S. policies, requiring the maintenance of large standing military forces, are blamed for low living standards. 'Capitalistic' America is also blamed for lining the pockets of the rich while caring little for the poor.

"In these same countries, as the body of my report demonstrates, the wealthy pay little or nothing in the way of income taxes, or, for that matter, all taxes as compared to us. Thus, as the whole burden of defense and economic growth in a given nation may be ours, so is the blame for that nation's poverty heaped upon our shoulders."

* * * * *

"While I am convinced that the implementation of these recommendations would result in a much higher degree of success than a continuation of our present policies, it is not my view that they will work miracles overnight. On the contrary, the 'new look' I have advocated should take place concurrently with the maintenance of a strong defense by the United States. We must not lower our guard. A modern, efficient Defense Establishment is the best guarantee we have against any attempt on the part of would-be world conquerors to follow the path of aggression instead of peaceful international competition.

"In essence, the burden of my recommendations involves the maximum use of the single greatest resource our Nation possesses—not dollars, but the tremendous abundance of both material and spiritual advantages which freedom has to offer.

"America is the world's greatest showplace for the accomplishments of a free economy dedicated to providing a free people with the highest standard of living in the world.

"With such an exhibit of the fruits of our labors, it should be readily apparent that, in comparison with our growth over the relatively same period of time, Russia's advance has been accomplished despite, rather than because of, the dictates of Socialist theories, and perhaps owes its success more to the hard work of her people than to any tenet or theory set forth by Lenin, Marx, or Stalin.

"Let us open wide the doors to our showplace; let us welcome all who would come to see, to compare, to imitate.

"Let us lay the foundation for trade and a restoration of commercial contacts between the East and the West.

"Let us not apologize for our abundance, but, rather, let us display it to the peoples of the world as an example of what hard work can achieve for all who are willing to work.

"Let us be honest enough to caution those who are to choose between socialism and freedom that such miracles are not wrought overnight, but must come gradually and through self-help.

"Above all other things, let us not fear an honest competition with Soviet communism.

"The approach I have outlined involves only the realization that it is time for our country to choose a more advantageous ground upon which to wage this most critical battle of the cold war.

"We have been confronted in recent years by what amounts to nothing more than an all-out effort on the part of the Soviets to defeat the democratic nations by peaceful means. Rather than see victory go to them by default, I urge our Government to pour its full effort into a massive fight for the minds of men—all men, everywhere."

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

Mr. ELLENDER. I yield.

Mr. DWORSHAK. The Senator has indicated that we are facing very crucial situations in southeast Asia and that one alternative would be the gradual withdrawal of assistance in all fields.

Surely the Senator knows that instead of the possibility of having a withdrawal of our financial assistance in southeast Asia we are constantly adding to the contributions which we are making, not only financially but also by sending young Americans in uniform, not to wage active warfare, but to serve in many capacities in a military sense.

The question I wish to propound relates to what can be done. The Senator, with my help and the help of others during the past decade, has tried to force the State Department under a Republican administration and the State Department under a Democratic administration during the past year, as well as the foreign aid agency, to take a realistic viewpoint and to recognize we are making little, if any, progress. In fact, we are gradually losing the prestige which is so essential toward helping the beneficiary countries withstand Communist aggression.

What today can be done, if the executive department is blind to the need for taking very effective action? What can we do in this body, for instance, through the Appropriations Committee, on which both the Senator from Louisiana and I serve? We have had little help and support in past years in the endeavor to curtail and control appropriations.

Shall we continue to drift along and ultimately to face a "showdown," as the Senator has forecast, having no friends either in southeast Asia or among our allies in other sections of the world? Then we may be embarrassed and be subject to a challenge which may have a far-reaching impact upon the very survival of our Nation.

Mr. ELLENDER. Mr. President, my reports speak for themselves on that point.

As the Senator knows, I think some of us have succeeded in trimming a good deal of the foreign aid. We have had assistance from our good friend on the other side of the Capitol, Mr. OTTO PASSMAN, who heads the subcommittee of the Appropriations Committee which deals with foreign aid. Primarily with his assistance, we have been instrumental in curtailing these programs over the years at least $5½ billion, as I remember the figures.

But that is not enough, Mr. President. We have had programs in some of those areas now for over 15 years. Let us consider South Korea. I did not go there this year for the simple reason there was too much disturbance going on there. As the Senator knows, we called to the attention of the State Department, on our visit there, the waste which was going on as a result of the actions of Syngman Rhee. Many of the newspapers in this country took issue with me, and they accused me of being some kind of an interloper, going out and insulting our good friends. Two years ago it took some 3,000 young students to expose Mr. Syngman Rhee. Only after he was ousted did our people see the waste which had occurred under his administration. I called to the attention of the State Department and the ICA in previous administrations the waste which was occurring, but they took no heed of what I said.

Mr. President, I shall continue to make these trips and I shall be able to say, not too many years from now, "I told you so," because these things will come to pass.

Something should be done now. President Kennedy, as well as the State Department, ought to take my report and try to verify it.

It strikes me we have to take a new approach in our dealings with Russia. We must not continue to do what we are doing now. We have tried these things for 14 years, as I pointed out earlier. We have made little or no progress in our battle against world communism. In addition, we owe more money now than we will ever pay.

Mr. President, today it requires $9.3 billion merely to pay the interest on our debt. I repeat, $9.3 billion is required merely to pay the interest on our debt. Now we are confronted with a request to increase the debt limit to $309 billion.

I believe that now is the time for President Kennedy to take a long, hard look at our overall foreign relations.

Mr. DWORSHAK. Mr. President, will the Senator yield for one more question?

Mr. ELLENDER. I yield.

Mr. DWORSHAK. The Senator is aware that the President in his budget message has asked for an even larger amount for our foreign-aid program than has been provided in the past few years. On that basis it would appear that instead of curtailing spending and trying to adopt more effective policies in dealing with this serious problem, we are going to continue to keep our eyes closed and be blind to the implications of the entire program. Instead of trying to accomplish more and to stabilize conditions in southeast Asia and elsewhere, we actually shall be trying to get more money to spend to accomplish less and less, and to make these sections of the world more subject to, and more exposed to the aggression of the Soviet leaders.

What can we do in a practical way? As I say, we cannot appropriate more and more money. We have to take some very drastic action, unless we are going to go on and on a few more years and then realize, almost overnight, that the entire program has been an abject failure.

Mr. ELLENDER. Mr. President, I would hate to admit that the program is a total failure, but I can say that we have simply overdone it. Whenever these advisers of ours abroad got into the act there was no stop to it. As the Senator well remembers, the record shows that we were supposed to withdraw from Western Europe whenever its economy reached 130 percent of its prewar level, but we stayed there until it reached 180 percent of prewar.

Then, lately, what did we find? Why was it necessary for us to send two more divisions to Western Europe? Why was it necessary to call up National Guardsmen and reservists to service? That question answers itself. The answer is that our allies failed to meet their part of the bargain.

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

Mr. ELLENDER. I yield.

Mr. GRUENING. I congratulate the senior Senator from Louisiana for the magnificent service he has rendered through the years in turning the focus of his searching examination on what is happening abroad, particularly in relation to our foreign aid program. I think the Senator has rendered an invaluable public service. I only wish that his observations and his judgment were reflected in action by the Federal executive department and by the Congress. I think if that had been done, and if it could be done in the future, we would not only make such foreign aid as we give far more effective but also we would save billions of dollars for the American people.

The principle of foreign aid, as embodied in the Marshall plan, which was a success because it defined its purposes, was limited in duration and achieved its objectives, is a fine principle.

But I think few of the American people realized at that time that the program would become a steadily expanding one, regardless of need, or national orientation and that it would be applied indiscriminately to virtually every new country as soon as that country was born. We have now come to the point where the program has reached dimensions that are staggering, and is increasingly less effective in proportion to the vast sum expended.

In my first 2 years in Congress, I opposed the foreign aid program. I was not opposed to foreign aid as such. I voted against it for three specific reasons, which I stated, some of which to a degree are still valid.

First, I felt that Congress had abdicated its constitutional duty in not checking on the foreign aid programs more thoroughly and in not providing an appropriation procedure such as we apply to even moderate domestic appropriations. In other words, when we wish to build a small project in our own country, that project must be justified for authorization before the appropriate subcommittee and committee of each House. It must then be justified before the subcommittee and then the full Committee on Appropriations of each House. The same process must be repeated in both bodies. But in the foreign aid program in the past some unseen person in the downtown area of the Capital could secure the appropriation of millions of dollars without any similar procedure and check. I thought that that procedure in the foreign aid program was all wrong, and that Congress had in effect abdicated its constitutional mandate to control expenditures.

My second objection, which applied particularly under the Eisenhower administration, was to what I called the double standard. Under that double standard we were told by the administration that many desirable domestic projects, such as pollution control, schoolroom construction, forest rehabilitation, resource development, and much else were inflationary, extravagant, wasteful, and unnecessary; whereas not only were identical programs, and even far more generous programs, authorized in foreign countries, but these we were told were absolutely essential and must not be cut a nickel. I could not abide that double standard.

My third objection related to the obvious waste and mismanagement in connection with the program. Last year we were promised a change. In the first place, under the Kennedy administration the double standard has disappeared. Resource development, Federal aid to education, pollution control, forestry rehabilitation, and much else that is valuable for the folks at home are part of this administration's program, I am glad to say. And as for mismanagement of the foreign aid program the desired reforms have not yet taken place, but our President is keenly aware of the need for these reforms. He has made it clear that he knows the programs had been badly administered, and that he was trying to change them. For those reasons I felt last year that we should give this new administration every opportunity to effect these reforms. So I voted for the foreign aid legislation and appropriations. But we should give further thought that if there is no improvement and if countries we helped turn on us and knife us, as has been evident at Punta del Este during the recent conference, that attitude may have to be revised. At that Conference we have heard that Bolivia, which we have practically supported wholly for many years in an effort to prevent Communist penetration and takeover, has voted against our efforts to exclude communism from the Western Hemisphere. I find it very difficult to understand why we should continue to nurse and aid such countries in an effort to prevent the invasion of communism into those countries, when they fail to cooperate with us and indeed oppose us in that purpose.

So I must reserve my decisions. But I hope that the very wise appraisals and searching judgments which my friend, the senior Senator from Louisiana, has made will result in corresponding attitudes and actions by the administration and by the Congress.

Mr. ELLENDER. Mr. President, I thank my good friend from Alaska very much. I join him in hoping that the committees in charge of the program of foreign aid, including the Committee on Foreign Relations, as well as the House of Representatives, will take note of these remarks and try to put my recommendations into effect.

Mr. President, there is much more I could say on this subject, but I am scheduled to leave on a plane at 5:30 p.m.

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

Mr. ELLENDER. I yield.

Mr. MANSFIELD. I commend the distinguished Senator from Louisiana for following his yearly custom—and I think it is a very worthwhile custom—in giving a firsthand detailed report on his travels to various parts of the world at the request of and under the supervision of the Committee on Appropriations. I, too, express the hope that not only will all Members of this body read his detailed report, which I have gone into in some detail, and which I intend to study more closely in the future, but also that the proper administrative authorities downtown will do likewise, because the report contains a wealth of information. Certainly the comments, recommendations and suggestions are candid and to the the point. There is no possibility of misunderstanding.

I express the hope again, as I have in previous years, that the most detailed, informative, and worthwhile report of the Senator will be given the consideration which in my opinion is its due. So I compliment and commend the Senator from Louisiana for once again taking the floor of the Senate to give us the benefit of his close observations.

Mr. ELLENDER. I thank the majority leader.

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

The PRESIDING OFFICER (Mr. GRUENING in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider 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 PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the Committee on the District of Columbia.

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

NATIONAL MEDIATION BOARD

The legislative clerk read the nomination of Francis A. O'Neill, Jr., to be a member of the National Mediation Board.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

U.S. ARMY

The legislative clerk proceeded to read sundry nominations in the U.S. Army.

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

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

If there be no reports of committees, the clerk will state the nominations on the Executive Calendar.

U.S. AIR FORCE

The legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

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

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

U.S. NAVY

The legislative clerk proceeded to read sundry nominations in the U.S. Navy.

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

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

U.S. MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

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

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

ROUTINE NOMINATIONS ON THE SECRETARY'S DESK

THE ARMY

The legislative clerk proceeded to read sundry routine nominations in the Army.

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

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

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

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

DIRECTOR OF CENTRAL INTELLIGENCE

The Senate resumed consideration of the nomination of John A. McCone, of California, to be Director of Central Intelligence.

Mr. MANSFIELD. Mr. President, it is my understanding that the Senate is now in executive session, and that the pending business is the nomination of John McCone, of California, to be the Director of the Central Intelligence Agency.

The PRESIDING OFFICER. The Senator is correct.

Mr. CLARK. Mr. President, when the nomination of Admiral Strauss to be Secretary of Commerce was before the Senate for confirmation in 1959, I prepared a memorandum for my constituents, in which I stated my reasons for opposing the nomination. In that memorandum I outlined five characteristics which I believe any nominee for high public office should have if the Senate is to confirm his nomination for that office. Those characteristics are, first, integrity; second, stability; third, good judgment; fourth, adequate experience; and, fifth, associations, which of necessity would involve an inquiry as to whether any conflict of interest under the statute was involved.

I should like to discuss the pending nomination in the light of those standards. First, however, let me say that the nomination of Mr. McCone to be Director of Central Intelligence raises no issue between liberals and conservatives. It has nothing whatever to do with parlor pinks or members of the John Birch Society.

Those of us who support the President in practically all of his policies, as I do, and who with some regret differ with him on occasion, must nonetheless assure ourselves, in my view, that every nominee whom he recommends to us does have those characteristics of which I speak. I hope that everyone who calls himself a liberal and everyone who calls himself a conservative will measure up to the same standard with respect to these five characteristics, because in my opinion they have nothing whatever to do with one's political opinions.

I should like to discuss each of the five characteristics in turn. First, I have no question as to the integrity of the nominee. He is a man who has worked his way to the top of the business community, with not only consummate ability but also without any doubt of any kind being thrown on his honesty and integrity.

Second, I raise no question as to the nominee's stability. He has conducted himself under heavy pressure in an admirable manner during the course of both his private and public service.

I do have some question as to the nominee's experience for this job, and that point I shall discuss in a moment.

I have no question as to the nominee's business judgment. Clearly it is good, for he has made a fortune. I have no question as to his judgment when he served, I believe, under the Secretary of the Air Force or when he served as Chairman of the Atomic Energy Commission.

I do have some question as to his good judgment in terms of this particular office to which the President has nominated him. However, I would have to admit that my views in this regard must of necessity be speculative, because we cannot tell until after the event just how the strongly held views of a nominee on certain subjects might well affect his intelligence judgment—not his intelligence, but his judgment in the field of intelligence—and how they might or might not affect the public interest.

I believe that in the area of his associations, namely, the conflict-of-interest statute and its interpretation, there is very serious legal question as to whether it is not necessary for him to dispose of his stock in the Standard Oil Co. of California or, in the alternative, whether in his own interest it would not be wise to do so.

I shall return to that matter a little later in my speech.

First, I wish to discuss the subject of experience. The nominee himself has testified that he had had no experience for this job.

Perhaps this is not particularly important. I certainly had no prior experience before I became city comptroller of Philadelphia, before I became mayor of the city of Philadelphia, or before I became U.S. Senator. I am perhaps arrogant and conceited enough to think that despite that lack of experience I was able adequately to fulfill my duties.

Yet the position which the nominee is to fill upon the nomination of the President is not an elected public office but an appointed one. I believe a very real question arises as to whether it is sound practice to nominate for a position of this sort a man who heretofore has been without experience in the intelligence field.

Certainly this is the first time in the history of the Central Intelligence Agency that this has been done.

Mr. SYMINGTON. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I would be happy to yield to the distinguished Senator from Missouri, and yield to him continuously. I do have a more or less logical argument I should like to present, but I shall be happy to yield.

Mr. SYMINGTON. I appreciate the courtesy of the Senator from Pennsylvania.

During the hearings when Mr. McCone came before the Committee on Armed Services, Senator SMITH of Maine, noted that all previous nominees had had experience in the intelligence field. I said that that statement, to the best of my knowledge, was incorrect with respect to General Vandenberg. I was incorrect in that statement; General Vandenberg served 6 months, from January to June, 1946, as the head of intelligence on the General Staff. I am saying this to correct the record. As usual, the able senior Senator from Maine knows her facts.

Mr. CLARK. I appreciate what the Senator from Missouri has said. General Vandenberg was never Director of the Central Intelligence Agency, because that office was not created until 1947; and whatever intelligence duties General Vandenberg performed must, I believe, have been before the present statute.

Mr. SYMINGTON. General Vandenberg was the head of the Central Intelligence Agency, to the best of my memory, after Admiral Souers and Admiral Hillenkoetter. The point I wished to make was that General Vandenberg did have some intelligence experience.

In my opinion, no one could have been Under Secretary of the Air Force, which Mr. McCone was at the request of a Democratic President, without having obtained much experience in the intelligence field. No one could be chairman of the Atomic Energy Commission, perhaps the most sensitive position in the Government from the standpoint of intelligence except the CIA, without acquiring at least some experience in the intelligence field.

The nature of the positions which Mr. McCone has held under three Presidents—because actually he has been running the Central Intelligence Agency now for 2 months—I think justifies my position.

I now find that General Vandenberg was head of Central Intelligence before that agency became a statutory agency. He followed Admiral Souers and preceded Admiral Hillenkoetter.

The Senator from Pennsylvania is correct in saying that the Central Intelligence Agency was not a statutory agency until 1947.

Mr. CLARK. I thank the Senator from Missouri.

I resume my argument with the suggestion that since the Central Intelligence Agency was organized by statute, each of the three men who have been its chief has had substantial experience in the intelligence field before he became Director. The first of those men was Rear Adm. Roscoe Hillenkoetter, who served from May 1, 1947, and was the first statutory Director of the CIA. The second was Lt. Gen. Walter Bedell Smith, who served from October 7, 1950, to February 9, 1953. The third was Mr. Allen Dulles, who served from February 26, 1953, to November 29, 1961.

My position would be that any member of the Armed Forces of the United States of necessity, from the time he has gone through Annapolis or West Point, or whatever preliminary school he attended to qualify him for a commission in the Armed Forces, has an almost daily contact with intelligence, the collection, evaluation, and dissemination of information; and in most cases—and I think this is true of the members of the Armed Forces who served in this capacity as Director of the CIA—has, in one or another of his assignments, been in charge of the intelligence function, with whatever staff or command he might have been serving.

Mr. Dulles, as is well known, served for 2 years as Deputy Director of the Central Intelligence Agency before he became Director; and before that had had a long career in various most important offices affecting our foreign policy, our relationships with other countries, and the whole problem of the intelligence function, which involves, as I say, the collection, evaluation, and dissemination of information.

I do not quarrel much with the views of the Senator from Missouri in this regard. I should merely like to read into the RECORD a question asked at the hearings by the distinguished senior Senator from Maine [Mrs. SMITH], and the nominee's reply, as they appear on page 53:

> Senator SMITH. It is my recollection, Mr. McCone, that all of your predecessors had some prior training or experience in the field of intelligence prior to their appointment as Director of the Central Intelligence Agency. Will you tell the committee what training or experience you had in the field of intelligence prior to your appointment to that position?
>
> Mr. MCCONE. None.

The Senator from Missouri [Mr. SYMINGTON] may well be correct in saying that Mr. McCone was unduly modest; that in his capacity as Under Secretary of the Air Force and as Chairman of the Atomic Energy Commission he acquired adequate experience. But apparently the nominee himself thought otherwise.

While I think it unfortunate that for a position which the distinguished senior Senator from Georgia [Mr. RUSSELL] described, perhaps correctly, as second in importance only to that of the President of the United States, the President of the United States has seen fit to nominate an able businessman, who himself says he has no experience in this field, I may also say, along the lines of the speech of the distinguished junior Senator from Minnesota [Mr. MCCARTHY] yesterday that if this were the only matter in which the nominee was deficient—the only one of the five categories to which I referred before—I doubt that I would, on that ground alone, feel compelled to oppose the nomination.

Before I discuss the two areas in which I have serious reservations respecting the nominee—first, the objectivity of his judgment and, therefore, whether his judgment in the intelligence field will be good; and, second, the conflict-of-interest question—I shall digress for a moment to discuss what is the nature of the position to which the nominee has been appointed by the President, subject to confirmation of the nomination by the Senate. If one is to review the statute under which this agency was created, he does not get much guidance as to the actual workings of the job. Yet I think that in an empirical sense we who have been around Washington for awhile could summarize the job by saying that it consists of three parts: First, a substantial job of collecting, evaluating, and disseminating information with respect both to matters of foreign policy and of national security; second, the job of coordinating the collection, evaluation, and dissemination of information of an intelligence nature by others, such as the intelligence systems of the Army, the Navy, and the Air Force—and there are others, which need not be brought out in this debate; third, the operation of covert enterprises, colloquially known around Washington as the "Department of Dirty Tricks."

This is a function which we are told has been engaged in by governments since the beginning of civilization, and perhaps even before then. It is a function which we are told is absolutely necessary to our national security. It is a function in which the ordinary rules of right and wrong, of morality, of fair conduct between men and between nations, go by the board. It is a rather sad function. It is more or less a denial of all of the attributes of man in which we take the greatest pride. It is a function which most of us are most reluctant to see our Government engage in. I think almost every Member of this body would hope that it would not be necessary in the national interest to engage in the work of this "Department of Dirty Tricks." Yet I am not advocating that we no longer conduct such covert operations, whether in connection with the elimination of an unfriendly government in Guatemala—in the hope that our role would not be discovered; or in the conduct of undercover operations in the Middle East, with the assistance of oil companies, in order to try to hold the Middle Eastern oil for the West and to prevent the taking of adverse action by various Arab and Mohammedan governments who occupy territory in that area; or whether it be the overthrow of Mossedegh, in Iran; or the conduct of covert operations in southeast Asia. All of these actions may be necessary in the national interest; I do not say they are not. What I do say is that, first, the President, and, second, the Secretary of State, and, third, at least some Members of Congress—and Congress has the power to declare war—should have knowledge in advance and should be kept currently informed as to what the "Department of Dirty Tricks" has up its sleeve. The last and most notorious incident of that kind was, of course, that in Cuba.

It was said by the nominee and, indeed, by others in the course of the hearings—and, in fact, it has been emphasized—that the Director of the Central

Intelligence Agency plays no part in the making of policy. This may well be true with respect to his primary function, which is the collection, evaluation, and dissemination of intelligence; or with respect to his secondary function, which is the coordination of that work with the work of other agencies of the Government and private interests. But I suggest that with respect to covert operations, the Director of Central Intelligence does make policy, and it is a policy which may affect the lives and the wealth of many Americans.

Mr. President, in this connection I should like to quote from page 42 of the hearings before the Armed Services Committee, where the nominee said:

> As I said, from the standpoint of my competence in office, it is my responsibility to report facts, and, furthermore, I think I should avoid, so far as possible, being drawn in on a personal basis into any policy discussions because that, to an extent, may have some effect on what people, the validity that people might attach to the facts.
>
> However, I would expect that because of the various areas of activity that I have had in Government in the past, that maybe my personal opinion may be asked on some subjects. But in my role as Director of Central Intelligence, it would be beyond my competence to deal with policy.

Mr. President, I suggest that high policy was involved in the activities of the Central Intelligence Agency in each of the areas to which I had previously referred; and I am afraid it may be involved in the future. I hope it will not be; I hope the nominee will stick to the letter of what I have just cited as his view of the functions of his office, because if we are going to engage in these covert operations, they should never be started without the approval of the President and the approval of the Secretary of State; and the President and the Secretary of State should be kept advised constantly as to the progress of those operations, so they could call them off or could change direction at any time if it appeared to be in the national interest to do so. I feel very strongly, too, that under our constitutional system—so different from that of parliamentary countries—it is of the greatest importance that these covert operations be revealed on a classified basis in executive session, if necessary, or by private conversations to important Members, on both sides of the aisle, of both the House and the Senate.

So I have some doubts as to whether the nominee has the temperament, the background, and the kind of mind which qualify him not only to conduct these covert operations—which I say have become in the past, but I hope will not continue to be in the future, matters of policy—but also with respect to the daily reporting to the President of his evaluation of the intelligence which has been collected by the Agency and all other agencies over which he either presides or whose activities he coordinates.

This leads me to another subject, which is the future organization of the Central Intelligence Agency. The nominee told the committee that he had in mind a reorganization of the CIA. For that, I commend him. I suspect—although I do not know—that it is badly needed. I would hope very much that covert operations would be separated administratively from the collection and evaluation function. In my judgment, those covert operations should be divorced from the responsibility of the objective, judicially minded individual who should be the head of the CIA.

I would like to see a far tighter rein kept in the future than has been the case in the past with respect to these covert operations.

Perhaps it was quite appropriate for the nominee to be unwilling to reveal to the committee, at least in open session, what his reorganization plans are; but I would hope that when he is confirmed—and I have no doubt he will be confirmed—he will do what he said he was going to do and tell the appropriate Members of the Senate who should know about these things—and they are not all on the Armed Services Committee, by any means—just what he has in mind with respect to that reorganization, and seek, if not their consent, at the very least their advice.

I turn now to the last of my digressions, which is the question of the responsibility for the supervision of the Central Intelligence Agency by the Congress of the United States.

It was said in the hearings that the Armed Services and the Appropriations Committees of the Congress do exercise a certain supervision over the activities of the CIA. I am in no position to say whether that supervision is adequate or not. I merely raise the question as to whether a far deeper probing and a continuous probing into the activities of that Agency is not only a part of the congressional duty, but also in the national interest. It is true that the Armed Services Committee has handled Central Intelligence matters since the act was passed in 1947. I question whether, so far as congressional supervision is concerned, there is not a much stronger case to be made for having the oversea intelligence functions under the Foreign Relations Committee than under the Armed Services Committee.

I am seriously concerned at the growth in our country, during the last year or two, of a certain militaristic attitude toward the conduct of our foreign affairs. I am concerned that we tend to become unduly emotional in our conflict with communism—and a serious conflict it is. I feel we tend to deal with it in terms of a holy war, just as that which took place for 700 years between the Mohammedans and the Christians, or that which racked Europe in the 17th century as a result of the war between Catholics and Protestants.

I fear that we do not look objectively and calmly at negotiations looking toward peace, at the possibility of disarmament, at the possibility of the strengthening of the United Nations in the interest of peace, at the possibility of following out the President's sound premise for total and complete disarmament, under enforcible world law, laid down in his magnificent speech before the United Nations on the 25th of September.

What does all this have to do with the nominee, one may ask? I think it has just this to do with it. As someone said during the course of the hearings, or in one of the speeches—I guess it was the junior Senator from Minnesota—probably with reference to one of the executive agencies which from time to time looks at the CIA, the surveillance and supervision by Congress which has heretofore been given to the conduct of the operations by that Agency has been more in the nature of the polite inquiries of a visiting committee of alumni looking into the English department of the university from which they graduated than the kind of pretty tough supervision which the committees of this body give to a number of the other agencies of our Federal Government.

Again I say, Mr. President, I am in no position to make a categorical statement in this regard. I merely suggest to our colleagues and, through the CONGRESSIONAL RECORD, to the country, that this is a matter deserving of far greater consideration than we are able to give to it in connection with the consideration of this nominee.

I hope very much, once this nomination is out of the way, the appropriate committees of the Congress will not forget this matter, but will undertake, in consultation with the nominee when he becomes the Director of Central Intelligence, to see what can be worked out together to assure adequate supervision of an agency which, in its very nature, is very difficult indeed to supervise without the revelation of important facts and operations, which revelations might well not be in the national interest.

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

Mr. CLARK. I shall be happy to yield. I told the Senator from Louisiana I would like to finish my speech. I yielded to him once. I shall be happy to yield to the Senator, but I shall not be too long.

Mr. McCARTHY. The legislation under which the Central Intelligence Agency was established describes it purely as an executive agency and provides for a report to the National Security Council. There is no provision in the law which requires a report to any committee of Congress, and the report, or what is described as a report, to the Armed Services Committee is incidental and is not a matter of determination for Congress, and not a matter of determination of law itself. It is not necessarily arbitrary, but is a choice which is made by the executive agency itself. It is not under any direction by the Congress. The only legislative control exercised under statute is the incidental one which arises from the fact that every executive agency must come at some time to Congress for appropriations; but in most cases requests for appropriations come before the act, which is couched in very general terms, and after the act the power of the Appropriations Committee to determine action is of very little significance, as the Senator knows.

Mr. CLARK. The Senator is quite correct.

I call to his attention and to the attention of our colleagues subsection (c) of rule XXV of the Standing Rules of the Senate, which deals with the func-

tions of the Committee on Armed Services. One will read through that subsection and look in vain to find a single peg on which to hang one's hat to ascertain that the Armed Services Committee has the slightest jurisdiction over the agency or intelligence generally; whereas, if one turns to subsection (i) of the same rule XXV, he will find that, under the functions of the Committee on Foreign Relations, the very first subsection is: "Relations of the United States with foreign nations generally"—the report upon which relations, indeed, is the principal function of the Central Intelligence Agency.

I would hope that the leadership on both sides of the aisle would give some consideration to whether the jurisdiction of this agency should not be moved under the Foreign Relations Committee.

I would also hope that the Committee on Government Operations would undertake a very careful investigation of the Central Intelligence Agency in the very near future for the purpose of assessing the effectiveness of its operations; the extent to which it should be reorganized, if at all; and to look very carefully into the question as to whether the "Department of Dirty Tricks" or covert operations should be separated from the intelligence governing functions which, without adequate background to make a considered judgment, I am presently of the view should be done.

I return, Mr. President, to the question of whether the nominee meets those last two characteristics to which I referred in the beginning of my remarks. First is the question of good judgment. My view on that is one which cannot possibly be sustained by a factual argument. I only say that in my opinion the Director of the Central Intelligence Agency should be a man of judicial temperament, a man who can weigh facts and law and opinion, correctly evaluate them, and state tersely and clearly the conclusion which results as he looks at different views.

Allen Dulles was a lawyer, but he was a man of great judicial temperament. He was objective. He was dispassionate. Perhaps he was not the world's greatest administrator, and I am sure he would be the first to admit he was not, but he was a man whose calm, cool, and considered judgment was entitled to the greatest of respect.

I raise the question as to whether Mr. McCone—able, intelligent, honest, stable—is a man of judicial temperament. I suspect that he is not. I am not, myself. I am an advocate. I believe in causes. I am convinced that peace and disarmament is the most important issue before the world today. I admit I cannot assess that problem with the calm, dispassionate objectivity which is desirable.

Mr. McCone is said to believe we should immediately resume nuclear testing in the atmosphere. He has believed this for some years. He opposed the moratorium. He feels it deeply in his bones. He has said so vigorously. I honor him for that opinion. As time goes on, it is becoming apparent that perhaps he is right. I do not think he was right in the first instance, but this is a matter of opinion. After all, when one finds one's self in the present situation, with the Russians refusing even to negotiate any further, with the possibility of the national security involved, perhaps he is right now.

My real question is, Will not that strong, honestly held conviction not only about this question alone but also about a score of other matters, inevitably and perhaps subconsciously affect the objectivity and the validity of the evaluation of intelligence he will give to the President of the United States? If there is even a suspicion that this will be the case, should his nomination be confirmed for this position?

I have said to my friend from Missouri [Mr. SYMINGTON] privately, and I say it now publicly, that I should have been glad to support Mr. McCone to be Secretary of Defense or Secretary of the Army or Secretary of the Navy or Secretary of the Air Force, but I have very serious doubts as to whether a man of the temperament of an advocate is the proper kind of man to hold this most important position, in which judicial objectivity is of the highest importance.

Finally, Mr. President, I turn—and somewhat reluctantly—to the question of conflict of interest. I am not one who believes that our present conflict-of-interest laws are either wise or sound. I think they should be drastically revised in the interests of making it easier for able men from the business community and, for that matter, from our great labor unions, to come to Washington, D.C., and to serve the Government without having to be put on the gridiron with respect to theoretical conflict-of-interest considerations. I do say that as long as those laws are on the statute books they should be enforced, and in this instance I have a serious doubt amounting almost to a conviction that the holdings by Mr. McCone of over a million dollars' worth of stock of the Standard Oil Co. of California is both a legal violation of the conflict-of-interest laws but also a very unwise holding for him to continue. I hope very much that within the near future he will divest himself of that stock, not by putting it in an irrevocable trust in which he and his family will continue to have an economic beneficial interest from the holding, but by divesting himself of it by sale. This will be a sacrifice. This will cause him to pay a substantial tax. This will be perhaps unfair. However, if a man wishes to delve into the tortuous politics of the Middle East, where the relationships of the United States with the countries of Saudi Arabia, Jordan, Kuwait, Iraq, and Iran are concerned; if he wishes to inject himself into the tortuous politics of Castroism and his efforts to take over democratically elected governments in Latin America, such as Venezuela; then he should not have a substantial interest in any oil company, which inevitably is deeply involved in both the politics and economics of those countries.

I note parenthetically that the Armed Services Committee required Mr. McNamara to divest himself of his substantial stockholdings before recommending the confirmation of his appointment to the Office of Secretary of Defense a year ago, and the committee did not think Mr. McNamara's offer to place his stock in an irrevocable trust removed the conflict of interest.

I shall read into the RECORD a couple of excerpts from a memorandum furnished to me, at my request, by the legislative counsel which appears in full in the RECORD of January 29, 1962, at pages 1110–1112.

First I refer to section 434 of title 18, United States Code, which deals with "interested persons acting as Government agents" and provides:

> Whoever, being an officer, agent or member of, or directly or indirectly interested in the pecuniary profits or contracts of any corporation, joint-stock company, or business entity, is employed or acts as an officer or agent of the United States for the transaction of business with such business entity, shall be fined not more than $2,000 or imprisoned not more than two years, or both.

That statute was recently interpreted very broadly by the Supreme Court of the United States in one of the cases arising out of the Dixon-Yates transaction, *United States* v. *Mississippi Valley Generating Company* (364 U.S. 520), in January of 1961. I shall read a couple of excerpts from the opinion of the Court:

> The moral principle upon which the statute is based has its foundation in the Biblical admonition that no man may serve to masters, Matthew 6: 24, a maxim which is especially pertinent if one of the masters happens to be economic self-interest. Consonant with this salutary moral purpose, Congress has drafted a statute which speaks in very comprehensive terms.

I paraphrase to say that the section is not limited in its application to Government agents who have a direct financial interest in the business entities with which they negotiate on behalf of the Government, or to a narrow class of business transactions. I resume the quotation:

> Nor is the statute's scope restricted by numerous provisos and exceptions, as is true of many penal statutes. Rather, it applies, without exception, to whoever is directly or indirectly interested in the pecuniary profits or contracts of a business entity with which he transacts any business as an officer or agent of the United States.
>
> It is also significant, we think, that the statute does not specify as elements of the crime that there be actual corruption or that there be any actual loss suffered by the Government as a result of the defendant's conflict of interest. This omission indicates that the statute establishes an objective standard of conduct, and that whenever a Government agent fails to act in accordance with that standard he is guilty of violating the statute, regardless of whether there is positive corruption. The statute is thus directed not only at dishonor, but also at conduct that tempts dishonor. This broad proscription embodies a recognition of the fact that an impairment of impartial judgment can occur in even the most well-meaning men when their personal economic interests are affected by the business they transact on behalf of the Government. To this extent, therefore, the statute is more concerned with what might have happened in a given situation than with what actually happened. It attempts to prevent honest Government agents from succumbing to temptation by making it illegal for them to

enter into relationships which are fraught with temptation.

Then as the legislative counsel reviewed this case and the statute in substantially greater detail, he stated:

The language of the court suggests that certainty of financial gain is not a necessary element of section 434, but that a substantial probability of such gain will suffice under that section. Indeed, the court in its technical holding held if a Government agent may benefit financially from his transactions he violates the statute.

In conclusion the legislative counsel points out:

If Mr. McCone were to serve as Director of the CIA, section 434 of title 18, United States Code, could have no application unless, during his incumbency, the CIA did in fact have business transactions with one or more of the companies in which he then had a financial interest.

And again:

If in his capacity as Director of the CIA Mr. McCone were to participate on behalf of the Government in a business transaction with a company in which he is financially interested and from which he might realize financial gain, the provisions of section 434 would become applicable whether or not Mr. McCone believed his actions to involve a conflict of interest.

Finally, the legislative counsel said:

The decision in Mississippi Valley suggests that the giving of approval to a contract negotiated by others probably would be regarded as such a participation. What other forms of action taken by a Government officer with respect to a contract which may be regarded as participation remains undecided.

I turn now to the brief provisions dealing with conflict of interest which have been adopted by the CIA itself. Let me say that I have been reliably informed by my friend the Senator from Missouri [Mr. SYMINGTON], who is present in the Chamber, that the nominee did not know that these regulations of the Agency existed at the time he appeared before the Committee on Armed Services.

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

Mr. CLARK. I am happy to yield.

Mr. SYMINGTON. It does not make any difference whether or not the nominee knew, because he did exactly the same thing before the Senate Committee on Armed Services this time that he did the last time when he appeared before the Joint Committee on Atomic Energy. Both times he offered to do anything the committee thought proper with his securities.

It cannot be construed as a criticism of the nominee that he does not handle his securities in accordance with the wishes of the Senator from Pennsylvania. The criticism should be lodged against the members of the Committee on Armed Services.

Mr. CLARK. Mr. President, I return to my quotation from the regulations of the Central Intelligence Agency dealing with the conflict-of-interest question. They were printed in the January 29 issue of the CONGRESSIONAL RECORD at page 1112, in the third column. I repeat them now:

(b) Conflicts of Interest.

1. Definition. A conflict of interest is defined as a situation in which an Agency employee's private interest, usually but not necessarily of an economic nature—

And I stress that language—

conflicts or appears to conflict—

I stress that language also—

with his Agency duties and responsibilities. The situation is of concern to the Agency whether the conflict is real or only apparent.

(c) Financial Interests. Employees may not (a) have direct or indirect financial interests that conflict substantially, or appear to conflict substantially, with their responsibilities and duties as Agency employees.

Mr. President, I now state briefly for the RECORD the facts gleaned from the hearings before the Committee on Armed Services with respect to the stockholdings of the nominee. These, too, appear in the January 29 RECORD at page 1115, in the third column:

Mr. McCone stated that he owned a little in excess of $1 million of stock in Standard Oil of California. He stated that the company had "extensive reserves in Arabia and in the offshore island in the Persian Gulf of Bahrein, and also extensive reserves in Sumatra, and Venezuela."

Standard Oil of California is one of the four companies which makes up the Arabian-American Oil Co. (Aramco), along with the Texas Co., Standard Oil of New Jersey and Mobil Oil. Aramco, according to Mr. McCone, does have relationships with the governments of Arabia and Bahrein.

I interpolate the note that Standard Oil of California in its August 1961 report to stockholders, lists Mr. McCone as owning 18,318 shares, and as receiving 915 additional shares by way of stock dividend. The total value of 19,233 shares, according to New York Times listing for the $54.25 closing price of Standard Oil of California on the New York Stock Exchange yesterday, is $1,043,390.25.

Mr. President, I shall not deal in speculation. I shall not deal in published articles of syndicated columnists. I merely say that I think every well-informed American knows that the American oil companies are deep in the politics of the Middle East. We know also that the Central Intelligence Agency is deep in the politics of the Middle East. It is inconceivable to me that the Central Intelligence Agency representatives in the Middle East should not be in constant contact with the representative of the American oil companies in that area.

It may well be that sometimes the interests of the oil companies and the interests of the Central Intelligence Agency are not in accord, although most of the time they are. It has been widely alleged—and I have no way of knowing whether it is true or not—that in many instances the oil companies have been helpful to the Government of the United States, and no doubt to themselves also, in making arrangements for the Middle Eastern kingdoms and sheikdoms which involve business transactions covering large sums of money. I have no doubt that that will be the condition in the immediate future, for I see no immediate hope for the pacification of that unhappy area of the world; nor do I think it likely that in the years immediately ahead we will be able to avoid the type of covert operation in that area which I personally very much regret but which in all likelihood is in the national interest.

Accordingly, Mr. President, because I am of the view that the nominee by temperament is not qualified to hold a job calling for a judicial temperament rather than that of a protagonist or advocate; because I am concerned about his views toward peace in the world and concerned by his apparent view that there is little immediate chance of achieving it, and that sole reliance on military strength is a better policy—and in this, to be sure, I am paraphrasing, because I have no quotations, and I may be doing the nominee an injustice, although certainly in his public record he is one who has not been an advocate of the kind of policy which in my judgment represents the greatest chance of peace to our country; and finally, because I have come to the conclusion that his holding of stock in the Standard Oil Co. of California violates the law with respect to conflict of interest, I must regretfully oppose the nomination.

Mr. PELL. Mr. President, I rise to congratulate the Senator from Pennsylvania [Mr. CLARK] on his articulate, well-though-out, and brilliant speech.

Although I intend to vote for the confirmation of the nomination of Mr. McCone, I believe that the Senator from Pennsylvania and the Senator from Minnesota [Mr. MCCARTHY] have made a very real contribution to our understanding of the problem of the Central Intelligence Agency by the ventilation furnished by this debate.

I was particularly struck by the reference made by the Senator from Pennsylvania to the fact that he had little doubt as to Mr. McCone's ability, and that what was most important were the plans with regard to the organization of the CIA, which apparently is in very great need of reorganization.

I believe there are three areas of possible reorganization. The first was brought out by a picture which was printed in the January 14 issue of the Washington Post, which showed the Central Intelligence Building. An intern in my office counted the number of windows. There are 2,500 windows alone in the building, Mr. President. That fact would indicate that a very helpful start in its reorganization would be a reduction in its size.

The second reorganization, as the Senator from Pennsylvania has suggested, would be the separation of intelligence collection from the operations. Here, too, in the field of intelligence collection, there should be a further separation of covert collection of intelligence from overt research and analysis.

Third, Mr. President, I hope that the watchdog committee proposed by the Senator from Minnesota [Mr. MCCARTHY] may in fact come into being as a result of the debate on the nomination because—although I am misquoting Lord Acton—absolute power corrupts absolutely, but unwatched absolute power corrupts even more absolutely.

Mr. SYMINGTON. Mr. President, I join the Senator from Rhode Island in saying I too have been interested to hear those constructive elements in the presentation which has been made this

afternoon by the Senator from Pennsylvania.

Now back to the subject at hand. Mr. McCone believes, along with others, that the way to maintain peace is to stay strong so we can stay free

The Senator from Pennsylvania dwelt on the personalities of Mr. Dulles and Mr. McCone. I know both. In my opinion Mr. McCone has at least as judicious a temperament as Mr. Dulles and I respect them both.

The question of whether we should or should not take the Central Intelligence Agency away from the Armed Services Committee should not develop into criticism of how Mr. McCone will perform his job.

I have a short memorandum about conflict of interest and McCone's position.

The conclusions of the memorandum submitted to Senator Clark by Mr. Hugh C. Evans, Assistant Counsel, Office of Legislative Counsel, are that there will be a conflict of interest if:

One. While Mr. McCone is Director of CIA, the agency had business transactions with one or more of the companies in which he has, at the same time, a financial interest;

Two. In his capacity as Director, Mr. McCone were to participate on behalf of the Government in a business transaction with a company in which he has a financial interest and from which he might realize financial gain.

If either of the above events were to occur, there would be a conflict of interest.

Prior to the assumption of office, Mr. McCone submitted to the General Counsel of the CIA for examination a list of his financial holdings, to determine if any conflict of interest existed. The General Counsel of the CIA submitted to Mr. McCone a written opinion, stating that no conflict of interest could be found on the basis of his holdings; that the Agency had no contracts with any of the companies in which Mr. McCone owns stock; and that, under existing statutes and regulations, no conflict-of-interest situation existed.

As Mr. McCone testified at page 44 of the hearings, this entire matter was reviewed with the Assistant Attorney General, Office of Legal Counsel, Department of Justice, who concurred in the opinion of the General Counsel of the CIA.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the memorandum of January 15, 1962, entitled "Memorandum on Conflicts of Interest," having to do with Mr. McCone's financial holdings, signed by the General Counsel of the Central Intelligence Agency.

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

MEMORANDUM ON CONFLICTS OF INTEREST

1. We have reviewed the list of Mr. McCone's financial holdings which is attached hereto.

2. Stock ownership as such is not barred by the conflict-of-interest statutes. The problem arises only if a person with pecuniary interest in a company acts as an officer or agent of the United States in the transaction of business with that company (18 U.S.C. 434). The Assistant Attorney General's memorandum to the assistant to the President in connection with Mr. McCone's proposed appointment to the Atomic Energy Commission stated that the mere coincidence of Mr. McCone's employment as Chairman of the Commission and the formation of a contract between the company and the Commission would not involve Mr. McCone in a violation of section 434. In this connection they cited an opinion by Acting Attorney General Rogers of August 5, 1957, in connection with the appointment of Mr. McElroy as Secretary of Defense. In this memorandum Mr. Rogers stated: "Although personal action on the part of the Secretary might pose a serious conflict-of-interest problem under section 434, I know of no judicial decision suggesting that the existence of ultimate official responsibility for all the activities of a department constitutes per se the 'transaction of business' within the meaning of section 434. Moreover, neither the express language of the section nor its legislative history are indicative of such a result."

3. I have had the companies shown on the list of Mr. McCone's holdings checked by the appropriate components of the Agency. We have no business negotiations or contracts within the meaning of section 434 with any of them. We have in the past had research and development and procurement contracts with one company, but at the present time we are merely following certain programs being carried out by the company for possible future interest.

4. I am of the opinion, therefore, that no question of conflict of interest arises out of the financial holdings of Mr. McCone. I have discussed this with the Assistant Attorney General, Office of Legal Counsel, Department of Justice, and he concurred in my opinion.

LAWRENCE R. HOUSTON,
General Counsel.

Mr. SYMINGTON. Mr. President, the Senator from Pennsylvania [Mr. CLARK] placed in the RECORD excerpts from the Central Intelligence Agency's rules on employee conduct, dealing with conflict of interest. This regulation on employee conduct was issued pursuant to the requirements of Executive Order No. 10939, in which the President directed each department and agency head to review and issue internal directives appropriate to his department or agency to assure the maintenance of ethical and moral standards therein. The agency regulation thus issued on August 29, 1961, was designed to acquaint employees and supervisors with proper standards of conduct and to encourage the bringing forward of all situations, even though they might only apparently involve conflicts of interest. It was intended that there be full and careful review of any potential situations involving conflict of interest, to determine necessary actions to be taken if any such situation did exist.

Mr. McCone followed that procedure by submitting to the Agency, shortly after his nomination to the Office of Director of Central Intelligence was announced by the President, a list of his personal holdings so they could be reviewed.

As indicated, after thorough review, by the Agency General Counsel and approval by the Attorney General's office, it was concluded that no conflict of interest was involved.

A Member of this body told me he felt this opinion of the counsel of the Central Intelligence Agency was weak. The memorandum does not read weak to me. But to satisfy myself, I talked to the General Counsel of the Agency concerning the question, and asked him:

Mr. Houston, some of my colleagues feel that the memorandum on conflicts of interest, which you wrote as of January 15 with respect to Mr. McCone's financial holdings, is weak.

It seems to me that it is a statement which says that he does not have a conflict of interest. Would you be good enough to let me know how you feel about it?

Mr. Houston dictated this reply:

While the memorandum necessarily discusses in detail the statutory restrictions on conflicts of interest, in writing it we took consideration all Agency policies and regulatory issuances, and in addition the overall position of the Director of Central Intelligence, and I felt that no aspect of these considerations presented a conflict of interest, and the memorandum so concludes.

I still believe this is the correct conclusion.

Let me say again that if there is any difference, it is a difference with the Armed Services' Committee, because Mr. McCone has agreed to handle his holdings as the committee believes desirable.

Mr. President, I yield the floor.

Mr. SMATHERS. Mr. President, I have carefully read the hearings before the Committee on Armed Services on the nomination of John A. McCone to be Director of Central Intelligence, and have concluded that in the light of his background and wide range of experience in positions of high public trust under both Democratic and Republican administrations, that the people of the United States are indeed fortunate to obtain his services once again.

Mr. McCone's outstanding qualifications, his tested ability and unquestionable character are matched by few men in public service. There is no question in my mind but that he will carry out his responsibilities with the same degree of distinction and honor in which he has performed in past positions of high public trust.

The President of the United States is to be congratulated on selecting an individual with such outstanding qualifications for this important and sensitive post of high public trust.

I shall vote for his confirmation.

AMERICA AND THE SUPERPATRIOTS

Mr. McGEE. Mr. President, I invite the attention of Senators to a letter written to the editor of the Sheridan, Wyo., Press. The letter was written by Mrs. Edna Stewart, of Story, Wyo. In the letter she wrote of her faith in America and our basic freedoms, and directed particular attention to what she calls the superpatriots and their arbitrary attitude in regard to who is to judge who is patriotic. The views she has presented in the letter are so well balanced and so stably put that I believe her letter should have much wider circulation than it would receive in the local press. Therefore I ask unanimous

consent that the entire letter be printed at this point in the CONGRESSIONAL RECORD.

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

READERS' VIEWPOINTS

EDITOR OF PRESS:

For a change, I should like to accentuate the positive, and I will begin by saying I think the United States of America is just fine and dandy the way she is.

Of course nothing in the affairs of men is quite perfect. We seem to have abroad in the land too many disgruntled frustrates who exist and have their being in a perpetual state of hate, fear and suspicion. It would be hard to say just what to do for what ails these people.

Among them is the candymaker from New Hampshire. In one way he reminds me a little of a much greater man than he, the genius industrialist, Henry Ford the first. The latter became somewhat swollen in importance perhaps, for after all he was a very important man. This man outside of his own sphere understood so little about the world about him that he thought single-handed he could stop World War I by sailing his "peace ship" to Europe. How unrealistic can a man get?

I say to all such men—stick to your lasts.

The word "democracy" is a bad word among the frustrates. They call it "mobocracy" and they are pleased to say that this country is a republic—not a democracy.

Most of us would proudly proclaim it is both.

Some of these people see a Communist behind every bush and resort to name calling. I myself have never seen a Communist or anyone I thought could be one and anyway I'll leave all that to J. Edgar Hoover who seems quite competent. I say to all such people stick to your last and mind your manners. Some of these people believe that special qualities for leadership lie with those whose ancestors have long been on these shores. Shades of Hitler. The master race, remember?

And then, the military heroes. In these spheres you must have a military hero. The Nazis had Horst Wessel and the Birchers have John Birch.

They hate what they call intellectualism. Yes, they may well hate the free play of intellect. They are smart enough to know their natural enemy. With them the people should be told what to do.

Among the superpatriots there are those who want to burn books. Again shades of Hitler. As for me I have every confidence in our teachers and schools and what's in the books. I'll gladly leave it to qualified people. I say to all self-appointed book burners, stick to your last.

The holier-than-thou, smug attitude of these superpatriots could well generate a little heat under the collar if it weren't for the saving grace of humor. Heaven knows, no saving grace of humor exists in their grim midst. But what a target for the Bob Newharts and Mort Sahls of this world and oh the sacrilege of it. Upstarts, fresh from the east side daring to have a hey day with the rock-ribbed patriots. Tut, tut, can such things be?

I say a little humility on the part of these superpatriots would grace them well.

In concluding, I would say that whatever comes the American people will never choose a sawdust Hitler for a leader.

It would be a pleasure to enumerate what some proven patriots have to say about this radical right, the self-proclaimed patriots, but time and space do not allow.

EDNA STEWART.

STORY.

SECRETARY RUSK SUMS UP FREEDOM'S CASE

Mr. McGEE. Mr. President, I was very much impressed by excerpts from the address delivered by Secretary of State Dean Rusk to the Foreign Ministers at the meeting of the Organization of American States now going on in Punta del Este, Uruguay.

In itself, his message constituted such a ringing statement of confidence in the basic operations of a free society and in our competitive capabilities in a jungle world with communism and communism's well-advertised goals, that I believe these excerpts from his address deserve much wider circulation, in order that many more Americans may be able to read them.

I wish to read the concluding paragraph, which is exceedingly eloquent. Secretary of State Rusk said:

Communism is not the wave of the future. Communists are only the exploiters of people's aspirations—and their despair. They are the scavengers of the transition from stagnation into the modern world. The wave of the future is the peaceful, democratic revolution symbolized for the Americas in the Alliance for Progress—the revolution which will bring change without chaos, development without dictatorship, and hope without hatred.

I ask unanimous consent that the entire report on the address by Secretary of State Rusk be printed at this point in the CONGRESSIONAL RECORD.

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

RUSK SUMS UP FREEDOM'S CASE

(By Secretary of State Dean Rusk)

(These excerpts are taken from Secretary Rusk's Thursday speech before the hemisphere foreign ministers' meeting in Punta del Este, Uruguay.)

There are those in every land who resist change, who see the society they know as the climax of history, who identify their own status and privilege with the welfare of their people, and who oppose the vital land and tax reforms necessary for the completion of our work. But their resistance is doomed to failure.

The 19th century is over; and, in the 20th, people across the earth are awakening from centuries of poverty and oppression to claim the right to live in the modern world. "The veil has been torn asunder," wrote Bolivar, "we have seen the light; and we will not be thrust back into the darkness." No one can hope to prolong the past in a revolutionary age. The only question is which road we mean to take into the future.

This is not a question alone for this hemisphere. It is a question faced everywhere in the world. On the one hand are those who believe in change through persuasion and consent—through means which respect the individual. On the other are those who advocate change through the subjugation of the individual and who see in the turbulence of change the opportunity of power.

History shows that freedom is the most reliable means to economic development and social justice, and that communism betrays in performance the ends which it proclaims in propaganda. The humane and pragmatic methods of freemen are not merely the right way, morally, to develop an underdeveloped country; they are technically the efficient way.

If there is tension in Berlin today, it is because of the failure of the regime in East Germany and the flight of tens of thousands of its people toward freedom and expanding opportunity.

Recognizing its failure in the underdeveloped world, recognizing that its greatest enemy is the process of peaceful and democratic development, communism in recent years has concentrated—in Asia, in Africa, in the Middle East, now in our own hemisphere—on using the troubles of transition to install Communist minorities in permanent power. The techniques by which communism seeks to subvert the development process are neither mysterious nor magical.

Khrushchev, Mao Tse-tung, and Che Guevara have outlined them in frankness and detail. They seek first to lay the political basis for the seizure of power by winning converts in sections of the populations whose hopes and ambitions are thwarted by the existing order. Then they try to capture control of broadly based popular movements aimed ostensibly at redressing social and economic justice.

In some cases they resort to guerrilla warfare as a means of intimidating opposition and disrupting orderly social progress. At every point the Communists are prepared to invoke all the resources of propaganda and subversion, of manipulation and violence, to maximize confusion, destroy faith in the democratic instrumentalities of change and open up the way for a Communist takeover.

As for its claim to social justice, Chairman Khrushchev himself has given the most eloquent testimony of the inevitability of monstrous injustice in a system of totalitarian dictatorship.

Nothing shows more clearly the failure of communism to bring about economic development and social justice than the present condition of Europe. The bankruptcy of communism is etched in the contrast between the thriving economies of Western Europe and the drab stagnation of Eastern Europe—and it is symbolized in the wall of Berlin, erected to stop the mass flight of ordinary people from communism to freedom.

The proponents of free society need have no apologies. We have moved far beyond the rigid laissez-faire capitalism of the 19th century. The open society of the mid-20th century can offer the reality of what the Communists promise but do not and cannot produce—because the means they are using, the techniques of hatred and violence, can never produce anything but more violence and more hatred.

Communism is not the wave of the future. Communists are only the exploiters of people's aspirations—and their despair. They are the scavengers of the transition from stagnation into the modern world. The wave of the future is the peaceful, democratic revolution symbolized for the Americas in the Alliance for Progress—the revolution which will bring changes without chaos, development without dictatorship, and hope without hatred.

THE TARIFF NEEDS AN ADULT APPROACH

Mr. McGEE. Mr. President, yesterday there was published in the Washington Evening Star an article which the distinguished columnist, William S. White, wrote on the tariff problem which will face this body in the days ahead. The article is an appraisal of President Kennedy's trade ideas. Bill White's suggestion is that there is no place for petty partisanship in the consultations, deliberations, and controversies which will arise over the new approach to our trade

problems. I believe his article warrants reprinting in its entirety in the CONGRESSIONAL RECORD, and I ask unanimous consent that that be done.

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

TARIFF NEEDS AN ADULT APPROACH—APPRAISAL OF KENNEDY'S TRADE IDEAS IS NO PLACE FOR PETTY PARTISANSHIP

(By William S. White)

The great, grave issue of this year—and perhaps of many years to come—has now at last been formally put before the country.

This is President Kennedy's long message to Congress asking for unexampled Presidential authority to cut tariffs in vast sweeps. The central purpose is to associate this Nation with the six-nation European Common Market and so to enter a new world of immensely enlarged trade with all its opportunities—and all its possible trials and dangers.

The hour has struck for bigness—for big ideas, for big debates among big-minded men. It is much too late now for littleness—for little ideas, for little disputes among little-minded men, for petty partisanship, for girlish screaming over tags like "liberal" and "conservative," for frantic worrying over who is a Democrat and who a Republican.

For this is not a Republican issue, not a Democratic issue. This is an all-American issue. This is not something to be resolved by two-bit manifestos. This is not to be discussed as though it were a public housing bill or some mere good guy-bad guy contest.

The opportunity is at hand for the most thoughtful, the most adult, the most responsible national debate we have known since World War II. And the duty, as well as the opportunity, for just such a debate is also at hand.

Mr. Kennedy has massively influential support here—from the largest of large business; from the most articulate, generally, of the private voices of this country; from such outstanding Republicans as Dwight D. Eisenhower and former Secretary of State Christian Herter.

The opposition, actual and latent, is more dispersed and, on the whole, less blessed with "names." It is, however, a formidable and honest opposition which is entitled to be heard in full respect and understanding. For it is no good denying that this plan will work some scattered hardship, among communities and industries which have thus far remained economically going concerns only through the assistance of tariff protection.

It is also no good denying that the vast association upon which we propose to embark will raise new problems, economic problems of kinds with which we have not yet dealt. It is also no good denying that the European end, at least, of this proposed new trade association, the Common Market, ultimately will find itself facing poignant new political problems, too. For in Europe this union for trade will reach more and more toward political union as well. In the end will come some undeniable loss or dilution of individual national sovereignty there.

Now, in all the circumstances, it is conceivable that President Kennedy could simply bulldoze his bill through Congress, given the power and prestige of his forces. He could not wisely do this, however. For this is a historic and capital matter entitled to the most earnest and searching scrutiny by Congress and by every responsible adult in this country.

This correspondent, for one, does not hesitate to say that he is for the plan. All his life he has believed that freer world trade would cure most of the world's troubles. Moreover the enormous Western trade grouping in prospect here would make the free world so strong as to make a farce of Khrushchev's threat to "bury" that world by his own slave economy.

But let the protectionists be heard to the end—again, heard in full respect and understanding. For this great national decision will be no good and will not endure unless it has been reached at last in a true, and an informed national consent.

CASTRO AND CASTROISM

Mr. McGEE. Mr. President, there appears in the Washington Post of today an article in which Walter Lippmann takes his usual objective view of a very controversial and troublesome question now in our midst; namely, that of Castro and Castroism. In the article Mr. Lippmann utters a word of caution to those who would act impetuously, particularly as they react to the attitude of some of our neighbors to the south on the Castro question. It is Mr. Lippmann's view that we should be a little more tolerant and a little more understanding of the caution exhibited by some of our friends to the south of us. I believe that the entire article warrants reprinting in the CONGRESSIONAL RECORD, and I ask unanimous consent that that be done.

There being on objection, the article was ordered to be printed in the RECORD, as follows:

CASTRO AND CASTROISM

(By Walter Lippmann)

The Castro problem is how to deal with a hostile regime without using military force to overthrow it. The Foreign Ministers at Punta del Este have been seeking the beginning of a solution for that problem. Castro has no avowed and quite certainly no genuine sympathizers and supporters among the Governments of the American Republics. But there has been an important division of view as to what it is wise and expedient to do about him.

The division, as we have learned, is between the Republics which lie on the shores of the Caribbean facing Cuba and, with the rather special exception of Mexico, the big countries of South America which are a long way by sea or land from the troubled Caribbean.

I would venture a guess that this geography explains the theoretical differences between the so-called soft and hard positions at the Conference. The Caribbean countries which have taken the hard line, are physically within reach of Cuba. The distances by sea and air are fairly short, and it is rather easy for Castro's revolutionists to infiltrate countries around the Caribbean, to do gun running to local rebel bands among them.

But the big South American countries, which are separated from Cuba in the Caribbean by the Andes Mountains, the jungles and the great hump of Brazil, are not directly threatened by armed intervention. For them the danger of Castro comes primarily from his legend as the Robin Hood who has robbed the rich to help the poor.

Castro does send propaganda and agitators into southern South America. He uses diplomatic facilities if he has diplomatic relations and if not, borrows the facilities of European and Asian nations which are sympathetic with him. But all this activity is of little consequence as compared with the legend of Castroism, the legend that Castro is the friend of the poor.

The soft group of governments have acted as they have acted not because they want to help Castro, and not because they are afraid to anger him, but because they know that legends are not destroyed by strong adjectives. The legend would not be dissolved by breaking diplomatic relations and driving Castro entirely into the underground. The legend would not be destroyed by economic embargoes especially since Cuba has no important trade with Latin America.

From our point of view it would have been a calamity if we had forced the issue to a point where with the backing of the weakest part of Latin America we overrode the views of the strongest part. It would have been a calamity to win such a victory because it would have split the inter-American system, with twice as many Latin Americans opposed to us as were with us.

What we really needed, and perhaps have gotten, is that a preponderant majority of our American neighbors state clearly that Castro and Castroism are hostile to the inter-American system. When that is achieved, the practical question of what to do about Castro is not a matter of words or of sanctions. It is a matter of coordinated and cooperative counterespionage in this hemisphere. That must be largely a secret operation in order to identify and frustrate subversive agents. It cannot be done with a brass band and a television camera but only by close working arrangements among the Governments.

Effective counterespionage can deal with Castro's interventions in this hemisphere. It will not and cannot deal with his legend, with Castroism. Counterespionage will not save the corrupt dictatorships that still remain. It will not save the incompetent democracies. And while there must be counterespionage to make sure Castro minds his own business in Cuba, it is no substitute for doing what the Alliance for Progress has promised to do.

DIRECTOR OF CENTRAL INTELLIGENCE

The Senate resumed the consideration of the nomination of John A. McCone, of California, to be Director of Central Intelligence.

Mr. MANSFIELD. Mr. President, I have been listening with much interest to the debate on the question of confirmation of the nomination of John A. McCone to be Director of Central Intelligence.

I realize that this position is a highly sensitive and most difficult one. I do not know Mr. McCone intimately but I do know him to a degree; and I have observed his service as an Under Secretary for the Air Force, in a Democratic administration; as Chairman of the Joint Commission on Atomic Energy, under a Republican administration; and as the appointee under the Democratic administration of President Kennedy to be head of the Central Intelligence Agency—the nomination which the Senate is now called upon to consider, and about which it must reach a decision.

Mr. McCone has proved to be a most efficient, effective, and patriotic servant of this Government. He has served in positions of great trust and responsibility, and he has executed his duties faithfully and well.

There is a question of conflict of interest. It is a most difficult and vexatious question. Under the preceding administration—a Republican administration—I felt at times that something should be done to correct the methods by which we judged men, and which on

occasion kept good men out of government, because of their business interests.

It seems to me that there could be found some way whereby a nominee to a high post in our Government could be accorded a greater degree of respect, and whereby he would not be considered to be lacking in integrity because he happened to be wealthy. Nevertheless, the spirit of the conflict-of-interest laws should be maintained, in order that the interests of the public, the Government, and indeed the various nominees to public office may be protected. As I say, the question is a difficult one. It has plagued both Democratic administrations and Republican administrations.

Mr. President, now that I have expressed my feeling on this question, I hope that at an appropriate time the appropriate committees will look into the question of appropriate conflict-of-interest law revision, and will ascertain whether they can clarify the matter and can arrive at better procedures.

I recall the very effective job Mr. McCone performed as Under Secretary of the Air Force. I know how, in the Atomic Energy Commission, he brought a good degree of order out of a difficult situation, and in so doing—at least, such is my understanding—earned the confidence of all members of the Joint Committee on Atomic Energy; and I am sure he holds that confidence to this day.

The charge has been made that he has not had much acquaintance with intelligence activities. Maybe not. I do not know. But certainly, as an Under Secretary of the Air Force, as Chairman of the Commission on Atomic Energy, he must have had some contact with activities of this kind, and certainly he must have gained considerable experience in intelligence matters related to the security of the United States.

Mr. President, I intend to vote for John McCone, because of the personal faith and confidence I have in him, and because he is the President's nominee; and I think that, under the circumstances, it would be fitting if a substantial majority of this body gave a vote of confidence to this nominee. I am sure the President and the Congress will not be disappointed in his directorship of the Central Intelligence Agency.

I intend to vote for Mr. McCone tomorrow.

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

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. I am glad the distinguished majority leader alluded to the necessity for action in this field. Last year the President sent a message to the Congress on the matter of conflict of interest. A bill was submitted by the Attorney General. Some hearings have been held. There are items to be considered in that bill, but it is highly necessary, because the statutes with which we deal now, and that come into play with respect to many nominees, go back as far as the year 1873.

I concur in the majority leader's views in that respect, and I hope the Judiciary Committee, to which those matters have been referred, can, before too long, finish its deliberations and bring these bills to the Senate Calendar.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to ask the majority leader about the schedule for the remaining days of the week, and perhaps the early days of next week.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, it is the intention to bring up tomorrow, after conclusion of the vote on the nomination of Mr. McCone which will take place at 2 o'clock, three treaties which are on the Executive Calendar—Executive G, the convention between the United States of America and Canada; Executive M, the international convention for the northwest Atlantic fisheries; and Executive N, a protocol dated at Montreal June 21, 1961, relating to an amendment to the Convention on International Civil Aviation.

To the best of my knowledge, these treaties were reported out of the Committee on Foreign Relations unanimously, and I do not know of any opposition to them.

Then it is anticipated that the Senate will go over from tomorrow until Friday, and it is hoped at that time we can take up the bill for higher education, Calendar No. 1053, S. 1241.

It is hoped that following that, on Monday or as soon thereafter as is possible, the money resolutions will be taken up, under the various committees, subcommittees, special committees, and so forth, live and function.

It is anticipated that shortly thereafter consideration will be given to Calendar No. 891, S. 2520, a bill to amend the Welfare and Pension Plans and Disclosure Act with respect to the method of enforcement and to provide certain additional sanctions, and for other purposes.

That ought to bring us pretty close to, if not beyond, the period set aside for the commemoration of Lincoln's birthday, which, to repeat, will include February 9, 10, 11, 12, and 13, inclusive, days on which there will be no votes, and perhaps February 8 and February 14. However, so far as the 8th and 14th are concerned, no definite commitments have been made. None will be made. It will depend on circumstances on those days as to whether or not there will be a vote.

Mr. DIRKSEN. I thank the majority leader. That gives us a chance to set personal schedules actually some time beyond that point.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate return to legislative session.

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

CONVEYANCE OF CERTAIN REAL PROPERTY TO THE STATE OF WYOMING

The PRESIDING OFFICER (Mr. HICKEY in the chair). The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 3879) to authorize and direct the Secretary of Agriculture to convey to the State of Wyoming for agricultural purposes certain real property in Sweetwater County, Wyo.

EXTENSION OF COMPLETION TIME FOR FREE BRIDGE BETWEEN UNITED STATES AND CANADA

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1133, Senate bill 512, and that it be made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 512) to extend the time for completion of the free highway bridge between Lubec, Maine, and Campobello Island, New Brunswick, Canada.

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.

EXECUTIVE SESSION

The Senate resumed the consideration of executive business.

DIRECTOR OF CENTRAL INTELLIGENCE

The Senate resumed the consideration of the nomination of John A. McCone, of California, to be Director of Central Intelligence.

Mr. CASE of South Dakota. Mr. President, I have been reviewing the testimony which was taken by the Committee on Armed Services in the hearings on the nomination of Mr. McCone to be Director of Central Intelligence. In reviewing that testimony, and in looking at the statement of holdings which he filed with the committee in response to my request, a question occurred to me which I think should be raised and which should be brought to the attention of the Senate.

In view of the fact that the voting will take place tomorrow at 2, I regret that I did not look up this point earlier, because, I must confess, I do not have as much information as I should like to have at this time.

During the testimony Mr. McCone gave, it became apparent that the majority of his business interests have to do with the transporting of oil and the transporting of other bulk commerce in world sealanes for one purpose or another.

The question occurred to me this afternoon, as I was looking over the testimony, as to whether or not that established a tax-free status for the income from these corporations and the shipping operations which are his primary business activity.

The Internal Revenue Code, section 883, under the title "Exclusions From Gross Income," provides:

> The following items shall not be included in gross income of a foreign corporation, and

shall be exempt from taxation under this subtitle:

(1) SHIPS UNDER FOREIGN FLAG

Earnings derived from the operation of a ship or ships documented under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States.

During the past hour or so I asked my administrative assistant to consult as many tax authorities as he could. It is his tentative opinion that the operation of that section of the statute would exclude from liability for taxation under the income tax laws of this country ships which are under a foreign flag if the flag of that country grants an equivalent exemption to citizens of the United States.

I have not had time to determine whether that would be applicable to ships under the Norwegian flag or to ships under the Panamanian flag, but this becomes a question of considerable importance because of the testimony as to the chartering of ships which are operated by companies in which Mr. McCone is interested.

At page 66 of the printed hearings I asked Mr. McCone the following:

You have testified that you were the sole owner of Joshua Hendy in the operations of Trans-World Carriers, of which Joshua Hendy apparently owns one-fourth, and Global Bulk one-half. Would you say you had no indirect interest in the operation of Trans-World Carriers?

Mr. McCone replied:

No; I have a direct interest in Trans-World Carriers, no question about that. Because, as a matter of record, and this is a change from the situation that existed in 1958, I have personally acquired and own now the great majority of the stock in San Marino Corp., and, therefore, through the sole ownership of Joshua Hendy Corp. and the ownership of 85 percent of San Marino Corp., I own practically half of Trans-World Carriers at this point.

That testimony which he gave in answer to my question is at variance with or should be regarded as a modification of his earlier statement, when he was questioned by the Senator from Massachusetts [Mr. SALTONSTALL].

The Senator from Massachusetts [Mr. SALTONSTALL] referred to the investigation of a subcommittee in May 1950, and the interrogation at that time, when Mr. McCone was appointed to be the Chairman of the Atomic Energy Commission. The Senator from Massachusetts asked him:

Have any of the facts which you gave out in your memorandums, in your letters in 1950 and in 1958 to the committees, changed between 1958 and the present time?

Mr. McCone answered:

No. There has been no change.

However, when I interrogated Mr. McCone with respect to the matter of the ownership of Trans-World Carriers, he said:

No; I have a direct interest in Trans-World Carriers, no question about that. Because, as a matter of record, and this is a change from the situation that existed in 1958.

I emphasize that by rereading it, because I think Mr. McCone sought to correct his earlier statement when this was called to his attention, but it also has significance because in a subsequent statement he said he owned the great majority of the stock in San Marino Corp. The San Marino Corp. was referred to earlier in the testimony as a Panamanian corporation.

Subsequently in the testimony I asked Mr. McCone:

Do you know of any working arrangements or partnerships between the Joshua Hendy Steamship Line or its affiliate, Panama Pacific Tankers, and affiliates or subsidiaries of States Marine?

Mr. McCone replied:

Yes. There are joint arrangements—whether they are with States Marine or whether they are with Global Bulk Carriers, I could not say, but it is a little hard to differentiate between the two or three corporate structures on States Marine side.

I then asked:

Do you know whether or not there is a working agreement between States Marine and Global Bulk and the San Marino Co. for the chartering of certain ships through Naviors, a subsidiary of United States Steel?

Mr. McCone replied:

Yes, I believe there is a working relationship; the relationship between Trans-World Carriers and Naviors and Trans-World Carriers is, in turn, owned by the people you have indicated.

As I read from the testimony earlier, Mr. McCone owns practically 50 percent, through his other ownership, of Trans-World.

The following colloquy then occurred:

Senator CASE. You have a partnership with States Marine directly or through a subsidiary in the operation of any Norwegian-flag tankers built in Japan for Trans-World?

Mr. MCCONE. Yes, we do that. We have a tanker that we own jointly that was built in Japan and registered under a Norwegian flag, and we have it under charter from a Norwegian corporation.

Senator CASE. Do you recall the name of that ship?

Mr. MCCONE. I was trying to think of it. No, I do not recall it, Senator.

Senator CASE. Is that vessel engaged in transporting oil?

Mr. MCCONE. Transporting oil; yes, sir.

Senator CASE. For Standard Oil of California?

Mr. MCCONE. For Standard Oil of California; yes, sir.

Senator CASE. Why is it necessary to have complicated arrangements where you build vessels in Germany or Japan, and then leased to Norwegian operators to fly under Panamanian or Norwegian flags rather than U.S. flags?

Mr. MCCONE. The vessels are owned by Norwegian companies and they are operated under Norwegian flags, and that is the only way that they could be competitive because of the high costs of American-flag operations.

Our American-flag operations are restricted to the protected areas of trade such as the coastwise and intercoastal trade.

Senator CASE. Do you know where the principal oil reserves of Standard Oil of California are?

Mr. MCCONE. In a general way, yes, I do, Senator. I know they have extensive reserves in Arabia and in the offshore island in the Persian Gulf of Bahrein, and also extensive reserves in Sumatra, and in Venezuela.

Mr. President, all this becomes significant as one goes back through the record and notes that the steamship operating companies affiliated either with Joshua Hendy, of which Mr. McCone testified he owned 100 percent, or with other companies in which Mr. McCone owns a majority interest, either directly or through a subsidiary company, are largely Panamanian companies.

Panama Pacific Tankers, in which Mr. McCone owns a substantial interest, is a Panamanian corporation. Its bulk cargoes in world commerce are principally iron, coal, and some oil.

San Marino, in which Mr. McCone owns 85-percent interest, is a Panamanian corporation.

Redwood Corp., of which he is a substantial owner, is a Panamanian corporation. Its business is the worldwide movement of petroleum.

Trans-World, of which Mr. McCone indicated he had 50-percent ownership, is a Panamanian corporation.

These facts lead one to wonder if a part of the problem of the high cost of American-flag operations does not relate to the income tax liability of ships operated under the American flag as well as to other high costs which might be suggested in the statement:

The vessels are owned by Norwegian companies and they are operated under Norwegian flags, and that is the only way that they could be competitive because of the high costs of American-flag operations.

I cannot say, because time has not been available to run it down through independent sources, and the hearings before the committee on the nomination of Mr. McCone have been concluded.

During the time we were taking testimony from Mr. McCone I asked him at some length about the record which was established by the House Committee on Merchant Marine and Fisheries under the chairmanship of Schuyler Bland, of Virginia, when the committee interrogated him and conducted an extensive investigation into the profits which were made by Mr. McCone's company as a shipbuilding corporation during the early stages of World War II.

The testimony is set forth in some detail in the hearings on Mr. McCone's nomination, as well as in the original hearings conducted by Mr. Bland. The testimony indicates that the California Ship Building Corp., which was organized by Mr. McCone and some others with about $100,000 capital, in a year declared a dividend of a million dollars, half of which was paid in cash and the other half of which was by subscription to capital, so the capital of the corporation was increasing to $600,000.

The testimony of the Comptroller General was that profits grossing about $44 million were made in a relatively short time by the California Ship Building Corp., using facilities which had cost the Government $25 million.

Mr. McCone is entitled to have it said that he contended at the time, and he contends now, that in addition to the $100,000 of actual cash which he and his associates put into the California Ship Building Corp., they subordinated

loans of $2 or $3 million to the corporation. But in any event, a very substantial profit, running into many millions of dollars, was made.

The thing which originally intrigued my interest on this subject was that by some action of the U.S. Maritime Commission, back in about 1946, the operations of the California Ship Building Corp. in this connection were exempted from the operations of the renegotiation statute. The renegotiation statute stemmed from an amendment which I offered to the sixth supplemental defense bill, which was passed in the House of Representatives in April of 1942. At that time it was intended that no exemption should be made from the operations of the renegotiation statute except by a decision of the renegotiation officials, that is, the Price Adjustment Board or other agencies which were its successors. I talked with the counsel of the Renegotiation Board only a few days ago in connection with this subject, and he said that it was clear today that no agency of the Government, aside from the Renegotiation Board, had the discretion to exempt a corporation from operation of the renegotiation statute.

But apparently back in 1946 the Maritime Commission presumed to exempt the operations of the California Shipbuilding Corp. from renegotiation. Whether because of that action or not I do not know, but they made very large profits—profits so large, in fact, that Ralph Casey, who was a representative of the General Accounting Office, testified before the Committee on Merchant Marine and Fisheries of the House of Representatives:

> I daresay that at no time in the history of American business, whether in wartime or in peacetime, have so few men made so much money with so little risk, and all at the expense of the taxpayers not only of this generation but of generations to come.

During World War II it became apparent that Mr. McCone and his associates discovered that one way to make a good deal of money, and make it in a hurry, was to be exempted from the normal operations of renegotiation, or to avoid recoveries by the Treasury Department, the Bureau of Internal Revenue, or the Price Adjustment Board. The question that inevitably comes to my mind in connection with a review of the testimony of these various world shipping operations is that company after company is organized under the laws of Panama, and ships travel either under the Panamanian flag or under the Norwegian flag, if it is a ship chartered by Norway. Mr. McCone has said:

> This is the only way they could be competitive because of the high cost of American-flag operations.

I hope that Mr. McCone will learn of my statements on the floor of the Senate at this time. Because of the time limitation and because of the time fixed for the vote tomorrow, this is the only time at which they could be made. I am not saying that the bulk of the admittedly large wealth which he has accumulated is due to the fact that operating ships under Panamanian corporations or under the Norwegian flag has exempted all of the income from liability for taxes of the United States. But I should like to know whether or not that is the case, for the citation from the Internal Revenue Code which I read earlier clearly exempts from taxation under the head "Exclusion From Gross Income: Ships Under a Foreign Flag." I think that point has a bearing upon the issue, and it is quite apart from what is normally considered conflict of interest.

The conflict-of-interest statute relates to procurement, and it specifically provides that—

> Whoever, being an officer, agent or member of, or directly or indirectly interested in the pecuniary profits or contracts of any corporation, joint-stock company, or association, or of any firm or partnership, or other business entity, is employed or acts as an officer or agent of the United States for the transaction of business with such entity, shall be fined not more than $2,000 or imprisoned not more than two years, or both.

That is paragraph 434, title 18, United States Code. That provision clearly is restricted to one who "acts as an officer or agent of the United States for the transaction of business with such entity."

I do not suppose that the Central Intelligence Agency will have a great deal of business with these various shipping companies. I do not suggest that the CIA will have a great deal of business with the Standard Oil Co. of California or some of the other firms from whose directorship Mr. McCone has resigned, but in which he still owns substantial interests, in many instances amounting to a million dollars or more. But I do suggest that logical questions in the mind of anyone concerned with the activities of the Central Intelligence Agency are, "Where are a man's interests? What is his background? Is he objective?"

At the outset of my questioning during the hearings, when Mr. McCone was before the Committee on Armed Services, I said to him that I respected his ability. I coveted his ability for the service of the United States, but I hoped that we might be able to determine and demonstrate his objectivity.

I think he was frank with the committee. I did not detect any evasion on any question that was asked. A man is entitled to the use of notes to refresh his memory of incidents that occurred 15 or 16 years ago. But admitting all that, when we remember that at the outset of our hearing the chairman of the Senate Committee on Armed Services said that he regarded the position of directorship of the Central Intelligence Agency as second in importance only to that of the Presidency of the United States, it becomes important that we feel that the man who is in that position has a complete objectivity, so that he will feel that what is good for the United States is good for the interests he represents.

I need not refer to the fact that a gentleman who was Secretary of Defense a few years ago received some criticism and some opprobrium because he happened to remark that he believed that what was good for General Motors was good for the United States. Of course, the unfortunate thing about his statement was that he did not put it the other way. I think he meant that what is good for America is good for General Motors.

I would like to have complete satisfaction in my own mind that Mr. McCone would not merely say but would feel that what is good for the United States is good for Trans-World Carriers, for San Marino Co., a Panamanian corporation, for Redwood Corp., a Panamanian corporation, for Panama-Pacific Tankers, which is a Panamanian corporation, and for all the shipping companies which are engaged in worldwide commerce.

I have no doubt that if he were asked that question he would say that he really believes that what is good for the United States is good for these companies.

However, the question which every Senator must decide for himself is whether, with this background and with this farflung empire of many shipping companies, which went to foreign countries for incorporation, the many interests which go to other countries to get ships which can fly the flags of other countries because competitive costs in the United States are too high, and possibly because at least some of the income from that shipping interest will be exempt from taxation under the laws of the United States; and after hearing and reviewing the testimony, one can escape some doubt as to whether this worldwide interest may not at some time, as we look over the whole spectrum of world affairs, influence the emphasis of the Director of Central Intelligence Agency either in the gathering of intelligence or in the recommendation for or direction of covert activities.

I have not reached a final decision as to how I shall vote tomorrow afternoon on the nomination. I voted to report the nomination from the committee. At that time I did refer to these questions which I had asked during the hearings. I said I had asked them hoping that it would be helpful in making Mr. McCone sensitive to this area of possible conflict of interest, and hoping that by asking these questions we could perhaps demonstrate his objectivity.

At the conclusion of my questioning I asked him two questions. I asked him whether he would submit a list of his stockownership, as he did in connection with the case of his confirmation for membership on the Atomic Energy Commission. I asked him also whether he would agree to set up an irrevocable trust, as he had done before his nomination for his position on the Atomic Energy Commission was confirmed.

Earlier during the questioning, in response to some questions submitted by the Senator from Massachusetts [Mr. SALTONSTALL], Mr. McCone said he would have no objection to setting up an irrevocable trust if there were some reason to do so. He did not respond directly to the question when I asked it at the conclusion of my examination. He did say that he would submit the list of his holdings. He did submit that list, and I have had an opportunity to examine the

list. I am not violating any confidence with respect to the list, because by going to the printed testimony, particularly with respect to the questions which were directly asked him and to which I have already referred, one can see that all I have said about the background and origin of these corporations and of his interest in them is set forth in the hearings. The list that he filed would be merely confirmatory of what he said so far as ownership is concerned and what is in the hearings.

The list was submitted. I personally do not know whether it would do any good if an irrevocable trust were set up. I do not see that that of itself would matter particularly, because I do not anticipate that he, as the Director of CIA, would act as the procuring agent so far as these companies are concerned in any business between them and the United States.

However, it is that background, that interest, that education, that indefinable awareness of interest and knowledge of conditions in Saudi Arabia and the Middle East which raises the possibility that the disturbed conditions in the Middle East or in the Far East might seem to him to be more important than the disturbed conditions in the Gulf of Mexico or the Caribbean. Would he be more interested in maintaining stable order in Kuwait than he would be in resisting infiltration in Cuba? Would he be more interested in stabilizing Vietnam than Venezuela? I confess that I do not know.

I feel that in the Western Hemisphere, the United States has some special responsibilities. The historic position of the Monroe Doctrine has given us all these responsibilities, and we cannot escape them in this generation even if we so desired. The distinguished delegation which is now in Uruguay is seeking to meet some of the responsibilities of the United States in the Western Hemisphere. I do not see any comparable responsibility for us in some other parts of the world that I might name, although I agree we have responsibilities there.

I close these remarks by saying that I covet for the directorship of the Central Intelligence Agency a man who has the organizing ability, who has the knowledge of world affairs, who has the scientific background, and who has the calm approach to matters that Mr. McCone evidently has. I wish I could be sure. I hope something will help me by tomorrow afternoon at 2 o'clock to be sure that this man will have that objectivity in every instance to put the interests of the United States—in emphasis, in direction of activities, and in a collection of intelligence—ahead of any of this far-flung shipping empire which he has established.

Mr. BARTLETT. Mr. President, it is apparent that the Senator from South Dakota is deeply troubled by the matters which he has discussed this afternoon. For my own part, I, at least, admit an equal concern over those matters and others. As the Senator from South Dakota did, I, too, voted in committee to report the nomination of Mr. McCone.

On this day and at this hour I do not know how I shall finally vote at 2 o'clock tomorrow afternoon when the Senate will vote either to confirm or reject the nomination of Mr. McCone as Director of the Central Intelligence Agency.

I had never seen Mr. McCone until he appeared the other day before the Committee on Armed Services. Of course, on the basis of hearing a man speak for an hour or two, and trying to size him up, as it were, one is not in the best of all circumstances to make an objective evaluation. However, I came away from that meeting with the idea that he is a patriotic man and a devoted man and a man of integrity according to the best of his own lights.

However, the question that I put to myself over and over again is this: Is his conditioning, because of all his previous business history, such as to enable him to give, in the overall direction of this most important Federal Agency, the objective look which, as the Senator from South Dakota has stated, is so imperatively needed?

The Director of that Agency certainly cannot place greater emphasis upon one section of the globe than upon another. He must forget all past and previous private connections and look toward the good of the United States as a whole.

Personally, I have no doubt that Mr. McCone would do his honest best to reach that situation. My questions would only revolve around the point as to whether he could be completely objective. I certainly hope so.

I recall that in committee the other day I asked Mr. McCone about the Arabian-American Oil Co., a company formed by several large U.S. oil companies. I reported to Mr. McCone having heard, as so many of us have, that it has been said that this oil combine has in the past interfered in the foreign affairs of some Middle East nations for the benefit of the oil company.

Mr. McCone's reply was:

> No, I would have no comment because I have not personally read or heard of those allegations. In my trips to the Middle East, I have observed that the Aramco people handled their relationships with the Governments of Arabia and Bahrein Island in a very satisfactory way, so reported to me. I don't know of any interference.

My query now would relate to those words used by Mr. McCone, that the Aramco Co. handled their relationships with the Governments of Arabia and Bahrein Island is a very satisfactory way. Satisfactory to whom? Satisfactory in every case to the Government of Arabia from the standpoint of its own national interest, and satisfactory to the governments of other nations with which this oil company might have conducted private negotiations? I do not assert or even allege that the Arabian-American Oil Co. ever did any such thing. But it has been so reported.

Or, to use again by way of quotation the words "very satisfactory way," was it a very satisfactory way for the oil company itself? We are not informed.

Finally, a most important question relating to all this subject, is, was that a very satisfactory way in each instance for the Government of the United States, for the U.S. national interest?

Mr. President, I do not intend further to labor this point or this issue at this late hour. I had not intended to speak further on the subject. However, I decided to do so only during the time when the Senator from South Dakota [Mr. CASE] took the floor to express his doubts, his concern, because my feelings are so close to being identical with his and because I, too, do not know at this time how I shall finally vote.

If it should be, as it may be, as many say it probably will be, that Mr. McCone's nomination will be confirmed, I certainly would want to be in the forefront of those who wish him well in this most significant and critical assignment.

MILITARY RESEARCH IN ALASKA

Mr. BARTLETT. Mr. President, Alaska today is a growing center of research activity. The three military services and many other governmental and private institutions are conducting research and development programs which strengthen the Nation not only in the present but for the future.

U.S. Army, Alaska—the only Army oversea command operating entirely in a northern environment—is the spearhead for the Army's growing research program.

The Army's northern operations concept calls for employment of fully mobile, extremely powerful, streamlined task forces of battalion and brigade size. In the course of training and experimentation to improve its capabilities to form, fight, and support such forces, USARAL generates requirements for new materiel and techniques which are a primary source of guidance for Army cold weather research and development programs. The capabilities which are needed today for northern operations are applicable, in large part, to operations in such other undeveloped regions as the jungles of southeast Asia and might be required for the major battlegrounds of Europe and Asia. Thus the cold weather operations development program is, in fact, a leading edge of the Army's advance into the future.

Mobility is a first order problem of the Army today and in the north—whether North America or northern Siberia—it is a particularly urgent problem. USARAL requirements for very high mobility vehicles have led to investigation of a wide variety of commercial configurations which promise a revolutionary increase in ground mobility over snow, muskeg, and swamp. In the future, ground effect machines and such other radical concepts as the flexwing airplane may find their first practical applications in the broad reaches of the north, where their potential for improvement of battlefield mobility can be brought quickly into practical use.

Since railroads are few in the north—as in many other parts of the world—USARAL has also formulated a concept for a tracked overland train with which a single truck crew can transport 50 tons or more of supplies across country, through swamp and snow. This vehicle will reduce greatly the requirements for

roadbuilding by Army engineers and for vehicle operating personnel.

The deep zones of permanently frozen soil which underlie hundreds of thousands of square miles of the Arctic can be tunneled like coalfields. USARAL has developed a concept for constructing storage and other administrative facilities under the surface of the ground within the permafrost. Infra-permafrost construction will be fast and cheap; it will afford good camouflage; and it will provide excellent protection from nuclear weapons and other fire effects on the future battlefield. There is a possibility that this development project will lead to methods which will allow a combat unit to dig itself under the surface of the ground in all regions of the world rapidly; obviously, this would be of the greatest value in nuclear combat.

These concepts are typical of many others in the fields of firepower, communications, combat mobility and support which are directed toward the same objective—more effective and at the same time more economical combat forces.

To meet these requirements, the Army is placing an increasing concentration of research and development effort in Alaska. During the last summer, engineering test teams were transferred from Fort Churchill, Canada, to Fort Wainwright, adjacent to Fairbanks. At Fort Wainwright, Army research activities will have available for the first time, in U.S. territory, a virtually unlimited environmental test area with long, dependable seasons of cold weather, good administrative facilities, and the opportunity for close coordination with combat forces. The Army technical services at Fort Wainwright will conduct engineering tests of new equipment and carry out basic and applied research into northern operations problems. The program for the current winter test season includes a wide range of Engineer, Signal, Ordance, Quartermaster, Chemical, and Medical Corps research projects and equipment tests. The Transportation Corps has also established at Wainwright an activity which is performing trafficability experiments and investigations into vehicle performance problems.

The Corps of Engineers has conducted field study programs in Alaska for many years and these programs are now being increased. In the next few years Army research teams will conduct basic research throughout the State, to increase basic knowledge and to develop applications of basic scientific advances to the military art. Many of these applications will be equally important for nonmilitary activities. The use of permafrost excavations for storage of supplies is one example of the kind of research problem which is of interest to civilian as well as military activities.

An important potential for the future is the opportunity which Alaska offers for establishment of long-distance missile test ranges wholly over U.S.-owned territory.

At Fort Greely, a hundred miles southeast of Fairbanks and Fort Wainwright, the Arctic Test Board and the Chemical Corps' Arctic Test Team test newly developed equipment from the viewpoint of using troops in cold weather. These tests are important not only for operations in Arctic and sub-Arctic areas but for operations of the Army in Temperate Zone winters. It gets as cold in the Temperate Zone as it does in the sub-Arctic—Temperate Zone cold simply does not last for quite so much of the year. For the soldier in the field, 40 below zero is just as serious a problem in Eastern Europe as in Alaska or Siberia.

The research and engineering agencies at Fort Wainwright and the user test agencies at Fort Greely coordinate their efforts closely, and in the future an increasing effort will be made to conduct the engineering tests of the research agencies and the user tests of USCONARC simultaneously. This will save money and effort and, in many cases, may help reduce development lead-time.

One of the important advantages resulting from the conduct of military research work in Alaska is the opportunity afforded research and testing personnel to work directly with operating forces. For example, during U.S. Army Alaska's winter maneuver in February 1962, a large-scale test of the new quick-serve ration will be conducted under the severest possible weather conditions by troops actually engaged in combat training. This is the only kind of test that gives the answer to the final question on any military item—Will it do the job in combat?

The Air Force and Navy are also active in Alaska research activities. The Navy operates the northernmost research facility of the United States, which is not actually in Alaska but in the Arctic Ocean off the north coast of Alaska. This is the ice island Arliss II, which was discovered by Max Brewer, director of the Navy's Arctic Research Laboratory, in May 1961, and occupied by a scientific party in the summer of 1961. Arliss II, which is about 1½ by 3½ miles in size and 80 feet thick, is relatively permanent compared with floe ice and constitutes an excellent base for conducting oceanographic and other studies.

The Arctic Research Laboratory at Barrow—the farthest northern portion of the North American Continent—is operated for the Office of Naval Research by the University of Alaska. The largest effort of the Laboratory is in oceanographic studies. Specific areas of investigation include underwater acoustics, marine biology, geology of ice islands, sea ice micrometeorology, sea ice morphology, meteorological observations, and strain measurements.

In the Fairbanks area, the Air Force since 1947 has operated the Arctic Aeromedical Laboratory. This Laboratory is the aeromedical research facility of the Alaskan Air Command and as such is charged with the solution of Arctic problems of that command. At the same time, and perhaps of more general importance, it is the only human factors laboratory of the Department of Defense located in the Arctic and concerned exclusively with problems of far northern areas. The Laboratory conducts an in-house program of research on Arctic human factors problems. The in-house program is supplemented by contract work performed by various institutions, particularly universities, throughout the country. The Laboratory establishes Air Force requirements for clothing, individual equipment, operating procedures, and training problems for use in the Arctic. It evaluates Air Force clothing and equipment under Arctic conditions and it provides laboratory facilities, logistic support, and technical assistance to visiting research teams and field parties.

The military research and development programs are only part of the total scientific effort in Alaska. The annual proceedings of the Alaska Science Conference have covered in the past 10 years such a wide range of topics as agriculture, botany, and forestry; medicine, physiology, and public health; engineering, industrial science, and aviation; geology and geography; sociology, economics, and education; anthropology; geophysics, meteorology, and oceanography; wildlife and zoology.

The University of Alaska, in addition to operating the Navy's Arctic Research Laboratory at Barrow, has a strong program of research, particularly in the earth sciences—geology, geodesy, and similar disciplines. The Bureau of Public Health and other Federal and State agencies have made and are making major contributions to the understanding of cold weather physiology.

The importance of Alaska as a center of military and civilian scientific effort is great today and is growing steadily and rapidly. In any foreseeable future war, the north will be strategically critical, for self-evident geopolitical reasons. Of even greater ultimate importance is the fact that, as world population increases, the human need to use the lands of the north will increase. Current research and development efforts in Alaska are preparing the way for effective future peaceful use of the vast spaces and the unmeasured natural resources of the northern regions of North America and Eurasia.

DIRECTOR OF CENTRAL INTELLIGENCE

The Senate resumed the consideration of the nomination of John A. McCone, of California, to be Director of Central Intelligence.

Mr. CLARK. Mr. President, earlier this afternoon I spoke at some length with respect to the pending nomination and read into the RECORD a legal opinion furnished me by legislative counsel and also some quotations from the latest opinion of the Supreme Court on the conflict-of-interest question, namely, the Mississippi Valley case, involving the Dixon-Yates question, a case decided in January 1961. I was necessarily called from the floor after I completed my remarks, and the distinguished senior Senator from Missouri [Mr. SYMINGTON], made some comments in reply to my talk, to which I do not wish to advert at this time.

He did, however, place in the RECORD a memorandum on conflicts of interest, dated January 15, 1962, signed by Law-

rence E. Houston, General Counsel of the Central Intelligence Agency, and indicated that in his view this memorandum, which ends with the conclusion that no question of conflict of interest arises out of the financial holdings of Mr. McCone, was persuasive to him.

With all deference to the distinguished Senator from Missouri, this memorandum is not persuasive with me, and I urge any Senators who may think it a rod on which they can lean in dealing with the conflict-of-interest question to take a good, hard look at the opinion of the legislative counsel and at the Supreme Court's decision in the Mississippi Valley case before they make up their minds finally. I note that the Court's opinion was not even discussed in the CIA memorandum.

In my opinion—and it is only one lawyer's opinion—the memorandum of the General Counsel of the CIA is very superficial, indeed, and is not persuasive. It states, in part, that the writer of the opinion knows "of no judicial decision suggesting that the existence of ultimate official responsibility for all of the activities of a department constitutes per se the 'transaction of business' within the meaning of section 434," which is the conflict-of-interest statute.

That sentence is carefully worded, indeed, but I suggest it is disingenuous, and that a reading of the Mississippi Valley case would convince any lawyer and many laymen that very broad and rigorous standards of conflict of interest were laid down by the Supreme Court of the United States in that case. This memorandum concludes that the CIA has no business negotiations or contracts, within the meaning of section 434, with any of the companies on the list of Mr. McCone's holdings. This statement is, of course, a pure conclusion of law and depends on the writer's view of the scope and intent of the statute.

I suggest that when one attempts to make up his mind as to whether a genuine conflict of interest exists with respect to the holdings by Mr. McCone of stock in the Standard Oil Co. of California, a wiser legal guide is the Supreme Court of the United States, rather than the General Counsel of the CIA.

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

Mr. CLARK. I am happy to yield to my friend, the Senator from South Dakota.

Mr. CASE of South Dakota. A short time ago I read into the RECORD paragraph 434 of title 18, which is the so-called conflict-of-interest statute. As a layman, I think paragraph 434 deals explicitly with acting as a purchasing officer or procurement agent for the United States. The mere fact of holding a position would not result in a violation of the statute, unless one while in a position as an agent of the United States entered into a contract for the United States with a company in which he had a pecuniary interest, under the wording of the statute.

Mr. CLARK. I would respectfully disagree with the Senator from South Dakota; and I urge that before 2 o'clock tomorrow he read the Mississippi Valley case. The conflict question in that case arose from the employment of a Mr. Wenzell as a special consultant for the Bureau of the Budget. At the same time Mr. Wenzell was serving as an officer and shareholder of the First Boston Corp. He participated on behalf of the United States in negotiations looking toward the formation of a Government contract in the execution of which First Boston might have been expected to participate. Mr. Wenzell had, and I quote from the U.S. brief in the case, "nothing to do with the negotiation of the formal contract," involving First Boston. Indeed his Government service ended several months before the contract was concluded.

Nevertheless, the Supreme Court of the United States held that, even though Mr. Wenzell did not participate in the negotiation of the actual contract or business transaction in question, his earlier role in events prior to the contract was a conflict under section 434 and voided the entire contract. So I suggest that a consideration of the barebones of the verbiage of section 434 does not tell us the whole story.

If the Senator from South Dakota does not find it convenient to obtain the entire opinion of the Supreme Court of the United States in the Mississippi Valley case, I refer him to the rather generous excerpts from the opinion of Chief Justice Warren in that case which I read into the RECORD earlier today and also placed in the RECORD yesterday at page 1110.

Mr. CASE of South Dakota. I shall be glad to examine that. However, it is my recollection that while Mr. Wenzell had an interest in the First Boston Corp., he also had what amounted to a contract to act as an adviser of the United States.

Mr. CLARK. Yes, but Mr. Wenzell's contract of employment with the Government, referred to by the Senator from South Dakota, was over before the contractual relationship between the First Boston Corp. and the United States of America was established. It is the latter contract which was held void by the Supreme Court because of Wenzell's earlier position.

Mr. CASE of South Dakota. There could have been a second violation; but I would not rule out the possibility that if Mr. Wenzel was employed by the United States to act as an adviser, if he advised the United States while he served in that capacity and while he also was in a position to serve his own interest, that situation might constitute a conflict of interest.

Mr. CLARK. I urge the Senator from South Dakota to read the opinion in that case. I think that with his perceptive mind he will note its implications, and I believe it will be much more persuasive than what I have stated this afternoon.

Mr. CASE of South Dakota. That may be. I merely think that regardless of whether there is or is not a legal or a statutory conflict of interest, if a man of his general education and interests and with the stake he had in such things had a blindspot or a prejudice which would lead him to act in a certain way which would be more beneficial to the concerns in which he had a financial interest than to the interests of the United States, such a circumstance might actually involve a conflict of interest.

Mr. CLARK. Of course that concerns me, too. Although I am strongly of the view that Mr. McCone is a completely honest man, yet the conflict-of-interest problem worries me substantially.

What worries me even more is that in my opinion this particular position calls for a judicious and an objective temperament; and I believe that Mr. McCone in his activities and in his Government service thus far has shown himself to be an active protagonist of his private views. So I have grave reservations in regard to his qualifications for this particular office.

Mr. CASE of South Dakota. Mr. President, the Senator from Pennsylvania has used the word "objective." I think Mr. McCone will be both objective and judicious in his attitude.

Of course the Scriptures say that where a man's treasure is, there is his heart, also.

Mr. CLARK. The Biblical quotation which was used by the Supreme Court of the United States came from the Gospel according to St. Matthew—namely, "No man can serve two masters." That is in the Supreme Court's opinion.

ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate now stand adjourned until tomorrow, at 12 o'clock noon.

The motion was agreed to; and (at 6 o'clock and 6 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, January 31, 1962, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate, January 30, 1962:

MUNICIPAL COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

Frank Hammett Myers, of the District of Columbia, to be judge of the municipal court of appeals for the District of Columbia for the term of 10 years, vice Leo A. Rover, deceased.

Joseph C. Waddy, of the District of Columbia, to be associate judge of the municipal court for the District of Columbia, domestic relations branch, for the term of 10 years, vice Frank Hammett Myers, elevated.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 30, 1962:

NATIONAL MEDIATION BOARD

Francis A. O'Neill, Jr., of New York, to be a member of the National Mediation Board for the term expiring February 1, 1965.

GOVERNOR OF CANAL ZONE

Maj. Gen. Robert John Fleming, Jr., O17095, U.S. Army, to be Governor of the Canal Zone, under the provisions of section 6, chapter 1, title 2, Canal Zone Code, to succeed Maj. Gen. William Arnold Carter, O18023, U.S. Army, on or about February 1, 1962.

U.S. ARMY

The following-named officer, under the provisions of title 10, United States Code,

section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in rank as follows:

To be general

Lt. Gen. Paul DeWitt Adams, O17306, U.S. Army.

The following-named officers, under the provisions of title 10, United States Code, section 3066, to be assigned to positions of importance and responsibility designated by the President under subsection (a) of section 3066, in rank as follows:

To be lieutenant generals

Maj. Gen. Samuel Leslie Myers, O17180, U.S. Army.

Maj. Gen. John Phillips Daley, O18358, U.S. Army.

Maj. Gen. William Wilson Quinn, O19283, U.S. Army.

The following-named person for appointment as indicated in the Army of the United States and for reappointment as colonel in the Regular Army of the United States, from the temporary disability retired list, under the provisions of title 10, United States Code, sections 1211, 3442, and 3447:

To be temporary brigadier general

Elegar, Augustus G., O18625.

The following-named officers to be placed on the retired list, in the grades indicated, under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Bruce Cooper Clarke, O16068, Army of the United States (major general, U.S. Army).

To be lieutenant generals

Lt. Gen. Donald Prentice Booth, O16395, Army of the United States (major general, U.S. Army).

Lt. Gen. Emerson Leroy Cummings, O15500, Army of the United States (major general, U.S. Army).

Lt. Gen. Edward Joseph O'Neil, O15952, Army of the United States (major general, U.S. Army).

Lt. Gen. Ridgely Gaither, O15970, Army of the United States (major general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in rank as follows:

To be lieutenant general

Maj. Gen. Carl Henry Jark, O17556, U.S. Army.

The following-named officers for temporary appointment in the Army of the United States to the grades indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major generals

Brig. Gen. Carl Darnell, Jr., O19213, U.S. Army.

Brig. Gen. Joseph Edward Bastion, Jr., O19162, U.S. Army.

Brig. Gen. Charles Frederick Leonard, Jr., O19829, Army of the United States (colonel, U.S. Army).

Brig. Gen. Ashton Herbert Manhart, O18773, U.S. Army.

Brig. Gen. Howard William Doan, O20057, Medical Corps (colonel, Medical Corps, U.S. Army).

Brig. Gen. Claire Elwood Hutchin, Jr., O21092, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. John Joseph Davis, O18530, U.S. Army.

Brig. Gen. Autrey Joseph Maroun, O19865, Army of the United States (colonel, U.S. Army).

Brig. Gen. Clifton Ferninand von Kann, O21371, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. William Winston Lapsley, O19727, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Ruhlen, O19733, Army of the United States (colonel, U.S. Army).

Brig. Gen. Herbert George Sparrow, O19003, U.S. Army.

Brig. Gen. James Richard Winn, O19491, Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Salvatore D'Orsa, O18866, U.S. Army.

Brig. Gen. Thomas Bowes Evans, O19174, U.S. Army.

Brig. Gen. William Reeves Shuler, O20118, Army of the United States (colonel, U.S. Army).

Brig. Gen. Bruce Palmer, Jr., O20117, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Bradford Rosson, O23556, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Ralph Edward Haines, Jr., O19849, Army of the United States (colonel, U.S. Army).

Brig. Gen. Benjamin Franklin Taylor, O20779, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Harvey Julius Jablonsky, O19390, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Ramsey Pugh, O18790, U.S. Army.

Brig. Gen. Robert George MacDonnell, O19361, Army of the United States (colonel, U.S. Army).

Brig. Gen. Andrew Jackson Boyle, O19924, Army of the United States (colonel, U.S. Army).

Brig. Gen. Francis Mark McGoldrick, O19857, Army of the United States (colonel, U.S. Army).

Brig. Gen. Vernon Price Mock, O19906, Army of the United States (colonel, U.S. Army).

Brig. Gen. Ellsworth Ingalls Davis, O18658, U.S. Army.

To be brigadier generals

Col. Ben Sternberg, O21286, Army of the United States (lieutenant colonel, U.S. Army).

Col. David Bennett Parker, O20571, Army of the United States (lieutenant colonel, U.S. Army).

Col. Jaroslav Thayer Folda, Jr., O21193, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Raymond Peers, O21366, Army of the United States (lieutenant colonel, U.S. Army).

Col. Seth Lathrop Weld, Jr., O19772, U.S. Army.

Col. William Welby Beverly, O21107, Army of the United States (lieutenant colonel, U.S. Army).

Col. Frank Alexander Osmanski, O19745, U.S. Army.

Col. Samuel Knox Eaton, O21132, Army of the United States (lieutenant colonel, U.S. Army).

Col. James Henry Lynch, O21237, Army of the United States (lieutenant colonel, U.S. Army).

Col. John William Dobson, O21851, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Howard York, O21341, Army of the United States (lieutenant colonel, U.S. Army).

Col. Arthur Sylvester Collins, Jr., O21260, Army of the United States (lieutenant colonel, U.S. Army).

Col. Carl C. Turner, O31909, Army of the United States (lieutenant colonel, U.S. Army).

Col. Carroll Hilton Dunn, O21427, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Wayne Whitney, O31855, Army of the United States (lieutenant colonel, U.S. Army).

Col. Henry Schuldt Murphey, O19338, Medical Corps, U.S. Army.

Col. Thomas Jay Hayes 3d, O20134, U.S. Army.

Col. Robert Ray Williams, O22962, Army of the United States (lieutenant colonel, U.S. Army).

Col. Woodrow Wilson Stromberg, O20728, Army of the United States (lieutenant colonel, U.S. Army).

Col. Frank Wade Norris, O21110, Army of the United States (lieutenant colonel, U.S. Army).

Col. Kelsie Loomis Reaves, O20777, Army of the United States (lieutenant colonel, U.S. Army).

Col. William York Frentzel, O19026, U.S. Army.

Col. Andy Archer Lipscomb, O21333, Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles Peter Stone, O21376, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Charles Fremont Tillson, 3d, O21196, Army of the United States (lieutenant colonel, U.S. Army).

Col. Clarence Earle Beck, O21239, Army of the United States (lieutenant colonel, U.S. Army).

Col. Jefferson Johnson Irvin, O21217, Army of the United States (lieutenant colonel, U.S. Army).

Col. Edwin Arthur Machen, Jr., O21284, Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles Joseph Denholm, O21293, Army of the United States (lieutenant colonel, U.S. Army).

Col. David Owen Byars, Jr., O21273, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Dixon Lawlor, O19536, U.S. Army.

Col. Lynn Davis Smith, O29741, U.S. Army.

Col. Charles Stuart O'Malley, Jr., O20682, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Milton Finn, O21252, Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Wilson Johnston, O30462, U.S. Army.

Col. Howard Edward Michelet, O21131, Army of the United States (lieutenant colonel, U.S. Army).

Col. Francis Johnstone Murdoch, Jr., O19853, U.S. Army.

Col. Robert Leaning Ashworth, O21308, Army of the United States (lieutenant colonel, U.S. Army).

Col. Wheeler Godfrey Merriam, O30759, U.S. Army.

Col. William Thomas Ryder, O20298, U.S. Army.

Col. Ward Sanford Ryan, O21339, Army of the United States (lieutenant colonel, U.S. Army).

Col. Frank George White, O21378, Army of the United States (lieutenant colonel, U.S. Army).

Col. James William Sutherland, Jr., O24202, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Mellard Connor, O20137, U.S. Army.

Col. Harry William Osborn Kinnard, O21990, Army of the United States (lieutenant colonel, U.S. Army).

Col. William McGregor Lynn, Jr., O21120, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Gamble Schermerhorn, O20610, Army of the United States (lieutenant colonel, U.S. Army).

Col. Benjamin Otto Turnage, Jr., O20360, U.S. Army.

Col. Oscar Glenn Goodhand, O51511, U.S. Army.

Col. James Thomas McGibony, O20406, Medical Corps, U.S. Army.

U.S. AIR FORCE

Gen. Charles P. Cabell 70A (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list in the grade of general, under the provisions of section 8962, title 10, of the United States Code.

The following-named officers to be assigned to positions of importance and responsibility designated by the President in the rank indicated, under the provisions of section 8066, title 10, of the United States Code:

To be lieutenant generals

*Maj. Gen. Bruce K. Holloway, 1336A, Regular Air Force.

*Maj. Gen. James Ferguson, 1530A, Regular Air Force.

*Maj. Gen. Harvey T. Alness, 1085A, Regular Air Force.

*Maj. Gen. Thomas S. Moorman, Jr., 644A, Regular Air Force.

The following-named officers for appointment in the Regular Air Force to the grades indicated, under the provisions of chapter 835, title 10, of the United States Code:

To be major generals

Maj. Gen. John S. Hardy, 1502A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. James V. Edmundson, 1863A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Benjamin O. Davis, Jr., 1206A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Albert P. Clark, 1218A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Lewis L. Mundell, 1286A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Robert J. Friedman, 1379A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Robert A. Breitweiser, 1406A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Fred M. Dean, 1450A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Waymond A. Davis, 1470A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Cecil H. Childre, 1551A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Frank E. Rouse, 1595A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Hewitt T. Wheless, 1609A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Henry R. Sullivan, Jr., 1655A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Osmond J. Ritland, 1731A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Keith K. Compton, 1849A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Joseph R. Holzapple, 1897A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. David A. Burchinal, 1936A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. James F. Whisenand, 1945A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Glen W. Martin, 1955A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. William W. Momyer, 1964A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Richard L. Bohannon, 19067A (brigadier general, Regular Air Force, Medical), U.S. Air Force.

To be brigadier generals

Brig. Gen. Gordon H. Austin, 1207A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Frederick R. Terrell, 1221A (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. Frederic H. Miller, 1273A (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. J. Stanley Holtoner, 1283A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Richard P. Klocko, 1327A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Ivan W. McElroy, 1338A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Paul W. Scheidecker, 1354A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William G. Hipps, 1358A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John N. Ewbank, Jr., 1381A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Paul T. Preuss, 1407A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William B. Keiffer, 1409A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Walter E. Arnold, 1478A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert F. Worden, 1510A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Clyde Box, 1535A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert G. Ruegg, 1620A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert H. Curtin, 1643A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert B. Miller, 1646A (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. Robert E. Greer, 1672A (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. John B. Bestic, 1682A (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. Perry M. Hoisington II, 1694A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. George B. Greene, Jr., 1736A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William E. Creer, 1742A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Horace D. Aynesworth, 1771A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Philip H. Greasley, 1821A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Joseph H. Moore, 1836A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John A. Dunning, 1855A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Melvin F. McNickle, 1891A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Gilbert L. Pritchard, 1974A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Reginald J. Clizbe, 2004A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Jerry D. Page, 2052A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William E. Leonhard, 18095A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Charles H. Terhune, Jr., 3424A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert N. Smith, 3783A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Harold E. Humfeld, 3857A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Selmon W. Wells, 3991A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William T. Seawell, 4034A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. George S. Brown, 4090A (colonel), Regular Air Force), U.S. Air Force.

Brig. Gen. Seth J. McKee, 4279A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John C. Meyer, 4496A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Jack J. Catton, 4719A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Theodore C. Bedwell, Jr., 19101A (colonel, Regular Air Force, Medical), U.S. Air Force.

Brig. Gen. Benjamin A. Strickland, Jr., 19097A (colonel, Regular Air Force, Medical), U.S. Air Force.

The following-named officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 51, of the United States Code:

To be major generals

Brig. Gen. Don Coupland, 1766A, Regular Air Force.

Brig. Gen. George B. Dany, 1061A, Regular Air Force.

Brig. Gen. Dwight O. Monteith, 1205A, Regular Air Force.

Brig. Gen. Curtis R. Low, 1349A, Regular Air Force.

Brig. Gen. Henry G. Thorne, Jr., 1514A, Regular Air Force.

Brig. Gen. James C. McGehee, 1746A, Regular Air Force.

Brig. Gen. James E. Roberts, 1846A, Regular Air Force.

Brig. Gen. Aubrey L. Jennings, 19073A, Regular Air Force, Medical.

Brig. Gen. Frederick R. Terrell, 1221A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Richard P. Klocko, 1327A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Paul W. Scheidecker, 1354A, (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William B. Kieffer, 1409A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Walter E. Arnold, 1478A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Clyde Box, 1535A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert G. Ruegg, 1620A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. George B. Greene, Jr., 1736A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Joseph H. Moore, 1836A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Melvin F. McNickle, 1891A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Jerry D. Page, 2052A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Charles H. Terhune, Jr., 3424A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Harold E. Humfeld, 3857A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Selmon W. Wells, 3991A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Seth J. McKee, 4279A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Lee W. Fulton, 1107A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Emmett B. Cassady, 1095A, (colonel, Regular Air Force), U.S. Air Force.

To be brigadier generals

*Col. Godfrey T. McHugh, 1257A, Regular Air Force.

Col. Duward L. Crow, 18061A, Regular Air Force.

Col. Albert L. Pearl, AO350203, Air Force Reserve.

Col. Norman C. Spencer, Jr., 1220A, Regular Air Force.

Col. Harry E. Goldsworthy, 1631A, Regular Air Force.

Col. Joseph L. Dickman, 1656A, Regular Air Force.

Col. Lewis W. Stocking, 1709A, Regular Air Force.

Col. Charles G. Chandler, Jr., 1842A, Regular Air Force.

Col. Hubert S. Judy, 2032A, Regular Air Force.

Col. John B. McPherson, 2068A, Regular Air Force.

Col. Prentiss D. Wynne, Jr., 1699A, Regular Air Force.

Col. William D. Greenfield, 1899A, Regular Air Force.

Col. Alonzo A. Towner, 19158A, Regular Air Force, Medical.

Col. Kenneth E. Pletcher, 19136A, Regular Air Force, Medical.
Col. Robert W. Manss, 2713A, Regular Air Force.
Col. Lawrence F. Loesch, 4300A, Regular Air Force.
Col. Winton R. Close, 4343A, Regular Air Force.
Col. John D. Lavelle, 4359A, Regular Air Force.
Col. Donald W. Graham, 4361A, Regular Air Force.
Col. Otto J. Glasser, 4368A, Regular Air Force.
Col. Louis B. Grossmith, Jr., 4430A, Regular Air Force.
Col. Harry L. Evans, 4619A, Regular Air Force.
Col. William W. Wisman, 4990A, Regular Air Force.
Col. Jay T. Robbins, 5029A, Regular Air Force.
Col. Joseph J. Cody, Jr., 5126A, Regular Air Force.
Col. Gordon M. Graham, 7761A, Regular Air Force.
Col. William J. Crumm, 8663A, Regular Air Force.
Col. John W. Vogt, Jr., 8709A, Regular Air Force.
Col. Lucius D. Clay, Jr., 8956A, Regular Air Force.
Col. James H. Weiner, 33425A (lieutenant colonel, Regular Air Force), U.S. Air Force.
Col. Joseph R. Deluca, 33749A (major, Regular Air Force), U.S. Air Force.
Col. Richard H. Ellis, 36867A (major, Regular Air Force), U.S. Air Force.

(NOTE.—Asterisk (*) indicates officer was appointed during the last recess of the Senate.)

U.S. NAVY

The following-named officers of the Regular Navy for permanent promotion to the grade indicated:

LINE

To be rear admirals

Charles B. Brooks, Jr.	Joseph A. Jaap
William B. Sieglaff	Louis A. Bryan
Joseph W. Leverton, Jr.	Allen M. Shinn
	Alfred R. Matter
James C. Dempsey	Richard S. Craighill
John W. Byng	Daniel F. Smith, Jr.
Joseph D. Black	Thomas F. Connolly
Andrew J. Hill, Jr.	Waldemar F. A. Wendt
Frederick J. Becton	Charles J. Palmer
Francis T. Williamson	Robert B. Fulton II
Frederick J. Brush	Charles A. Curtze

MEDICAL CORPS

To be rear admiral

Harold J. Cokely

SUPPLY CORPS

To be rear admirals

Charles A. Blick
John W. Bottoms

The following-named officers of the Naval Reserve for permanent promotion to the grade indicated:

LINE

To be rear admirals

Leroy J. Alexanderson
Grant G. Calhoun

U.S. MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade indicated:

To be major generals

Alpha L. Bowser	James M. Masters, Sr.
Avery R. Kier	Ralph K. Rottet
Sidney S. Wade	

To be brigadier generals

Thomas F. Riley	William T. Fairbourn
Frederick E. Leek	Bruno A. Hochmuth
Odell M. Conoley	Roy L. Kline
Philip W. John	William R. Collins

IN THE ARMY

The nominations beginning Lt. Gen. Paul DeWitt Adams* to be general, and ending Randall L. Yeargan to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 15, 1962.

*General Adams and five other general officers also appear as confirmed under the individual U.S. Army nominations of this date.

EXTENSIONS OF REMARKS

New York State Benefits From Our Exports to Japan

EXTENSION OF REMARKS
OF
HON. EMANUEL CELLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 1962

Mr. CELLER. Mr. Speaker, many people fail to realize how much the United States, and the State of New York in particular, benefit from our exports to Japan. In the past 5 years the United States has exported more to Japan than to any other country except Canada. Our commodity exports to Japan amounted to $1.3 billion in 1960, and $1.7 billion in 1961. In 1960, 190,000 jobs were created for American workers by these exports to Japan, and this figure rose to 250,000 jobs last year. By 1970, it is estimated, our national exports to Japan will exceed $3 billion. Except in 1959, the balance of our trade with Japan has been favorable to us since 1950. In 1960 our exports exceeded imports by $200 million; in 1961, by $600 million.

Our own State of New York, in 1960, exported commodities valued at $78 million to Japan, with 6,800 jobs created by this trade. Our exports included: machinery, $25 million; metal scrap, $23 million; chemicals, $9 million; agricultural products, $7 million; photographic goods, $5 million; metal products, $5 million; copper, $3 million; and scientific instruments, $1 million.

If we are to have the benefits of these expanding exports to Japan, we must ever be mindful that trade is a two-way street. If Japan is to continue to take our exports and pay for them, Japan must be able to export on her own behalf. For us to stifle imports from Japan by the erection of tariff walls would be to kill the goose that laid the golden egg. It would deprive Japan of the dollars needed to purchase American goods and would end by forcing Japan into the arms of the Soviet bloc. Japan must export in order to survive economically. If we shut out her products she must seek markets elsewhere—and today this means the markets of Red China and Red Russia.

Resolution in Behalf of Freedom for Lithuania, Latvia, and Estonia

EXTENSION OF REMARKS
OF
HON. THOMAS J. LANE
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 1962

Mr. LANE. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

RESOLUTION IN BEHALF OF FREEDOM FOR LITHUANIA, LATVIA, AND ESTONIA

Whereas the Baltic States were occupied by the armed forces of the Soviet Union; and

Whereas the people of Lithuania, Latvia, and Estonia are desperately struggling to regain their freedom and independence; and

Whereas so many countries under colonial domination have been or are being given the opportunity to establish their own independent states, the Baltic Nations having a great historical past and having enjoyed the blessings of freedom for centuries are now subjugated to the most brutal colonial oppression; and

Whereas the people and Government of the United States of America have a long and established record in aiding oppressed people: Now, therefore, be it

Resolved, That the Senate and House of Representatives of the United States of America urge the President and the Government of the United States to take all the necessary steps to put the Baltic States problem on the agenda of the United Nations requesting that: (1) The Soviet Union withdraw all Soviet troops, agents, colonists, and controls from Lithuania, Latvia, and Estonia; (2) return all Baltic exiles from Siberia, prisons, and slave-labor camps; and be it further

Resolved, That the United Nations conduct free elections in Lithuania, Latvia, and Estonia under its supervision.

County Agents, First Congressional District, Saluted by Congressman Boykin

EXTENSION OF REMARKS
OF
HON. FRANK W. BOYKIN
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 1962

Mr. BOYKIN. Mr. Speaker, the counties in Alabama's First Congressional District—Choctaw, Clarke, Marengo, Mobile, Monroe, Washington, and Wilcox—made a magnificent contribution to the agriculture of this State last year.

The work that county agents and their assistants carried out with farmers and their families—and all others interested in promoting agriculture—was done in a splendid way.

Annual records point out the agents outstanding accomplishments. Let us look at a few examples. Clarke County Agent O. C. Helms assisted in some way all 1,494 farms in his county during 1961. Mobile County Agent Charles J. Brockway made an excellent record of 2,254 farm visits in his county. In Monroe County, Agent A. V. Culpepper assisted 2,183 out of 2,873 farm families sometime during the year. County Agent D. O. Estes in Washington County was real active in 4-H work. He has an outstanding number of 42 4–H Clubs in the county. County Agent R. M. Barnett in Wilcox County was called on 3,030 times by farmers.

Statistics for the entire district are even more impressive. For example, this district reports to me that county agents have made 11,725 visits to help farmers with their pressing problems. They have distributed 56,083 different bulletins over the counties, and have held 3,293 meetings throughout the district with the attendance totaling about 128,000. District No. 1 also has 191 active 4–H Clubs. This is an average of 27 clubs per county.

Timber was the districts' highest income source. This item brought a total of $14,500,000. The beef cattle total was second with $14,293,000. Other items which contributed to the district's rural income were cotton, dairying, poultry, hogs, sheep, grain crops, peanuts, fruits, vegetables, and other truck crops.

Congressional District 1 throws out to these agents and their assistants a vote of thanks for their outstanding work for the year of 1961.

It is with a great deal of pleasure and appreciation that I salute F. M. Barnett, Charles J. Brockway, A. V. Culpepper, D. O. Estes, F. M. Jones, O. C. Helms, and Matthew Sexton.

Congressman Walter on Nonsked Airline Finances—Installment I

EXTENSION OF REMARKS
OF
HON. JOHN H. ROUSSELOT
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1962

Mr. ROUSSELOT. Mr. Speaker, Congressman FRANCIS WALTER has reviewed the financial reports of nonscheduled airlines certificated by the Civil Aeronautics Board in a statement delivered before the House Armed Services Subcommittee on Monday, January 8, 1962. Under unanimous consent, I include the statement in the CONGRESSIONAL RECORD:

STATEMENT BY REPRESENTATIVE FRANCIS E. WALTER, DEMOCRAT, OF PENNSYLVANIA, BEFORE THE HOUSE ARMED SERVICES SUBCOMMITTEE ON MONDAY, JANUARY 8, 1962

Gentlemen, I thank you for the opportunity to appear before you on this important matter.

As you know, my interest stems from the Imperial Airlines crash at Richmond, Va., November 8, 1961, in which 29 boys from my district were killed. Initial information about that accident was so disturbing that I began looking in detail into the nonscheduled or supplemental carriers as a group. I have decided that the most helpful contribution I can make to your investigation is to summarize for you the facts I have been able to gather thus far on these companies.

I am very concerned about what I have investigated, and I hope the matters I have discovered will help lead to early legislation that will put this house in order.

It is my understanding that there are now approximately 32 carriers holding authority as nonscheduled or supplemental carriers. Without going into details of the type of authority they possessed earlier, the present authority of approximately 25 of them consists of certificates awarded by the Civil Aeronautics Board in the Large Irregular Air Carrier Investigation, CAB docket 5132, in January 1959. Some of the certificates were for 2 years, the rest for 5. They gave each company unlimited domestic charter right, plus the right to operate 10 round trips per month in individually ticketed business on each of as many domestic routes as a carrier might wish.

The court of appeals held that this award was illegal. Before appeal from this decision could come before the Supreme Court, the Congress, at the end of the session in 1960, passed a law simply extending for 20 months the authority which had been granted by the CAB. The idea was to give Congress time to decide either to let the authority of these carriers expire at the end of the 20 months, or to enact permanent legislation governing the type of authority to be given them. The 20-month law expires March 14 of this year.

The Supreme Court, therefore, did not pass a judgment on the case. It returned it to the Court of Appeals which is retaining jurisdiction pending a decision by the Congress.

The authority of some of the remaining six or seven carriers, which preexisted the Board's decision, was continued pending further hearings on the qualifications of those carriers, and two are new supplements which have been certificated by the Board since its decision in docket 5132.

The House Committee on Interstate and Foreign Commerce, in its Report No. 1177 of September 13, 1961, on H.R. 7318, said of the Board's decision in docket 5132:

"The so-called certificates issued by the Civil Aeronautics Board to the supplementals were illegal. This illegality was not a mere technical infraction of the act. It was fundamental. The 10-flight individually ticketed grant violated basic principles of the economic regulatory philosophy of the Federal Aviation Act of 1958."

I have made a careful and detailed examination of the past record and fitness of these companies and, while the following is by no means a complete summary, it reveals what I think will cause this committee and the entire Congress the gravest concern.

Before beginning this review, one word about "fitness". The word "fit" is not used by mere chance. It is a word of art. It is probably the single most important word in the entire statute. The Federal Aviation Act, using precisely the same phrase as was in its predecessor, the Civil Aeronautics Act, ever since its enactment in 1938, says in part that "The Board shall issue a certificate authorizing the * * * transportation covered by the application, if it finds that the applicant is fit, willing, and able to perform such transportation properly, and to conform to the provisions of this Act and the rules, regulations and requirements of the Board * * *" (sec. 401(d)(1)).

The statute does not say "somewhat fit", or "partially fit". It says fit. One of the grounds for the Court of Appeals' reversal of the Board's decision in Docket 5132 was precisely on this basis, for the Board did not require that each of the carriers show that it was "fit" to do all the things its certificate would authorize, but instead certificated them as a group, in effect allowing one carrier to "trade" on the qualifications of another. The court, in effect, said that by the plain words of the statute this was obvious error. Moreover, the Board not only said it would not require such high standards of fitness of this group of carriers as it does of others, but it even went further and divided this group into the "more fit", to which it gave 5-year certificates, and the "less fit" to which it therefore gave 2-year certificates. Thus the Board in effect said there are three different standards of fitness.

Now let's look at the record of each of these carriers to see just how fit they are.

First, there is a group of six that reportedly are bankrupt. These appear to be: Arctic-Pacific, Inc.; Aviation Corp. of Seattle (doing business as Westair Transport); Conner Air Lines, Inc.; General Airways, Inc.; Miami Airline, Inc.; Transocean Air Lines.

I want to make clear that I have not yet been able to see the official bankruptcy documents as to each of these carriers. However, I have been informed that each is bankrupt, and the data in balance sheets, sent me by the CAB, certainly indicates this. Miami Airlines, for instance, as of September 30, 1960, reported to the Board current assets of $16,200 versus current liabilities of $316,600. Earned surplus was minus $714,000. This appears to be its latest report to the Board. Transocean, September 30, 1961, reported $1,181,000 current assets, $16,657,000 current liabilities, and a net worth deficit of $18,079,000.

What is the relevance of this? The entire history of air transportation shows that safety is not only intimately related to financial well-being, but, in fact, just plain depends on it. The Civil Aeronautics Act itself arose largely from the bad accident record of carriers that were going broke in the mid-1930's and were consequently shaving maintenance and other expenditures without which you cannot have air safety.

Second, when a company goes bankrupt the creditors are left holding the bag, and in the case of the nonskeds, one of the main creditors has over many long years been the U.S. Government, with unpaid bills for fuel, oil, maintenance, supplies, and services of many kinds. Precisely in the amount that these bills have proved uncollectible, these carriers have obviously been subsidized by the taxpayers of the Nation. In the case of Transocean, for instance, I am advised that the Air Force has stated that $108,497 for fuel and oil alone is uncollectible, while I have a copy of a filing by the Government in the bankruptcy proceedings in which the Government claims over $365,000.

There is no better example of the relationship between safety and financial ability than Arctic-Pacific, whose crash at Toledo October 29, 1960, killed most of the members of the California Polytechnic football team. That carrier also appeared to be shot through with mismanagement and, in fact, downright indifference to whether great risks were taken. Reports were that the pilots took off below minimums, that the management suppressed or destroyed adverse ratings of pilot competence, and that unrecorded flights were conducted. The man behind the company, James Springer, then moved into another air transport operation on the west coast, listing himself as only an expediter in the company's personnel roster, apparently to conceal what later hearings indicated was his actual control of the company. Operations were flown which some pilots refused to fly as being unsafe, and a crash killing seven at Travis Air Force Base led to a CAB hearing last December in San Francisco on FAA action to ground the company.

There is an even larger group of 14 carriers which, while apparently not bankrupt, have revealed in the balance sheet they have

most recently filed with the CAB conditions which merit the attention of the committee. Balance sheet dates are June 30 and September 30, 1961.

The carriers are: Airline Transport Carriers, Inc. (doing business as California-Hawaiian Airlines); American Flyers Airline Corp.; Associated Air Transport, Inc.; Coastal Air Lines; Modern Air Transport, Inc.; Overseas National Airways; President Airlines, Inc. (formerly called California-Eastern Aviation, Inc.); Saturn Airways, Inc.; Sourdough Air Transport; Standard Airways, Inc.; Stewart Air Service; United States Overseas Airlines, Inc.; Vance Roberts; World Wide Airlines, Inc.

Here are some facts about each of these companies:

1. Airline Transport Carriers, Inc., doing business as California-Hawaiian Airlines:

Earned surplus (deficit)	$167,000
Net worth (deficit)	99,800

Recently declared unfit by MATS for financial inadequacy, substandard maintenance, and marginal operating ability.

CAB bureau counsel moved on January 3 to reopen the record, in the continuation of hearings in docket 5132 to determine whether this company's authority will be continued, on the ground that investigation of the company's books by the CAB Bureau of Enforcement last October revealed incorrect balance sheets filed with the CAB for both December 1960, and June 1961. Bureau counsel stated that the carrier listed current liabilities as long-term debt, thus distorting its current ratio from an actual 1 to 6.6 to a purported 1.6 to 1.

He added that "in view of the carrier's apparent, and possibly willful violations of the Board's reporting requirement in submitting financial reports, the ability and desire of the carrier to adhere to the Board's rules and regulations becomes subject to much doubt."

2. American Flyers Airline Corp.:

Current liabilities	$252,500
Current assets	107,500
Working capital—deficit	145,000
Earned surplus—do	49,700
Net worth—do	44,700

3. Associated Air Transport, Inc.:

Current liabilities	354,000
Current assets	152,000
Working capital—deficit	202,000
Earned surplus—do	162,500
Capital surplus—do	12,400
Net worth	174,900

Recently declared unfit by MATS for financial inadequacy, substandard maintenance, and substandard quality of service. Official CAB accident reports show that this carrier has had three accidents in the past 4 years.

4. Coastal Air Lines:

Current liabilities	$29,700
Current assets	11,200
Working capital—deficit	18,500
Earned surplus—do	64,400
Net worth—do	55,900

The company did only $6,750 of business in 1961. It owns no flight equipment. Management is at present seeking board approval to sell its supplemental certificate in CAB Docket 12425.

5. Modern Air Transport, Inc.:

Current liabilities	$349,600
Current assets	152,500
Working capital—deficit	197,100
Earning surplus—do	38,300
Net worth—do	37,300

6. Overseas National Airways:

Current liabilities (including overhaul reserves)	2,848,000
Current assets	1,223,000
Working capital—deficit	1,625,000
Earned surplus—do	987,400
Net worth—do	887,400

This financial condition is much worse than that of two carriers which MATS has declared financially inadequate. The carrier owned no flight equipment as of September 30, 1961.

This carrier is subject to a CAB cease and desist order in The Overseas National Enforcement Proceeding, Docket 11154, for violating section 401(a) of the act by conducting foreign air transportation without authority, and section 412 by illegally entering into agreements with foreign air carriers. CAB Order E–16895 of June 5, 1961.

The company has also been involved in repeated attempts to fly charters for charter parties that included individual members of the general public, in violation of the Board's North Atlantic charter policy, which, in line with established precedent, has confined charters to members of bona fide, reasonably homogeneous groups. See, for instance, CAB Orders E–12575, E–12608, E–12654, E–12655, E–12669, E–12742, E–12992 in 1958.

7. President Airlines, Inc. (successor to California-Eastern Aviation, Inc.):

Although I requested of the CAB a balance sheet for each carrier, I did not receive one for President, and therefore assume the carrier has not filed with the CAB as required. I am informed, however, that MATS has recently declared the company financially unfit.

This is the company which stranded the Chicago charter group at Shannon Airport, Ireland, and the Los Angeles charter group in London, last fall. As I recall, the press reported the stranding at Shannon as due to refusal of the airport authorities to release the plane until payment of delinquent landing fees and fuel and oil bills.

On September 10, 1961, a President plane crashed on takeoff at Shannon, killing 83 persons.

To the best of my knowledge, the CAB has not revoked the certificate of this carrier.

(See "CAB and FAA Negligence—Installment II" in today's RECORD for remainder of Congressman WALTER's statement.)

Saturn's balance sheet contains a statement of total liabilities and computation of net worth which is thoroughly confusing and unintelligible to me and I hereby request an immediate audit of it by the CAB. The above statement also reflects a poorer condition than that of the two carriers declared financially inadequate by MATS.

9. Sourdough:

Current liabilities	$12,000
Current assets	6,900
Working capital—deficit	5,100
Flight equipment totals only	20,000

The committee may want to pause to consider these figures. What kind of a plane do you own for $20,000?

In a proceeding to revoke this carrier's operating authority for dormancy, the Board, while acknowledging that the carrier had been dormant, held that it would not be in the public interest and that no useful purpose would be served by revoking such authority. Order E–14620 of November 9, 1959. The Board had announced in its 1955 decision in docket 5132, that it intended to revoke carriers for dormancy because of the repeated history of such certificates being acquired by illegal operators who continued their illegal operations under the purchased certificate upon revocation of prior authority. The Board's reason for Order E–14620 was that its decision in docket 5132 was in litigation.

10. Standard Airways, Inc.:

Current liabilities	$387,000
Current assets	251,200
Working capital—deficit	136,500
Earned surplus—do	23,500

Recently declared unfit by MATS for substandard maintenance and unsatisfactory standards of service.

11. Stewart Air Service:

Current assets reported by the carrier as minus $2,170 with cash on hand of minus $3,251. I have never heard of having an asset that is a minus dollar amount. Current liabilities are $70,594, for a working capital defiit of, I gather, $72,764.

I request a CAB audit and explanation of this balance sheet. This appears particularly necessary, in view of CAB Order E–12877 of August 11, 1958, ordering this carrier to cease and desist from violating the Board's regulations by failing to supply requested revisions, corrections or explanations to financial reports required by the Board. The company had failed to respond to such CAB requests until after docketing of the petition for enforcement in that proceeding.

12. United States Overseas Airlines, Inc.:

Current liabilities	$3,422,500
Current assets	1,526,000
Working capital—deficit	1,896,500
Earned surplus—do	1,714,000
Net worth—do	1,421,700

This is a financial status much worse than that of the two carriers MATS has disapproved on the ground of financial inadequacy.

One of the statutory requirements is that a carrier be fit, willing, and able "* * * to conform to the provisions of this Act and the rules, regulations, and requirements of the Board * * *" (Federal Aviation Act, section 401(d)(1)).

In 1960 there was a finding that this company violated section 403 of the act by exchanging transportation for advertising, publicity and/or promotional goods and services, thus receiving compensation other than the fares specified in its tariffs. Order E–15999, November 7, 1960, docket 10979.

Last month the Board ordered the carrier to cease and desist from operating in excess of its authorized 10 flights per month, in

Congressman Walter on Non-Sked Airlines Finances—Installment II

EXTENSION OF REMARKS

OF

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1962

Mr. ROUSSELOT. Mr. Speaker, I have placed Installment I of a statement by Congressman FRANCIS WALTER concerning financial reports of certain nonscheduled airlines certificated by the Civil Aeronautics Board in today's CONGRESSIONAL RECORD. Under unanimous consent, I include Installment II of same in the RECORD of this day:

8. Saturn Airways, Inc:

Current liabilities (including overhaul reserves of $46,700)	$720,900
Current assets	69,000
Working capital—deficit	605,200

violation of section 401(a) of the act, on each of five of the principal routes of the country: New York-Los Angeles, New York-Oakland, New York-Chicago, Chicago-Los Angeles, and Los Angeles-Honolulu. (Order E–17822, docket 10979.)

13. Vance Roberts:

This appears to be a carrier of a size comparable to Sourdough. Current assets are only $2,942, with total assets only $41,838.

This is one of the two companies newly certificated by the Board subsequent to its decision in docket 5132. It is hard to believe that carriers of this size can be of significant value to the military. In addition, it seems fair to question whether the Government should license a company whose total assets are substantially less than the possible value of its operating authority to some illegal operator seeking to buy such authority with which to resume operations.

14. World Wide Airlines, Inc.:

Current liabilities	$110,700
Current assets	48,200
Working capital—deficit	62,500
Earned surplus—do	238,700
Net worth—do	49,400

In an initial decision of May 24, 1961 (docket 5132), recommending a supplemental certificate for this company despite finding that it "is in a weak financial condition" based on a net worth deficit of $19,160, which is 60 percent less than the net worth deficit shown above, the examiner said, moreover, that the figure of $19,160 probably understated the net worth deficit by at least $105,273 since the asset side included the company's CAB operating authority, valued by the present management at that figure.

A brief history of this carrier follows: Although it has changed hands repeatedly, the CAA at one point when it was controlled by one Eric Pearson in the early 1950's stated that "We will not consider World Wide Airlines, Inc., qualified for an air carrier operating certificate so long as Mr. Pearson is in a position to control or influence the company's actions. * * *" See CAB docket 8680, trial examiner's initial decision of November 6, 1957. Its certificate was revoked June 17, 1954, as the outgrowth of a flight from Los Angeles to Baltimore with an engine not only overdue for overhaul but needing to be changed, and flown by a wildcat crew when World Wide's regular pilots refused to fly the plane. The company did not operate through 1955, 1956, and at least the first 9 months of 1957.

In a proceeding to revoke it for nonuser, the trial examiner noted that, after one abortive attempt at sale of the carrier, Pearson allegedly resold it to Melvin J. Catlett, former chief pilot of SSW, a suplemental which went bankrupt in February 1959 and was suspended by the Board in September 1959 for failure to refund tickets, canceling flights without proper notice, and abandoning its ticket offices without adequate notice to passengers holding tickets and reservations (CAB order E–14490). The examiner indicated a fear that Catlett was only a nominal purchaser, noting that, after Pearson's prior purported sale had gone sour:

"Within a 2-week period, during which the hearing was continued at the request of respondent's counsel, Pearson managed to negotiate the sale of respondent to Catlett. Most unusual about this transaction is the fact that the vendee was not required to put up any cash to seal the agreement. * * * The failure of Catlett to make a downpayment and to show, at the hearing, some evidence of financial fitness suggests the possibility that he may be a nominal purchaser. Thus, contrary to the contention of respondent, the very elements of the Board's reasoning in imposing the 'nonuser' condition in 1955 are present in this case" (initial decision. World-Wide Enforcement case, docket 8680, Nov. 6, 1957).

The examiner also said, citing other cases, that "these cases make is abundantly clear that the Board expects strict compliance with the two consecutive calendar-quarter requirements and that only under exceptional conditions will the Board entertain relief * * *."

These comments by the examiner were in November 1957 and were based on the Board's pronouncement in docket 5132 of a policy of revocation for nonuser. The Board on November 9, 1959, however, dismissed the proceeding on the same grounds as in the Sourdough dismissal. The latest stage is the examiner's decision of May 24, 1961, recommending a certificate, and stating that "the Board has recognized that the service obligations of such a supplemental carrier can be met with minimum financial strength and despite an adverse balance sheet." As of September 30, 1961, the carrier owned no aircraft.

I have previously referred to the problem of illegal combines of carriers formed for the purpose of providing scheduled or daily service while purporting that each carrier in the combine in itself does not operate in excess of its permitted 10 flights per month. This brings us to Blatz Airlines, Inc.; Paul Mantz Air Services (now Paramount Airlines, Inc.); Quaker City Airways, Inc. (now using the name Admiral Airways).

I am sure members of this committee have some knowledge of the Great Lakes-"Skycoach" combine which has been flying with flagrantly excessive frequency, apparently for more than a decade. The authority of the carriers in that combine appears finally to have been revoked by CAB orders, upheld by the Supreme Court. I think there is significant evidence of a plan to shift these operations to some of the carriers named above, just as illegal operators have transferred to other certificates in the past for continued operations despite Board revocation orders.

Lobbyist registrations filed with the Congress last summer appear to show that Paul Mantz, Quaker City, and the Great Lakes combine have the same lobbyists and law firm.

Blatz has in the past carried transcontinental passengers of Currey Air Transport, Ltd., to California destinations beyond Los Angeles, where Currey terminates. This was pursuant to an alleged charter of Blatz aircraft to Currey, which was in the Great Lakes combine. CAB Order E–12987, September 18, 1958, docket 8727. This is a consent cease and desist order which in addition recites many other serious violations of the act by Blatz.

One Charles E. Lewis now purports to own Quaker City. An individual of this name also now heads the Independent Airline Association. See the Washington Post, January 3, 1962, page B–2. It is my understanding that this association of nonskeds has been reported at one time or another to be largely controlled by the Great Lakes combine. As of September 30, 1961, this carrier also owned no aircraft.

The Board in its decision in docket 5132 said of Paul Mantz: "The examiners * * * found the applicant was not disposed to comply with the act and regulations, based upon applicant's illegal participation in the North Star combine * * *. The examiners were clearly correct in their findings of violations, and applicant's participation therein cannot be condoned."

Supposedly the present owner of Paul Mantz Air Services, which as of September 30, 1961, owned no aircraft, is one Theodore J. Bodwell. He has stated that he bought the company from Mantz December 7, 1960. But in a statement to the Congress, July 26, 1961, he said that part of the purchase money came from a loan "of a substantial amount" from one Pierce O'Carroll, of Chicago. Pierce O'Carroll was sole owner and president of Monarch Air Service which was found unfit in the examiners' initial decision of March 29, 1955, docket 5132, in part because of violating the act by participating with Currey and Great Lakes in the Skycoach combine. Bodwell also was a pilot for Great Lakes, beginning in 1953, and became chief pilot in 1959, according to his own statement.

Let us now focus briefly on carriers that the committee may deem unfit purely on safety grounds.

According to the Accident Report, Supplemental Carriers, for 1954 through 1961, by the CAB Bureau of Safety, Capitol Airways, Inc., has had 18 serious accidents, including 13 crashes, in that period. Five of these involved fatalities. The committee is generally familiar with the crash of Imperial, carrying recruits from my district, at Richmond, Va., November 8, 1961, with 77 fatalities. News reports at the time told of engine repair with automobile parts, a girl friend of the crew riding in the cockpit the day before. Also, one of the engines was not operating at the time of the crash and had been bought from an English airline which had discarded it as having been flown too many hours.

I am continuing my investigation of the background of this company.

At this point, gentlemen, I have reviewed 25 of the approximately 32 supplementals, and I am sure that by now the question of what demand exists for their service must have occurred to you.

One of the claims these carriers have repeated over the years is that they are needed by the Department of Defense. It seems to me that in addition to being fit, the other basic test of the Department's need ought to be the equipment they own. Equipment they lease is irrelevant because its availability to the Department of Defense obviously does not depend on the existence of these carriers. Much of it is, in fact, leased from the Department, through the Air Force.

As of September 30, 1961, ignoring DC–3's, C–46's, and 13 DC–4's as being obsolete, 4-engine aircraft of the DC–6 or Constellation type reported as owned by all or virtually all the carriers total 32.

This total must, however, be reduced by eight, two of which have been destroyed in crashes. One belongs to a carrier in bankruptcy, and five belong to companies disqualified by MATS as unfit.

The remaining 24 belong to 7 carriers, 4 of them—American Flyers, Modern, Saturn, and United States Overseas being among those I already have discussed. The semimodern airlift available to the Department of Defense through companies not previously discussed therefore boils down to 13 airplanes owned by 3 carriers.

That is the sum and substance of it—a sharp contrast to assertions made last summer by nonsked representatives of a fleet of around 165 aircraft.

All the facts point to one conclusion: The Imperial Airlines disaster at Richmond has dramatized the financial unfitness, unsafe operations and law violations in the supplemental airline field.

The record makes it clear that we cannot rely on the CAB to regulate this industry and clean up these conditions. I am regretfully convinced that the CAB has emphasized preserving the companies rather than emphasizing the welfare of the public, despite the fact that the public interest is its paramount responsibility under the statute.

I believe it is up to the Congress to see to it that unfit supplemental operators are eliminated and to correct the conditions which have enabled them to exist.

In my judgment this can be done only by narrowing the discretion which the CAB has in regulating these carriers and by sharply reducing the permissible area of their operations. Frankly, gentlemen, I think we are sitting on a powder keg. I urge early congressional action as strongly as I can.

In the meantime, I hereby officially request the Federal Aviation Agency to suspend immediately the air carrier operating certificate of each nonscheduled or supplemental carrier which owes over $1,000 to the Government for any goods or services whatsoever, on accounts more than 30 days old.

If a company does not pay its bills promptly, this must be taken as a prima facie case of such mismanagement of financial weakness that the safety of the operation must be in doubt which the FAA cannot permit.

The only other possible explanation would be that the carrier just did not want to pay. For the Government to grant the right to do business to a company that dodged paying bills it owes to the Government is ridiculous, and cannot be tolerated by Congress.

Gov. Donald G. Nutter

EXTENSION OF REMARKS
OF
HON. FRANK W. BOYKIN
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 1962

Mr. BOYKIN. Mr. Speaker, ladies and gentlemen of the House, on January 25, the State of Montana and the Nation lost a great man when a National Guard C–47 crashed near Wolf Creek Mountain and killed Gov. Donald G. Nutter. Also killed in this fatal accident were the Governor's administrative assistant, the Honorable Dennis Gordon, the Honorable Ed Wren, commissioner of agriculture for the State of Montana, and the plane's crew of three.

I would like to express the sympathy, not only for myself but for all of the people of Alabama, to all of the people of Montana, and to Governor Nutter's widow, Mrs. Maxine Nutter and their son, Johnnie.

Mr. Speaker, this was a terrible accident; however, a valuable lesson should be learned from this accident. This accident has been in the making for many years. The Air National Guard has made available, for the purpose of flying Governors and other State officials on official State business, the C–47 aircraft. These C–47's are old, inadequate airplanes. I feel that all C–47's should not be used by chief executives and a more modern aircraft such as the C–54 should replace these aircraft at once.

Mr. Speaker, I call upon the Department of Defense and the National Guard Bureau to replace these aircraft at once, in order to prevent a recurrence of this accident.

Alabama, on several occasions, has come very close to losing its chief executives through malfunctions of the C–47, both Governor Patterson, our present Governor, and former Governor Folsom, have had to make forced landings due to malfunctions of these aircraft.

Mr. Speaker, this is an intolerable situation, and I feel one that all of us here in the House of Representatives feel should be investigated.

Analysis of "My Life on the Blacklist"—Article by Ring Lardner, Jr., in the Saturday Evening Post, October 14, 1961

EXTENSION OF REMARKS
OF
HON. FRANCIS E. WALTER
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 1962

Mr. WALTER. Mr. Speaker, in the October 14, 1961, edition of the Saturday Evening Post, Screenwriter Ring Lardner, Jr., makes a dramatic attempt to cast himself in the role of a martyr for having served a prison term as a result of his contemptuous defiance of Congress during Committee on Un-American Activities hearings on the motion picture industry in 1947. His article, entitled "My Life on the Blacklist," is replete with false and misleading inferences about the Communist conspiracy, and it completely ignores the compelling reasons which prompted the congressional investigation of the film capital. Mr. Lardner now admits that he was a member of the Communist Party at the time he appeared before the committee, but claims that he broke with the party in 1950. His continued active support of Communist causes and ideology up to this day strongly indicates otherwise.

I sent a lengthy, documented reply to the Lardner article to the editors of the Saturday Evening Post, but was advised by them that space limitations permitted the publication of only part of my remarks. For the benefit of my colleagues, I include the full text of my reply to Mr. Lardner in the RECORD:

ANALYSIS OF "MY LIFE ON THE BLACKLIST"—ARTICLE BY RING LARDNER, JR., IN THE SATURDAY EVENING POST, OCTOBER 14, 1961

In an article in the October 14, 1961, issue of the widely circulated Saturday Evening Post, Ring Lardner, Jr., has engaged in the fantastic attempt to create "heroes" out of a group of identified Communists, including himself, who were discharged from employment in the Hollywood motion picture industry.

Lardner's "heroes" are writers, directors, producers, technicians, and other employees in the motion picture industry, who, according to solid evidence obtained by the committee, were simultaneously members of concealed and conspiratorial Communist cells formed by the Communist Party for the purpose of promoting subversive Communist objectives within the industry.

It is significant that Lardner's heroes do not include the sizable number of employees of the industry who were lured into membership in the Communist Party, who eventually left it in disillusionment and disgust, and who subsequently alerted the public and the industry to the designs of the Communist conspiracy by their forthright testimony before the House Committee on Un-American Activities.

Lardner's eulogies are for those, like himself, who have refused to disclose whether they have been and still continue to be members of the conspiracy when questioned under oath before the Committee on Un-American Activities.

Lardner treats with scorn the eminent screen director, Robert Rossen, who according to Lardner "conceded that 'no one individual can even indulge himself in the luxury of individual morality' and proceeded to spill into the record all the names he could think of" during testimony before the Committee on Un-American Activities. Mr. Rossen, who appeared as a witness before the committee on May 7, 1953, did indeed declare that a previous refusal to respond fully to committee questions was based on what he "considered to be individual morality" and he no longer felt he could indulge himself in that luxury. It is interesting, however, that Mr. Lardner carefully restrained from giving the full context of Mr. Rossen's remarks which puts the testimony in an entirely different light:

"I don't think, after 2 years of thinking, that any one individual can even indulge himself in the luxury of individual morality or pit it against what I feel today very strongly is the security and safety of this Nation."

Needless to say, there is also absolutely no reference in the Lardner article to Robert Rossen's testimony regarding the immorality of communism and the methods by which the Communist Party exploited Rossen and his important position in the motion picture industry during his 10 years of party membership. Mr. Rossen had in fact testified that the Communist Party sought, through its members in the motion picture industry, to build the power of the party in Hollywood and eventually influence the very films which were made. He also showed how Communists already within the industry were used to recruit new party members, and how the prestige and financial success attained by party members in the industry were utilized to further the basically subversive Communist objectives in Hollywood.

It might further be noted that Rossen's double role as party member and motion picture director netted the Communist Party no less than $40,000—which is Rossen's estimate of his direct financial contributions to the party and its front organizations. Hollywood was characterized by the committee in 1951 as "one of the principal sources of funds for the Communist Party of the United States."[1] It is regrettable that Lardner's Saturday Evening Post article provides no information on the extent of the Communist Party's financial gain as a consequence of Lardner's own party membership while he drew a $2,000 weekly salary from the motion picture industry.

Lardner's major heroes are the so-called Hollywood 10—a group of motion-picture writers and directors, including himself, who were subpenaed to appear before the Committee on Un-American Activities in 1947, were questioned by the committee on the basis of such solid evidence as their own Communist Party registration cards, but refused to answer any questions pertaining to present or past membership in the Communist Party. The 10 were subsequently convicted of contempt of Congress and in 1950 began serving prison terms after the U.S. Supreme Court refused to review the lower courts' decisions. Lardner also pleads the cause of hundreds of others whose lives have been scarred, he maintains, because they have been denied employment in the motion-picture industry as a result of (1) their failure to answer questions on Communist Party activities when subpenaed as

[1] Committee on Un-American Activities, Annual Report for 1951, pp. 7 and 8.

witnesses before the Committee on Un-American Activities, or (2) even though never witnesses, their silence after being identified as Communists by former fellow conspirators in sworn testimony before the committee.

Lardner extols the recalcitrant witness group for having resisted "assaults on freedom of thought" by the Committee on Un-American Activities which he claims is intruding on traditionally private "beliefs and associations" in the realm of a "political activity."

While the courts, including the highest court of this land, have found to the exact contrary in decisions respecting the committee's inquiries in the field of Communist subversion, the falsity of Lardner's position can be demonstrated simply by reference to the testimony of another member of the Hollywood 10.

Motion Picture Director Edward Dmytryk must have qualified for Lardner's "hero" category when he went to jail with the rest of the Hollywood 10 rather than respond to committee questions in 1947 regarding his Communist activities. But Dmytryk certainly fell from grace when he reappeared before the committee on April 25, 1951, for he then frankly discussed the Communist operation in Hollywood of which he (and Lardner) had been an integral part. Mr. Dmytryk does not rate mention in Lardner's article in the Saturday Evening Post. Yet here is what Mr. Dmytryk had to say regarding the chief purposes of the Communist Party in the Hollywood motion-picture industry:

"The first one was to get money. Hollywood is a very wealthy community, and it is a great source of capital.

"The next one was to get prestige.

"And the third and most important one was, through the infiltration and eventual taking over of Hollywood guilds and unions, to control the content of pictures. The only way they could control the content of pictures was to control studios, and the only way they could do that was to completely take over the guilds and the unions."

Mr. Dmytryk's reasons for disclosing the identity of fellow Communists within the motion-picture industry are also pertinent in view of Lardner's sneering portrayal of congressional investigators of subversion as "unordained confessors" who require witnesses to become "informers" and compete in namedropping as a "penance" for "past political misconduct."

A member of the Committee had asked Mr. Dmytryk whether the test of credibility of a witness purporting to be a former Communist who has changed his opinions would be "the willingness to name names, places, and circumstances surrounding such membership." Mr. Dmytryk replied:

"I personally believe so. That is why I am doing it. I think if a man says that he is convinced that the Communist Party is a subversive or criminal organization, that he certainly shouldn't mind giving names.

"I know that there have been comments—I don't mean by the Communists but even among certain progressives and liberals—that people who talk are in effect informers. I heard that so much that I went to the dictionary and looked up the word. An informer, roughly speaking, is a man who informs against colleagues or former colleagues, who are engaged in criminal activity. I think the Communists, by using this word against people, are in effect admitting they are engaged in criminal activity. I never heard of anybody informing on the Boy Scouts."

Mr. Dmytryk's reasons for refusing to answer questions during his first appearance before the Committee in 1947 are also interesting. He had left the Communist Party in 1945, he said, but he had not broken completely with the Communists until 1950. He had been persuaded that the party in this country was not a menace, while at the same time he believed the Committee on Un-American Activities was improperly invading the field of free speech and free thought. The subsequent step-up in the cold war, the outbreak of actual Communist military aggression in Korea, together with revelations of Communist espionage by individuals acting "for love of the party" convinced Mr. Dmytryk that a party encouraging such actions "is treasonable." "I do believe," declared Mr. Dmytryk in 1951, "* * * the Communist Party is conspiratorial, subversive, and even in certain cases treasonable."

In contrast, Ring Lardner, Jr., writing in 1961, refuses to describe the Communist Party as anything more than a "political activity"—

"* * * in whose ranks I had found some of the most thoughtful, witty, and generally stimulating men and women of Hollywood. I also encountered a number of bores and unstable characters, which seemed to bear out Bernard Shaw's observation that revolutionary movements tend to attract the best and the worst elements in a given society."

Lardner unfortunately is less frank with the American public than he has been when he writes for the Communist press, as will be demonstrated later. First, however, some important findings regarding the true nature of the Communist Party should be recalled in view of Lardner's semantics serving to glorify the Communists.

The Committee on Un-American Activities and its predecessor, the Special Committee on Un-American Activities, have conducted investigations and hearings with respect to the Communist operation in the United States ever since 1938, and published committee findings beginning as early as January 1940 have warned the Congress and the American people that the Communist Party was, in essence, "a foreign conspiracy masked as a political party."

In 1950, the Congress of the United States passed the Internal Security Act, thereby setting up certain registration and disclosure requirements for the Communist Party and its front organizations in an effort to protect this Nation from the conspiratorial and deceptive practices of the Communists. In the preamble to this act, which states the necessity for the legislation, there is a finding by the Congress of the United States that the "Communist dictatorship of a foreign country" has established and utilizes in various countries "action organizations which are not free and independent organizations, but are sections of a worldwide Communist organization and are controlled, directed, and subject to the discipline of the Communist dictatorship of such foreign country." These local organizations, the Congress also found, "endeavor to carry out the objectives of the world Communist movement by bringing about the overthrow of existing governments by any available means, including force if necessary, and setting up Communist totalitarian dictatorships which will be subservient to the most powerful existing Communist totalitarian dictatorship" (50 U.S.C. 781).

Under the authority of this Internal Security Act, a newly created quasi-judicial Government agency, the Subversive Activities Control Board, held hearings to determine whether the Communist Party of the United States could properly be designated as a Communist-action organization as above described and thereby become subject to requirements to disclose its membership, finances, etc.

After extended proceedings, during which the Communist Party was afforded such judicial safeguards as the right to present testimony and documentary evidence and cross-examine Government witnesses, the Subversive Activities Control Board, on April 20, 1953, found the Communist Party to be a Communist-action organization within the meaning of the Internal Security Act. The Board declared that:

"Upon the overwhelming weight of the evidence in this proceeding, we find that [the Communist Party] * * * is substantially directed, dominated and controlled by the Soviet Union, which controls the world Communist movement * * * and that [it] operates primarily to advance the objectives of such world Communist movement."

The Board also found that the Communist Party "* * * has and does at the present time teach, advocate, and carry out activities having for their objective the overthrow of the U.S. Government and other governments which are designated as 'imperialist' by the Soviet Union, pursuant to directives of the Soviet Union, all for the purposes of defending and protecting the Soviet Union and of establishing in the United States (and other countries) a dictatorship of the proletariat patterned after that in the Soviet Union."

Members of the Communist Party "consider the allegiance they owe to the United States as subordinate to their loyalty and obligations to the Soviet Union," the Board further determined. It also had something to say on the subject of misrepresentation of the Communist Party as a purely domestic political activity, which is instructive in view of such misrepresentation in the Ring Lardner article:

"Since the late 1930's, when it was faced with adverse legislation * * * [the Communist Party] has become increasingly diligent and resourceful in its efforts to appear as a domestic political party while continuing its subservience to the Soviet Union." (Subversive Activities Control Board, docket No. 51–101, report and order, April 20, 1953.)

On June 5, 1961, the Supreme Court of the United States handed down a decision upholding the constitutionality of the basic registration and disclosure provisions of the Internal Security Act. The decision, which resulted from long-drawn-out litigation brought by the Communist Party to avoid compliance with the act, also gave judicial recognition and sanction to the general findings by the Congress and the specific findings by the Subversive Activities Control Board regarding the true nature of the Communist Party of the United States. Justice Frankfurter, who wrote the majority opinion, referred to Congress findings that the world Communist movement establishes action organizations in various countries dominated from abroad to bring about the overthrow of existing governments and employing methods of infiltration and secretive and coercive tactics. He then declared:

"It is not for the courts to reexamine the validity of these legislative findings and reject them. * * * They are the product of extensive investigation by committees of Congress over more than a decade and a half. * * * We certainly cannot dismiss them as unfounded or irrational imaginings. * * * And if we accept them, as we must, as a not unentertainable appraisal by Congress of the threat which Communist organizations pose not only to existing Government in the United States as a sovereign, independent nation—if we accept as not wholly unsupportable the conclusion that those organizations 'are not free and independent organizations, but are sections of a worldwide Communist organization and are controlled, directed, and subject to the discipline of the Communist dictatorship of [a] * * * foreign country,' * * * we must recognize that the power of Congress to regulate Communist organizations of this nature is extensive."

Although he dissented from the majority opinion on other grounds, Justice Douglas

accepted the specific findings of the Subversive Activities Control Board, regarding the Communist Party with these words:

"The Subversive Activities Control Board found, and the court of appeals sustained the finding, that petitioner, the Communist Party of the United States, is 'a disciplined organization' operating in this Nation 'under Soviet Union control' to install 'a Soviet-style dictatorship in the United States.' Those findings are based, I think, on facts; and I would not disturb them."

An attempt has been made by Ring Lardner, Jr., to appear as a champion of constitutional liberties in his refusal to testify frankly before the Committee on Un-American Activities in 1947. "I had taken the position," Lardner writes in the Saturday Evening Post, "that, while public servants are answerable to the people, citizens cannot be summoned, in the absence of even an allegation of an illegal act, to account to government for their beliefs and associations—matters that have traditionally been an American's own business." Although Lardner admits that he lost the "arguments" by serving a prison term for contempt, he nevertheless seeks to create the impression that he was a martyr to the cause of constitutional liberties. Conversely, according to Lardner's chronicle, the House Committee on Un-American Activities—or the inquisitors and "unordained confessors" as he refers to the committee—is made to appear destructive of civil liberties.

Lardner offers his readers a stirring quotation from a U.S. Supreme Court decision which he fails to explain was rendered in 1943 with respect to the refusal of a member of a religious sect to salute the American flag. But he refuses to remind his readers of a number of important Supreme Court decisions directly involving the power of Congress to investigate and legislate in the field of Communist activities and the effect of such inquiry upon the Communists' first amendment rights such as free speech, peaceable assembly or association.

The majority of the U.S. Supreme Court, for example, in an opinion handed down on June 8, 1959, in the case of *Barenblatt* v. *United States*, upheld the contempt conviction of a witness whose refusal to answer committee questions concerning his Communist Party activities was based on a challenge of the right of the committee to inquire into his "political" and "religious" beliefs or any "other personal and private affairs" or "associational activities."

The Supreme Court majority opinion declared that the committee inquiry had not transgressed the provisions of the first amendment. The Court found that Congress had "wide power to legislate in the field of Communist activity in this country, and to conduct appropriate investigations in aid thereof," a power which, the Court said, stemmed in the last analysis from the right of a society to preserve itself. "Justification for its exercise," the Court noted, "in turn rests on the long and widely accepted view that the tenets of the Communist Party include the ultimate overthrow of the Government of the United States by force and violence, a view which has been given formal expression by the Congress." Observing that "this Court in its constitutional adjudications has consistently refused to view the Communist Party as an ordinary political party," the Court concluded that "the balance between the individual and the governmental interests here at stake must be struck in favor of the latter" (360 U.S. 109).

Those equipped with the facts regarding the Communist Party's operation in America, and in the Hollywood motion picture industry in particular, can only be repelled by Ring Lardner's narration of how he and other identified Communist writers, actors and directors continued over the course of more than 10 years to trick the motion picture as well as the television industry into employing their services. Lardner's boastful account of how he and other identified Communists continued to maintain connections and make a comfortable living in our Nation's entertainment industry by employing ever-changing aliases and go-betweens; maintaining bank accounts in their false names and even registering in hotels under false names will not be admired as a kind of Robin Hood bravery. It will be greeted with the same scorn Americans hold for the shady dealings of underworld racketeers.

It is hardly by inadvertence that Mr. Lardner fails to inform his readers that he pursued his admittedly "cloak and dagger" activities despite finding by the courts that his discharge from the motion picture industry was justified. When Mr. Lardner was discharged from Twentieth Century-Fox Film Corp. following his conviction for contempt of Congress, he sued the film company. Although a jury awarded him damages, the U.S. Court of Appeals for the Ninth Circuit on November 9, 1954, held that Twentieth Century-Fox was justified in discharging the writer under the "good conduct" clause of his contract; the court held he had violated the contract by having been found guilty of contempt for refusal to tell the House Committee on Un-American Activities whether or not he was a member of the Communist Party (216 F. 2d 844). The Supreme Court of the United States refused certiorari on February 15, 1955 (348 U.S. 944) and denied a rehearing on March 14, 1955 (348 U.S. 965). This denial of certiorari and of a rehearing had the effect of upholding the decision of the court of appeals that Lardner was justifiably discharged.

The only newsworthy aspect of the Saturday Evening Post article by Ring Lardner, Jr., is his public admission that he was indeed a member of the Communist Party when he was summoned to appear as a witness before the Committee on Un-American Activities in 1947. Almost lost in his rhetoric about his alleged concern for constitutional liberties is another admission that his refusal to answer committee questions at that time was also based on the fact that the relationship between members of the Communist Party had been a confidential one. This is certainly a euphemistic reference to the secret and conspiratorial nature of the Communist Party operation, but an important admission nevertheless.

Lardner's admissions demonstrate that the committee was correct in believing that Lardner possessed information which, if presented to the committee in sworn testimony, would assist the Congress in studying possible legislative measures to counteract the subversive efforts of the Communist conspiracy. Unfortunately, Lardner as a Communist did not supply any information which would be helpful to the committee, the Congress and ultimately to the American people.

Lardner alleges in his Saturday Evening Post article that he terminated his membership in the Communist Party when his contempt case was lost (in 1950). But he evades explaining his disaffiliation—declaring the matter had no particular pertinence to this story—and proceeds to deceive the American public with a completely distorted picture of the Communist operation in Hollywood. Mr. Lardner's credibility on the matter of disaffiliation remains to be established, particularly in view of his publicly recorded activities in behalf of the Communists, both before and after the year 1950.

On October 30, 1947, when Ring Lardner, Jr., appeared as a witness before the Committee on Un-American Activities in Washington, D.C., his Communist Party registration card for the year 1944 was read into the record. Public records cited at that time also attested to Lardner's service in the party's complex network of front organizations. These organizations included the Hollywood Writers Mobilization; the American Youth for Democracy; the Civil Rights Congress; the American Friends of Spanish Democracy; Veterans of the Abraham Lincoln Brigade; League of American Writers; Artists' Front To Win the War.

Subsequent to Lardner's appearance as a witness, and in the course of the committee's continuing investigation into Communist operations in the California area, Lardner's role in the Communist Party was sworn to by a total of 15 witnesses. These individuals for the most part were motion picture employees and one time bona fide party members who had personally associated with Lardner in party activities in Hollywood in the 1930's and 1940's.[2]

Screenwriter and former Communist Richard Collins told the committee in 1951 that Lardner had been one of the Hollywood Communists instrumental in importing the Communist Party line into the Screen Writers Guild during and after World War II. This important union was actually under the complete control of the Communists for a period, testimony before the committee revealed. Two other witnesses, Charles Daggett and George Glass, who were members of the Screen Publicists Guild in Hollywood, testified regarding Ring Lardner's efforts to recruit them into the Communist Party. Both had agreed to attend party meetings on Lardner's persuasion. Mr. Glass told the committee that he hoped "whatever legislation this committee recommends" would make it impossible for Communists to obtain recruits under false pretenses as to the real nature of the party. Mr. Glass said:

"Persons with humanitarian instincts can get trapped into something of that nature very easily when it is presented to them in that kind of candy coating such as we got at Mr. Lardner's house. We were served communism on a democratic platter" (testimony, p. 2492).

In the years immediately following Lardner's 1947 appearance before the Committee on Un-American Activities, Communist publications record his continued public activity in behalf of Communist-front organizations such as the Civil Rights Congress, the National Council of the Arts, Sciences and Professions, and its chapter in Hollywood.[3] These activities, reported for the period 1948–49, are quite understandable in view of Lardner's admission in the Saturday Evening Post that he was still formally enrolled in the Communist Party of the United States. However, if Lardner actually left the Communist Party in 1950, as he claims, it is difficult to believe that disaffiliation also involved "disaffection" in view of his statements in Communist publications after 1950 and his activity in behalf of front

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[2] The 15 witnesses and the dates of their appearance before the Committee on Un-American Activities are: Richard Collins, Apr. 12, 1951; Budd Schulberg, May 23, 1951; Frank Tuttle, May 24, 1951; Martin Berkeley, Sept. 19, 1951; Charles Daggett, Jan. 21, 1952; George Glass, Jan. 21, 1952; Sol Shor, Mar. 12, 1953; Pauline Townsend, Mar. 12, 1953; David Lang, Mar. 24, 1953; Max N. Benoff, Mar. 24, 1953; Robert Rossen, May 7, 1953; Roland Kibbee, June 2, 1953; Judith Raymon, Sept. 11, 1953; Stephen Wereb, July 1, 1955; and Virginia Viertel, June 6, 1956.

[3] These organizations were cited as Communist fronts by the Committee on Un-American Activities in its official reports based upon its investigations and hearings. The Civil Rights Congress was also subject to proceedings before the Subversive Activities Control Board, which found it to be a Communist-front organization and ordered it to register as such with the Attorney General.

organizations of the Communist Party also subsequent to that date.

In view of Lardner's obvious knowledge of Communist Party practices and techniques, he cannot claim to be one of the innocent dupes which usually make up the bulk of supporters of a deceptive Communist-front operation. He knows that Communist fronts extend the Communist Party's subversive influence into segments of our population which would not knowingly abet a Communist enterprise; that they provide a base for recruitment of additional party members and for utilizing the prestige and funds of non-Communists for party purposes. The House Committee on Un-American Activities noted in its annual report for 1951 that four of the Communist-front organization which have operated in the State of California had been able to collect approximately $1 million from members of the Hollywood motion picture industry.

Just what were Lardner's motives, therefore, in continuing activity in Communist-front organizations, such as the following:

1. The west coast Communist organ, the Daily People's World, on September 17, 1951, announced that Ring Lardner, Jr., would be "prominent on the picketline" which would form part of a mass demonstration against hearings then being held in Hollywood by the House Committee on Un-American Activities. The demonstration was under the sponsorship of the Southern California Chapter of the National Council of the Arts, Sciences, and Professions, a Communist front officially characterized as such by the House Committee on Un-American Activities and the Internal Security Subcommittee of the U.S. Senate Judiciary Committee. The Los Angeles Times of September 18, 1951, reported that Lardner's name appeared, in connection with the demonstration, on a press notice issued by the Arts, Sciences, and Professions Council which described the committee as "subversive."

The Communist Daily Worker declared on November 13, 1952, that Lardner would also be one of the featured speakers at a reception to be held on November 16, 1952, under the auspices of the New York chapter of the National Council of the Arts, Sciences, and Professions.

2. A brochure issued by the Civil Rights Congress, New York chapter, listed Lardner as one of those former political prisoners who invited the public to attend a reception sponsored by the New York Civil Rights Congress in December 1952. The Civil Rights Congress was characterized as subversive by the House Committee on Un-American Activities and the Subversive Activities Control Board also found it to be a Communist-front organization and ordered it to register as such with the Attorney General. In the autumn of 1951, Lardner's name also had appeared as one of the signers of an open letter to the Attorney General of the United States protesting the imprisonment for contempt of court of four trustees of the bail fund of the Civil Rights Congress of New York. The open letter appeared as a paid advertisement in the non-Communist press in October 1951 with the notation that the advertisement was paid for by the "contributions of signers." In its findings regarding the Civil Rights Congress, the Subversive Activities Control Board had observed that the organization, created and established by the Communist Party, had not only raised more than $1 million for legal defense and bail for Communist Party leaders and members, but also employed mass campaigns to arouse support for the party and its policies.

3. In 1952, Lardner endorsed a book printed by the Veterans of the Abraham Lincoln Brigade, which included his statement of support in its publishers' announcement. Long before 1952, the VALB had been cited as a notorious Communist front by the Attorney General, the House Committee on Un-American Activities and its predecessor, the Special Committee on Un-American Activities. After extended hearings on the organization, the Subversive Activities Control Board cited the VALB as a Communist front in 1955, concluding that it was "directed, dominated, and controlled by the Communist Party of the United States."

4. The Communist Daily Worker (Oct. 20, 1954) listed Ring Lardner, Jr., as among the "distinguished personalities" who had appeared on the program during an annual banquet held by the Communist-front publication, New World Review, in October 1954, in New York City. Lardner and others "were there to pay homage to Eslanda and Paul Robeson," the Daily Worker revealed. The Communist-front character of the sponsoring publication, New World Review, has been the subject of official findings by the Subversive Activities Control Board, the House Committee on Un-American Activities and the Senate Internal Security Subcommittee.

5. Ring Lardner, Jr., appeared as a featured speaker at a propaganda rally held under the auspices of the Emergency Civil Liberties Committee in Newark, N.J., on December 10, 1955. Numerous notices in the Communist Daily Worker proclaimed Lardner would be a speaker at another rally scheduled under the auspices of the Emergency Civil Liberties Committee in the Bronx, New York, on October 19, 1956.

The organization was officially characterized as a Communist-front organization by the House Committee on Un-American Activities and the Senate Internal Security Subcommittee. The House committee, in its annual report for 1958, noted that the avowed purpose of the organization "is to abolish the House Committee on Un-American Activities and discredit the FBI" and that it has also "repeatedly assisted, by means of funds and legal aid, Communists involved in Smith Act violations and similar legal proceedings."

6. Lardner authored a book review for the December 1956 issue of Mainstream, which the Committee on Un-American Activities characterized in its 1958 annual report as a monthly cultural and literary organ published in New York under the auspices of the Communist Party. In his book review, Lardner made the following interesting observations regarding the television program based on the experiences of Herbert Philbrick, former FBI undercover agent within the Communist Party:

"But faking in television assumes much more serious proportions than this. * * *

"Or, to take the most flagrant example of all, 'I Led Three Lives' states at the beginning of each episode that it is based on the true experiences of Herbert Philbrick as a police-spy in the Communist Party. Yet each story is conceived and sold, at fiction rates, to the producers by a professional writer in the same way that he might sell an episode to 'Lassie' or 'Superman'. Mr. Philbrick, on whose credibility as a witness men have been sent to jail, earns a tidy income from an outright lie, repeated in his name each week. Theoretically, the Communist Party of Massachusetts could sue for gross libel, but it would have to find a court dedicated to the rare principle of equal justice for all * * *

"The networks have not yet offered their facilities to the Communist Party to reply to the fraud called 'I Led Three Lives.'"

7. Lardner appeared as a featured speaker in New York City on December 6, 1961, at a rally under the joint auspices of the New York Council To Abolish the House Un-American Activities Committee and the Youth To Abolish the House Un-American Activities Committee. The National Committee To Abolish the Un-American Activities Committee, of which the New York council is a branch, and the Youth To Abolish the House Un-American Activities Committee have been cited by the HCUA as created and directed by the Communist Party.

The above-described activities are hardly consonant with disaffection from the Communist Party. But they are entirely consonant with Lardner's statements to the Communist Party newspaper, the Worker, which were published on March 18, 1956, some 6 years after his alleged disaffiliation from the party appartaus.

In a lengthy letter to the editor of the Worker,[4] Lardner referred to himself as an "American Marxist" and manifested a continued devotion to the cause of the Communist Party of the United States and the world Communist movement which it serves.

For those unfamiliar with the internal situation of the Communist Party as of March 1956, it should be noted that Communists in the United States and throughout the world were debating the merits of their past actions—following the lead of Nikita Khrushchev who had roundly denounced the late Joseph Stalin and many of his policies in a "secret" speech to the 20th Congress of the Soviet Communist Party in February 1956. Communists in the United States argued for a time on whether their role in the world Communist movement required a certain amount of friendly criticism of the Communist Party in the Soviet Union or their continued unwavering support and praise for all Soviet policies. The argument was resolved later in favor of the traditional puppet role for the Communist Party of the United States.

In his letter to the editor of the Worker, Lardner joined in this debate on the side of those Communists who proposed a certain amount of objective criticism of the Soviet Communist Party.

He demonstrated his personal concern with the affairs of the Communist movement in America through such statements as the following:

"You have had some comments in your columns on the worldwide implications of the developments at the 20th Congress of the Communist Party of the Soviet Union, but what this individual reader has missed is an analysis of the meaning of those developments to American Marxists and the Communist Party of the United States.

"But more pertinent for American Marxists, it seems to me, is the possibility that we may have alienated some potentially close allies in an American democratic front by treating any expression of doubt regarding Soviet judicial procedure as an unforgivable sin."

It should be recalled that Khrushchev, in a deliberate effort to smash the Stalin idol, in 1956 confirmed many of the harsh facts about the Stalinist regime which had long been publicized by anti-Communists yet steadfastly denied by the Communist faithful throughout the world. In the course of his denunciations of Stalin as a "capricious" and "brutal" tyrant, Khrushchev confirmed that the late dictator had been responsible for the execution of thousands of completely innocent Communists and non-Communists in the Soviet Union. Trials were rarely granted to these hapless victims, whose death sentences rested solely on false confessions extracted from them by threats or physical torture, Khrushchev admitted in 1956. Such "purges" were conducted periodically in the Soviet Union from 1934 until the very eve of Stalin's death in 1953.

Lardner acknowledged to the Worker his embarrassment at the Khrushchev revelations; he stated that "American Marxists" had an obligation to face up to their own

[4] A reproduction of this letter is reprinted in its entirety at the conclusion of this analysis.

participation in, and lack of critical attitude toward, Stalin's errors. Lardner undoubtedly had in mind his own signature on the "Open Letter to American Liberals" which was issued by American Communists and fellow travelers in 1937 and which ridiculed a demand by many liberals for a complete and impartial investigation of the Moscow purge trials then in progress. Lardner and others had denounced any such investigation as "political intervention in the internal affairs of the Soviet Union with hostile intent."[5]

Although Khrushchev confirmed the falsity of this Communist position of past years, what is Lardner's chief regret as of March 1956? His concern, as expressed in the Communist newspaper, is over the non-Communist support which the Communists in this country may have lost as a result of a harsh attitude toward non-Communists' expressing "doubt regarding Soviet judicial procedure."

Lardner's statement contains no criticism of Stalin, whose behavior was described as "monstrous" by his former henchman, Khrushchev. In fact, Lardner's communication to the Worker offered possible excuses for the late dictator's excesses:

"Perhaps the cult of personality, as expressed in the near deification of Stalin, was necessary to the unity of the Soviet people during the critical campaign for collectivization, during the great war effort so magnificently personified in his indomitable spirit, and during the reconstruction of a stricken nation in the shadow of a cold war threat. * * *"

With respect to the injustices suffered by thousands of Soviet citizens who were physically exterminated and the millions more who languished in prisons under the Stalin regime, Lardner displays a callousness which is completely incompatible with his pose as a civil liberties crusader in the Saturday Evening Post.

Instead of expressing sympathy for Stalin's victims, Lardner coldbloodedly confined the assessment of Stalin's crimes to (1) those which were "necessary" byproducts of a regime which seeks the general progress, and (2) those which hindered the advance of communism.

"It is admittedly difficult to figure out [Lardner wrote to the Worker] just which errors cited by the Soviet leaders were necessary byproducts of a fateful struggle and which ones may have been actual impediments to the victory of socialism. * * *

"The admission in Moscow that some old Bolsheviks were unjustly treated may raise the issue of whether it is an inevitable part of a revolutionary struggle that individual reputations and even lives be sacrificed to the general progress. * * *"

Such statements contrast strangely with Lardner's self-portrait as a civil liberties devotee in the pages of the Saturday Evening Post. However, a double standard with respect to civil liberties has always been a special feature of the Communist Party's propaganda and agitation in this country. Communists have ceaselessly sought to portray themselves as stanch defenders of constitutional rights supporting every repression of freedom that occurs under the aegis of communism.

In writing to the Worker in 1956, Lardner referred to William Z. Foster, then national chairman of the Communist Party of the United States, as "America's outstanding working-class leader." Lardner's words in behalf of the Communist bloc of nations and the post-Stalin Soviet leadership, furthermore, match the fervency of Foster's own statements at this period. Lardner told the Worker:

"Of course, the Dulles contention that the [20th Soviet Communist Party] Congress revealed the weakness of the Socialist world is ridiculous. I certainly do not question Mr. Allen's [Daily Worker Columnist James S. Allen] characterization of the Congress as a 'dynamic, bold openminded approach to all problems, old and new.'"

In the light of his declarations in the Communist press, Ring Lardner's alleged disaffiliation from the Communist Party in 1950 obviously involved no diminution in his loyalty to Communist objectives. The American public, and the motion picture industry which he admittedly continues to exploit, have every reason to take a skeptical view of Lardner's propagandizing as an ex-Communist until he sees fit to speak frankly to them on the exact nature of his present relationship to the Communist Party—preferably under oath.

AMERICAN LEFT SHOULD REEXAMINE SELF, SAYS RING LARDNER, JR.

DEAR EDITOR: You have had some comment in your columns on the worldwide implications of the developments of the 20th Congress of the Communist Party of the Soviet Union, but what this individual reader has missed is an analysis of the meaning of those developments to American Marxists and the Communist Party of the United States. I am made more conscious of this lack by James S. Allen's column in the Worker of March 4, in which he writes:

"Marxists abroad are supposed to be embarrassed by the party congress just concluded in Moscow, according to what I read in the newspaper. I must confess that I have no sense of embarrassment."

Well, I for one am embarrassed. It is admittedly difficult to figure out just which errors cited by the Soviet leaders were necessary byproducts of a fateful struggle and which ones may have been actual impediments to the victory of socialism. But this is not, in a primary and direct sense, our function. Much more urgent for American Marxists is the obligation to face up to their own participation in, and lack of critical attitude toward, those errors.

Perhaps the cult of personality, as expressed in the near deification of Stalin, was necessary to the unity of the Soviet people during the critical campaign for collectivization, during the great war effort so magnificently personified in his indomitable spirit, and during the reconstruction of a stricken nation in the shadow of a cold war threat. But even if that is true, it would still be questionable whether the American Marxist press should have reprinted, without qualification or critical commentary, so many of the cloying panegyrics which marred his 70th birthday celebration.

And in that connection, recalling the damage done in this country through leadership by personality, I wonder if some of the rather maudlin testaments to William Z. Foster on his recent birthday are really the most mature and effective way of acknowledging the respect due America's outstanding working-class leader.

The admission in Moscow that some old Bolsheviks were unjustly treated may raise the issue of whether it is an inevitable part of a revolutionary struggle that individual reputations and even lives be sacrificed to the general progress. But more pertinent for American Marxists, it seems to me, is the possibility that we may have alienated some potentially close allies in an American democratic front by treating any expression of doubt regarding Soviet judicial procedure as an unforgivable sin.

Again, if the Soviet-Yugoslav friction was occasioned at least in part by the unwarranted attempt of one Communist Party to dominate another, on whom did the obligation of objective criticism rest more squarely than on a party detached by distance and immediate interest from the smoke of that battle?

It is enough for Mr. Allen as a historian to say that the Soviet Communists are beginning "a basic reappraisal of their own history in the light of the new requirements of the transition to communism in the Soviet Union and the problems of assuring world peace." Was there not a very strong suggestion in the incomplete reports we have read so far, that distortions of revolutionary history had unfortunate effects in relation to old requirements as well? And don't we have to make a distinction between the changes of emphasis, on the one hand, which may alter our view of the past from one historical period to another, and actual misrepresentation of fact?

Of course, the Dulles contention that the Congress revealed the weakness of the Socialist world is ridiculous. I certainly do not question Mr. Allen's characterization of the Congress as a "dynamic, bold, open-minded approach to all problems, old and new." But if the relation of force in the world has so changed as to make Soviet Communists reexamine themselves from a position of strength, cannot some of the strength and independent critical judgment rub off on the American left?

RING LARDNER, Jr.

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[5] The text and signers of the Open Letter to American Liberals may be found in the Communist-front publication, "Soviet Russia Today" dated March 1937.

Department of Urban Affairs

EXTENSION OF REMARKS
OF

HON. BRUCE ALGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1962

Mr. ALGER. Mr. Speaker, once again the President has demonstrated an appalling lack of understanding of the private enterprise system or what makes people tick.

The establishment of a new Cabinet post for urban affairs is not under any circumstances going to improve urban affairs. Our private economy operating at the local level can do this job far better than any bureaucrat or combination of bureaucrats directed out of Washington, fueled by money which must come from the same localities, since the Federal Government is broke.

Nor does the President's endeavor to enforce his will on the Congress by this reorganization plan come with particularly good grace after the Rules Committee rejected the establishment of such a new Government department. Nor do I believe the creation of a new Cabinet post, no matter how talented the new Cabinet head, will solve anything that cannot be done better at the local level.

This message, as in the case of so many from the White House, shows a complete lack of confidence in the initiative and ability of our people to do for themselves, and on the contrary shows complete confidence in the Federal Government being able to run the lives of the people. I reject this concept of the role of Federal Government in our lives. I happen to believe that people must be left free to improve their

own home, their own neighborhood, their own schools, their own city as they see fit with their money, rather than having all this forced on them by the Federal Government using their money.

Department of Labor To Train Tractor Operators in Mississippi

EXTENSION OF REMARKS
OF
HON. WILLIAM S. BROOMFIELD
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 1962

Mr. BROOMFIELD. Mr. Speaker, recently one of my constituents, Mr. Merritt D. Hill, vice president and general manager, Tractor and Implement Division, Ford Motor Co., called my attention to a plan announced by the Department of Labor to train 1,200 farm tractor operators in Mississippi.

This plan, approved by Secretary of Labor Arthur J. Goldberg, calls for an 8-week training course costing $435,000 in Federal funds, in addition to administrative expenses. Covered would be 16 counties in the Yazoo Delta of Mississippi.

The Secretary of Labor, in his press release, expressed the hope that the training "would provide workers with year-round employment with daywork provided for members of the operator's family to help achieve rural family stability in the years ahead."

Mr. Hill wanted to save the Federal Government some money and possibly some time. So he suggested to the Secretary of Labor that the approximately 160 farm equipment dealers in the area covered in Mississippi be utilized at a minimum cost to the Federal Government.

He also questioned the necessity of an 8-week course of instruction on how to drive a tractor, as he stated that a high school boy, with car-driving ability, can master a tractor in less than a week.

Further, Mr. Hill pointed out that, using the Labor Department's own press release as a source for data, there simply are not enough tractors to go round for the men who already are tractor operators. An estimated 40,000 persons are now operating the 30,700 tractors in the Yazoo Delta area. The upgrading of 1,200 of these persons would seem to accomplish merely the displacement of 1,200 less well trained men, without any increase in the number of jobs.

In addition, Mr. Hill pointed out that there is now an excess of 9,300 persons at least partially trained in tractor operations for which tractors are not now available.

Mr. Hill offered to come to Washington, or to send one of his firm's experts to our Nation's Capital, to discuss this matter further with the Department of Labor and the Office of Education to see if more efficient training methods could be worked out in a cooperative venture with farm equipment companies, presumably at little or no cost to the Federal Government.

Since his letter to the Secretary of Labor more than 2 weeks ago, Mr. Hill has not as yet even received the courtesy of a reply.

It is too bad that some of the departments of our Federal Government are quick with the requests for information and can compile reams of statistics to justify their expenditures for the coming fiscal year, yet appear to be turning a cold shoulder to a plan which might save them some money, might make their training programs more effective, and which would provide excellent training with up-to-date equipment on the spot.

Secretary of Agriculture Demands Apology

EXTENSION OF REMARKS
OF
HON. J. ARTHUR YOUNGER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 1962

Mr. YOUNGER. Mr. Speaker, the January 20 edition of the California Farmer contained a letter to the editor from Secretary of Agriculture Orville L. Freeman and the editor's answer which I think the Members will find quite interesting:

SECRETARY OF AGRICULTURE DEMANDS APOLOGY

I have at hand the November 4 issue of the California Farmer, and the editorial entitled "Secretary Picks Up Powerful Enemies."

You are right—the packers and the chainstores are powerful enemies, but I would hope that you would agree if they are violating the law, they ought to be made to account for so doing. That such violations existed was disclosed by a very long and thorough investigation by this Department. They are now entitled to and will receive a detailed hearing.

I note your paragraph stating that Freeman acted in a sneaky way because the industry had been promised some kind of private hearing when field investigations were completed at the time the investigations began 2 years ago. You then went on to say that the Secretary violated his promise and smeared the charges all over the Nation through the daily press. Might I remind you that I have only been Secretary of Agriculture for 10 months, not 2 years, and at no time made any such agreement with the packers or chainstores?

Many of us disagree, and on occasion vigorously, as to policies. That a man keeps his word is, however, a very basic and fundamental thing. I have always made it a point to keep mine, and sometimes have resisted great pressure to do so. That you would personally charge me of violating my word, when obviously I have only been here for 10 months, is a piece of perfidy for which you ought to be not only ashamed but publicly apologize. I'll be waiting.

Sincerely yours,

ORVILLE L. FREEMAN.

Thanks, Mr. Secretary, for your letter of December 14. I know your life is particularly hectic, and unfortunately everything seems to be breaking over you during the Christmas season.

I recognize that you stepped into the toughest job in the Nation, second to that of the President, and one job for which there is not an immediate easy answer.

You object to the word sneaky, and I don't blame you, but the fact remains that as undisputed head of your Department you are responsible for everything that comes out of that Department, and I personally would consider it top major policy if I were attacking the Nation's biggest food processors and distributors.

As far as my information is concerned, I acknowledge that you personally did not make the agreement to confer with the packers before breaking the story of your findings, but I think my information is correct that important underlings of your Department did make such an agreement.

My own personal thought is that by stepping in and blasting this story to the press, you created a lot of unnecessary agony. You are either stupid, have poor liaison with your own Department, poor liaison with those you are attacking, or your own underlings have sabotaged you.

This reply is being written during the Christmas season, and I would like to add a personal note. I do apologize for calling you sneaky. I think that was a poor choice of words. I believe you have been sincere, but I am sorry to say in my opinion you have failed in a format of failure tried before you. My State of California is totaling up one of her richest agricultural years, and her biggest gains will be in those crops that are not controlled by the Federal Government. May the future be good to you.

Personal regards,

JACK T. PICKETT.

Brigham Young University Students' Success on the "College Bowl" Program

EXTENSION OF REMARKS
OF
HON. RALPH R. HARDING
OF IDAHO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 1962

Mr. HARDING. Mr. Speaker, recently four students from my alma mater, Brigham Young University in Provo, Utah, have thrilled graduates, student body, and friends of the university with their success on the General Electric's "Quick Recall" program entitled "College Bowl."

The Brigham Young University College Bowl team, ably coached by Prof. Robert Thomas of the English department, had disposed of four worthy opponents, including the University of Maryland a week ago Sunday. Last Sunday they were up against an excellent team from little DePauw University, an outstanding small college from Greencastle, Ind. In an exciting game, Brigham Young University students were defeated in their attempt to win their fifth straight game and retire as undefeated champions in this national scholarship contest.

The Brigham Young University team was composed of Capt. Todd Britsch, who is majoring in political science and is an accomplished musician. Todd's father is a professor in the department of English at Brigham Young University and has provided an atmosphere of scholarship and love of fine arts in the

Britsch home. Todd's accomplishments include being a finalist in both the Fulbright and Danforth scholarship contests.

In addition to Todd Britsch, the Brigham Young University team is composed of Dave Stone, Bob Despain, and Mrs. JoJean Loflin, all of whom are outstanding students.

Dave Stone, who was born in Buenos Aires, Argentina, and educated in that country, is presently teaching Spanish and studying English at Brigham Young University.

Bob Despain planned to be an engineer and was studying this field at the California Institute of Technology. However, he soon found he was taking more English than engineering and was advised by one of his professors that Brigham Young University had one of the finest English departments in the West. So Bob Despain transferred to the Utah school.

The fourth member of the College Bowl team, Mrs. JoJean Loflin, is also a senior majoring in English. JoJean's mother was an English teacher and instilled the love of education in her outstanding daughter. Her earliest memories are of reciting poems like "America for Me" and "O Captain! My Captain!"

I am sure that yesterday was not a completely happy day in Provo, Utah, where the student body and townspeople were waiting to greet Brigham Young University's College Bowl team. Some of the glamor of the homecoming celebration was dimmed by their unexpected defeat at the hands of DePauw.

However, our pride in this fine team of young people remains justified, and I would merely remind them to always remember, "The smile when you win comes quick as a whip, but the smile when you lose, that is sportsmanship."

Re United Nations Bonds

EXTENSION OF REMARKS
OF
HON. BRUCE ALGER
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 1962

Mr. ALGER. Mr. Speaker, few messages have come from the White House with which I was more in disagreement than the request for the United States to authorize and appropriate up to $100 million for the purchase of United Nations bonds.

Inasmuch as I have introduced a resolution demanding that the United States withdraw from the United Nations, I am in complete disagreement with any further subsidy to the United Nations.

The reasons are manifold and self-evident. Any earlier hope or dreams on our part have long been shattered by a union of nations that seems more bent on destroying freedom and the leader of the free world, the United States, than for any other purpose. This can be proven, to my satisfaction at least, by a simple recitation of the actions taken by the United Nations over recent months, indeed over the years since its inauguration.

The Fourth "R": Red Challenge to American Education, a WSBT–TV Public Affairs Program, South Bend, Ind.

EXTENSION OF REMARKS
OF
HON. JOHN BRADEMAS
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 1962

Mr. BRADEMAS. Mr. Speaker, the passage by the House of Representatives on January 30, 1962, of H.R. 8900, the bill to provide loans and grants to colleges and universities for the construction of academic facilities is a long step ahead for higher education in the United States. Because this legislation is now being acted upon by Congress, I believe that Members will find relevant the observations of three distinguished American educators with whom it was recently my privilege to appear on a public affairs television program produced by station WSBT–TV in South Bend, Ind.

The panelists were: Dr. Frederick L. Hovde, president of Purdue University; Prof. Paul C. Rosenbloom, of the University of Minnesota, who has been an outstanding contributor to the effort to revise and improve the teaching of mathematics in our schools; and Dr. George Shuster, a noted historian and former president of Hunter College, who is now a special assistant to the president of the University of Notre Dame, the Reverend Theodore Hesburgh.

The moderator of the program was Mr. Harry Kevorkian, of the news bureau of WSBT–TV.

This program entitled, "The Fourth 'R': Red Challenge to American Education," was produced in South Bend following a panel discussion which was arranged there by the Advisory Group on Higher Education of the House Education and Labor Committee.

The transcript of the program follows:

THE FOURTH "R": RED CHALLENGE TO AMERICAN EDUCATION

Mr. KEVORKIAN. The launching of the first Russian sputnik a few years ago, say some educators, was the best thing that could have happened to American education, and now a congressional study group, made up mostly of Congresmen, just returned from a Russian tour, is considering recommendations for legislation which would strengthen American higher education especially in science and technology. The advisory group was formed by the chairman of the House Education and Labor Committee, ADAM CLAYTON POWELL. "Concentration by Communists on scientific education," he said, "makes it essential that Congress take action in this field." With us to discuss the potentialities of such a study are Congressman JOHN BRADEMAS, Third District of Indiana, who is chairman of the advisory group; the president of Purdue University, Frederick L. Hovde, a scientist in his own right; professor of mathematics from the University of Minnesota, Paul C. Rosenbloom; and George Shuster, special assistant to Notre Dame president, Rev. Theodore Hesburgh. Dr. Shuster is former president of Hunter College of New York, a historian and considered a leading Catholic educator. To start off, we will ask Congressman BRADEMAS to give us some background of the study group and what they hope to accomplish.

MEETINGS WITH EDUCATORS

Representative BRADEMAS. Harry, the purpose of our bipartisan advisory group on higher education which is composed of five members of the House Education and Labor Committee, is to look into what needs to be done at the next session of Congress, which begins in January, as you know, toward strengthening the universities and colleges of the United States. Our job is to come up with specific legislative proposals; and in order to do this job, members of our group are consulting with outstanding educators from the Midwest and will also be meeting in Washington, D.C., with educators from other parts of the Nation.

Mr. KEVORKIAN. What bearing will your Russian tour have on your considerations?

Representative BRADEMAS. All I can say is, as one person who had a chance recently to see the Russian school system, that I am convinced that the Soviet commitment to education is the fact that they are working very hard at education and they put a great deal of their emphasis on science and technology. This means that we in the United States have to do far more than we have been doing to strengthen our resources for higher education, not only to meet the Soviet challenge, but also because we have to meet the needs of our own economy and our own society.

Mr. KEVORKIAN. I wonder—is it generally agreed among the educators that to strengthen the higher education of America is vital to our national security, Mr. Hovde?

Dr. HOVDE. Well, I think, of course, it has been proved through two world wars, and the subject of history after World War II was over, that the scientific strength of the nation is one of the principal elements with respect to its total security; but science also has a role to play in winning the peace, it seems to me, because the needs of the whole world and people everywhere can be best answered by the application of science and technology to the benefit of people everywhere, provided the people of the world are wise enough to do it. Science has its role to play in solving some of the great problems that not only divide men but also have plagued men for centuries. So the payoff is going to be great if we know how to do it.

Mr. KEVORKIAN. Dr. Shuster, speaking as a Catholic educator, how do you view this?

PREPARING FOR PEACE

Dr. SHUSTER. Well, I think that it is perfectly obvious that in the normal process of human evolution higher education has come to assume an importance which it never had before. The college laboratory, library, classroom is the little red schoolhouse of 75 years ago. This is true the world over. We can neither be prepared for peace, as Dr. Hovde said, nor for war or for whatever may lie between, unless we have met this problem squarely face to face. I myself am much more impressed with developments in Western Europe than I am with those in the Soviet Union. I think that this represents for us the major industrial and intellectual challenge; and, as for my part, I would like to see us be prepared to meet it amicably.

Mr. KEVORKIAN. Then it is a challenge economically or culturally and not necessarily with a power that may want to take us over, when you refer to West Germany as opposed to the Soviet Union.

Dr. SHUSTER. I think the whole of the emerging new Western Europe. Everything as represented by the Common Market, etc., offers just as much of a challenge to Russia as it does to us, if we say that the first thing we have to do is to prepare for war, I would agree; but we shall all hope that the war doesn't come and, therefore, in the meantime, we ought to focus on preparing for the future, which is as much, I trust, a matter of living into a magnificient new future as it is a momentary halt in the scheme of amity.

Mr. KEVORKIAN. Professor Rosenbloom, would you like to add to this?

THE ECONOMIC MACHINE

Professor ROSENBLOOM. Well, certainly one has to be prepared militarily. Still in Khrushchev's addressing the 21st Party Congress, he explained that they would bury us in terms of swamping us economically by 1975 and one of the main elements in this is that he thinks that they can make their decisions from the top while setting up a much more efficient economic machine much faster than we can by 1965 and he is talking about an economic system in which they will have 10 scientists and engineers to every production worker.

Mr. KEVORKIAN. That brings up a question in my mind—we have heard so much about the missile gap. Do we or will we have an education gap unless we move ahead quickly?

Professor ROSENBLOOM. Well, of course, this commitment that Congressman BRADEMAS mentioned goes far back—as far back as Lenin's Diaries of 1922, about the necessity for improving the status of the teacher at every level and see to it that, no matter how well the rest of the population fares, the teacher should be well paid, well housed, and have the material comforts of life.

Dr. SHUSTER. Was this all predicated on the assumption that the teacher was to teach communism only?

Professor ROSENBLOOM. No, he was looking at the relation between literacy and productivity.

Mr. KEVORKIAN. To get to our study at hand now, in relation to the legislation which might come out of Congress next year—is there a general agreement among the educators as to what is needed—the number of facilities, the number of teachers, and how much should be spent, Mr. Hovde?

AGREEMENT ON NEEDS

Dr. HOVDE. I can say that there is only one area in which you would find almost universal agreement, in the realm of higher education, and that is that a higher educational plan consisting of public and private institutions of all types and kinds must have the facilities to take care of the students that are coming into the institutions during the remaining years of this decade. By 1964 and 1965, this oncoming flood of students from our high schools will reach proportions and will pose problems of admission the like of which we have never seen in our higher educational system before and facilities are required and needed, and they must be started now—we can't delay any longer because it takes 2 to 3 years to plan and build a building and put it on stream, so to speak, and so the highest priority and the highest urgency now, on which there is almost universal agreement, public, State, private, philanthropy, and so on, to build the necessary plan to take the necessary care of the youngsters that come along, and the thesis behind it is a very simple one—we want the opportunity for advanced education of all types and kinds for our youngsters of today, just as we had it when we were young.

Mr. KEVORKIAN. Congressman BRADEMAS, since there appears to be this agreement, at least on the need for facilities, would this make it politically feasible to get at least that much through?

Representative BRADEMAS. My own judgment is that it will. Indeed, one of the hopeful things that we are talking about—this advisory group on higher education, as I see it—is that there is considerable bipartisan agreement on the part of Members of Congress of both sides of the aisle for Federal support for strengthening the facilities of universities and colleges. For example, on our five member group, there are three Democrats and two Republicans, and I know I am accurate in saying that all five of us, regardless of our parties, support Federal funds in the form of either grants or loans or some combination thereof to the colleges and universities of the country to build academic facilities. At the present time, I think it is interesting to note that colleges and universities can borrow funds from the Federal Government to build housing facilities, dormitories, and dining halls; however, the other need, as President Hovde pointed out, is terrific in the field of libraries, classrooms, and laboratories.

BIPARTISAN

Mr. KEVORKIAN. I know you are in the early part of your considerations—is there any working figure you have as far as the size of the package in terms of money?

Representative BRADEMAS. Well, let me say this, we have not resolved on what the sum ought to be, but we have some guidelines because, last year, in our committee—the Education and Labor Committee—we favorably reported out with bipartisan support a bill introduced by Congresswoman GREEN of Oregon, that would have provided over a period of 5 years, if my memory is correct, a sum of $300 million, part of that money to be in the form of loans to colleges and universities for academic facilities and the rest of the money to be in the form of grants to be matched by the colleges and universities. So that gives you some idea of the size of a package that is so seriously considered that it has already been favorably reported by a congressional committee.

Dr. HOVDE. But that sum of $300 million is a drop in the bucket, JOHN. I think Mr. Kevorkian wants to know the magnitude of the facilities needed to equip our institutions to take care of a doubling of our total college population by 1970. This has been studied. I think a careful report was made and an examination of this problem was made several years ago and I think the bill is in the billions of dollars, all the money required of all sources.

Mr. KEVORKIAN. The Council for Financial Aid to Education puts out these figures: that the full enrollment of college students in 1960 was 3.6 million, and, in 10 years—1970—it would be 6.4 million. They propose or say that what we need is $500 million a year for each of those 10 years.

Representative BRADEMAS. I might say that a few days ago a commission for the study of higher education in the South—in the southern part of the United States alone—came out with a report that said that southern colleges and universities would have to spend $2.9 billion a year over the next 10 years, or at least by 1970, if they were going to meet their needs—in the South alone—now, I would be glad to support the funds that we require to do the job, but, of course, we in Congress have to dwell in the world of reality and there many pressures on our Government for funds, defense and all the rest, so we have to be careful about how much money we spend. We would be glad to get as much support as possible. I'll say that.

THREE QUESTIONS

Mr. KEVORKIAN. I think that we have come up to three important questions with the money that might go out—it is the usual one of, will there be strings—and will there be Federal control with the outlay of Federal money—will we again have the issue over loans or grants to private or parochial schools as we did in the last session and the usual bugaboo of civil rights and segregation of the South. Considering those three problems, how could you overcome them and what are chances for higher education in the next session?

Representative BRADEMAS. Let me make a point on one of the issues—the religious issue—and then maybe Dr. Rosenbloom wants to say something about the issue of control, or someone else. There is a lengthy tradition of Federal support for universities and colleges in the United States, regardless of the denominational religious ties. Now there are historical reasons for this, but the fact of the matter is that Notre Dame and Goshen College—one a Roman Catholic, one a Mennonite College—here in this congressional district have both received Federal support either in the form of scholarships or direct research grants and so on, and there has been no serious questioning of this, and I, for one, would expect to support continuation of this very American tradition.

Mr. KEVORKIAN. Professor Rosenbloom.

Professor ROSENBLOOM. There are a number of mechanisms already existing in the Federal Government for such Federal aid without Federal control in ways which benefit the general population, no matter what kind of institution the money is granted to. For example, here at Notre Dame and at Purdue, we have summer programs for in-service education of high school teachers with the Federal grants—essentially, the Federal Government does not tell you what you should do—whether you should have such a program or if so, what you should teach in such a program. You have to make a proposal to the National Science Foundation, saying what you want to do. You compete openly on the basis of merit with institutions from all over the country, and, since you do have among the best programs of that kind, you get the money in preference to some others.

Mr. KEVORKIAN. Dr. Shuster, will you add anything to that, speaking as a Catholic educator?

NO DISPUTE

Dr. SHUSTER. Well, I am not going to speak as a Catholic educator, but I would rather speak against a background of a long period in municipal education. Insofar as Federal grants to higher education are concerned, nobody has ever raised a question as to whether they are to go to religious schools, to public schools, to private schools, and I don't think anybody would like you to do so and the reason for that is a simple one—we have, in the United States, over a period of years, developed frank and full and cordial relationships between all segments and sectors of higher education and I think if anybody began to discriminate against one part of our show, the rest of us would rise in protest against the discrimination. This is a magnificent achievement for which America does not always give higher education sufficient credit.

Representative BRADEMAS. Dr. Hovde, I would be interested in your reaction on this Federal control problem. Your institution is one that has received some of that Federal money.

Dr. HOVDE. Well, of course historically, Purdue University grew out of the Federal act; namely, the Morrill Act, which we celebrate its 100th birthday, so one can say that, while Purdue University is a State public institution, it had its birth in the Federal act and, of course, we have received moneys for specific programs, particularly in the field of agricultural research and agricultural extension work. Direct appropriations from the Federal Government for many, many years and one can say that the Federal support of these programs has been an unqualified success because, in the technology and science of agriculture, we do lead the world and will continue to do so. In

all these years, there has never been, to my knowledge, any kind of Federal control which controls the nature of the teaching, the program, the projects that we worked on, and so forth, and the results have been worth every dollar that has been spent in terms of our being able now to feed our people with only 13 percent of our people on farms. In fact, we have an economy of plenty. This is our problem, rather than the other. In this whole field of Federal aid to education, I can say that there has been no kind of Federal control that is deleterious in any way. Now, one must always admit that, where the money comes from, you have a responsibility to that source and the recipients of Federal money will have a responsibility to our people and our Government in carrying out the general objectives for which the money is named. This is a requirement based on the private institution as well as the public one.

Mr. KEVORKIAN. Would you agree with that, Dr. Shuster?

POLITICAL LIMITATIONS

Dr. SHUSTER. Yes. I think I would like to, if I may, add something to what Dr. Hovde said. Just in order to make the situation clear—there are certain things that grow out of Federal assistance to education, which we must accept. For example, insofar as the National Science Foundation is concerned, it cannot make a grant for study in the fields of religion, race, or sex. These are political limitations which are placed on the Federal Government for action in the first place. Once these limitations are announced, in my judgment, there has never been a single instance in which the Federal Government tried to deviate from these things.

Representative BRADEMAS. I might add that it is likely that in legislation that we devise, you can't use any Federal funds to build a chapel or something of that sort.

Mr. KEVORKIAN. Well, from this area of agreement, I would like to go on to another field, as our time is running short. What about strengthening or aiding high school curriculum leading toward college classwork, especially in science and technology? Are you looking into that also?

Representative BRADEMAS. Yes, we are. And we gave a lot of time to that problem in our panel discussions. The other day in South Bend I talked to a high school principal and he told me that he had just finished talking with one of his chemistry teachers, who just got back from one of the summer institutes sponsored by Federal funds for improving the quality of teachers in science, and this teacher said, "I should not have been permitted to teach chemistry for the last 15 years." He was that far out of date. I think we hope to help improve curriculum course content. We hope to undertake some kind of program that will give teachers a chance to improve their knowledge of what is going on right now in the sciences. I think you've got one of the top experts in the United States in Dr. Rosenbloom here on this subject, so I will defer to him.

NEEDS AND PROGRAMS

Professor ROSENBLOOM. Well, in the science and mathematics in the schools right now, I think existing Federal programs, at most, would have to be changed qualitatively to handle what needs to be done, except with respect to the undergraduate education of science and mathematics teachers. Here is one area in which existing programs do not take care of the needs. You are going to have to experiment with the kinds of support that you can give to programs to produce more and better teachers of science and mathematics than we now produce. The existing programs on training of teachers are mostly remedial programs for the teachers we already have. On curriculum, existing Federal mechanisms right now can take care of most of the needs in science and mathematics except, as I said, possibly for the amount of money. The most urgent thing that we need, however, is corresponding activities to be going on in the social sciences and the humanities. According to a conference that we held a couple of months ago, the biggest gap seems to be in the social sciences and in the arts.

Representative BRADEMAS. Dr. Shuster smiled at that point.

Mr. KEVORKIAN. The emphasis on your charge from your chairman is to look into science and technology. Are we going to ignore or disregard the humanities? Should we not encourage philosophers?

Representative BRADEMAS. Yes; I agree that we should; and you put your finger on one of the most difficult problems of all of us as legislators. The emphasis is on science and technology. The National Defense Education Act was passed with a basis of science and technology. This is one I think that will continue to bubble along in this country. Dr. Shuster is a great representative of the humanists and I think he may have something on that.

Dr. SHUSTER. Well, may I relate a little anecdote. I went to Egypt, came to a temple which was built by Egyptian engineers more than 4,000 years ago. There is, in process, a modern engineering development which will raise this temple 200 feet. That is, pick up the whole mountain and raise it up. Now, if you have an engineering world in which there is no humanity, you have only the second, and I think this is worthy even of the attention of the Congress.

RELEVANCE TO DEFENSE

Professor ROSENBLOOM. Well, if you want to relate it to national defense, I think I can refer you to Jeremiah and Ezra. One of the things Jeremiah recommended was for national defense. He recommended to circumcise the heart. He recommended to inscribe the law in the soul of each person, and then you have, in Ezra, the practical implementation of this program, by taking literally the words in Dueteronomy, "to teach these words which I command thee this day shall be a part of thy heart and thou shall teach them diligently unto thy children." Each parents responsibility for knowing the law and teaching it to his children.

Mr. KEVORKIAN. You think something will change in your recommendations as far as toward the humanities?

Representative BRADEMAS. I hope very much that what we do in Congress next year will conduce to the strengthening not only of science and technology in our colleges and universities but to the strengthening of the humanities. The scientists and technologists can perhaps help blow the world apart but it takes the humanists to put it back together again.

Mr. KEVORKIAN. We will be very interested in seeing how all of this turns out. Thank you, Congressman Brademas, President Hovde of Purdue, Professor Rosenbloom of the University of Minnesota, and Dr. Shuster of Notre Dame.

President Asked To Declare Mobile County a Disaster Area

EXTENSION OF REMARKS
OF
HON. FRANK W. BOYKIN
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 1962

Mr. BOYKIN. Mr. Speaker, I have just received an urgent communication from my good friend, Charlie Brockway, the county agent for Mobile, Ala. He has informed me that many of the nurserymen in the First Congressional District were recently hard hit by the freezing weather.

As an example, Mr. Tom Dodd, Jr., of Semmes, Ala., who is one of our larger and more successful nurserymen in the State, has suffered a tremendous loss. This loss is estimated between $300,000 and $500,000. Mr. Dodd employs an average of 100 men per day. But this is only an example.

These men are going to need help to make a comeback from the tremendous losses they have suffered. Mr. Speaker, with the disastrous situation at hand, I urge the President to declare Mobile County a disaster area for this tremendous hardship caused by the recent freeze.

The One-Way Street

EXTENSION OF REMARKS
OF
HON. JOHN H. DENT
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, January 30, 1962

Mr. DENT. Mr. Speaker, the new tariff proposal is now official. It means giving the State Department full power over all import restrictions.

In essence it will eliminate all American tariffs and pave the road for our entry into the Common Market.

The Common Market is the first step to a new nation to be called Euramerica. The drums are already beating for the new country. We will hear more about this just as soon as the new tariff-cutting plan gets underway.

It is logical, because this new tariff plan is a face saver for the disastrous 4-year extension on the trade agreements voted under Eisenhower. The Democrats are being asked to bail out the last administration's trade policies.

The next step will be to use the failure of this present plan to sell the Common Market approach.

It is the old story, when your promise does not hold up, make new ones.

This statement I can make from the testimony in my possession. It takes $3 worth of exports to equal $1 worth of imports in wages in the pockets of American workers and in dollars in the domestic marketplace.

I believe any across-the-board tariff cutting powers, any further reduction in congressional authority in the field of tariffs and customs, any long-term extension of even the present Trade Agreements Act will weaken our economy and in the end, will prove the most disastrous action by Congress in our generation.

I say this without restraint or apology, even in the face of contrary positions by almost every academician, professor, advertising agency, international lawyer, theoretician, political leader, big business, big labor, and big press. Why do I say this and feel so strongly about it? Simply because of our history in trade matters, our present plight after 27 years of tariff cutting from an overall

of about 50 percent on dutiable goods to 11 percent, from my own congressional district's experience, from my experience of over 25 years of active legislative work, starting with my chairmanship 26 years ago of a committee from the Pennsylvania General Assembly which studied the flight of industry from Pennsylvania. This committee learned as any other committee has and will learn if it does a thorough job of study and research that, simply put, trade is a commercial venture, goods for trade will be produced in the area of lowest cost production and will be sold in the area of highest prices and greatest consumption.

This is an economic fact and no amount of academic language can hide this when the question before us is the problem of job opportunity, investment, and profit. Most other considerations of the trade problem stem from persons and groups, some sincere, some theoretical, who are convinced that trade is peace, trade is diplomacy, trade is profit, and trade is something the ordinary citizen does not comprehend. It is a great political issue for keeping the people from considering too seriously their problems stemming from chronic unemployment, reduced workweeks, and the feast-and-famine economy of the last decade.

At this very moment, with the great upsurge in our economy in steel, autos, and other production lines, you can sell anything to the American public, the press, and the Congress. However, very few persons in this country will predict a continuing prosperity. When anybody is bold enough—outside of the soothsayers of the Economic Council, State Department, and other Government agencies—to predict a growing economy with any assurance, the following restrictions and ifs are included in the prediction:

First. If there is no steel strike or major work stoppage on the part of the unions.

Second. If we hold the wage and price line.

Third. If industry will modernize, increase production without increasing costs. At this point, you will note the exact opposite position taken by President Roosevelt during the depression. We curtailed production to give consumption and purchasing power a chance to meet production. Today we are forgetting consumption of our production and demanding more production under the misguided theory that we can undersell our foreign competitors in their own markets as well as our own.

Fourth. If we can maintain Government spending at somewhere near the 30 percent of our national product. Without this, our trade balance would be more realistic.

Fifth. If we increase our exports and decrease our imports. This is the dream of all dreams.

Sixth. If we have confidence and let loose of our consumer dollars. This is what our parents were told in the late 1920's and then were humiliated because they had not saved for the rainy day.

These are but a few of the "ifs" that are always put into predictions for tomorrow's successful economic comeback. Frankly, if all the above conditions are met, the best we can achieve is the status quo. There is no room for growth. Unless the wage and profit economy expand with our production of goods, consumption will fall away, and the roots of recession will start sprouting all over again.

I have not touched on the most vital of all the issues that accompany the free trade program being promoted by the State planners for Congress to act upon. This is the area of foreign investment. In a newsletter a few years ago, I predicted the very situation that is now admitted by the same group who fought me when I opposed the Boggs bill (H.R. 5) and who are now opposing me again in my fight against the new trade bill for across-the-board tariff cuts.

I said then that the only reason any American corporation or individual would build overseas would be for profit. I said then that the more investment abroad the more profit, and the harder it would be for Americans to protect our own domestic market, our jobs, our industries, and our way of life. Can any person honestly say I was wrong then or that I am wrong now when I say that foreign investment will be the straw that will break the camel's back in foreign good will and our domestic economy. Most of today's leaders admit to the danger to our economy by foreign investments; few, if any, admit to the danger to our international prestige.

I said, and repeat, that the exploitation of foreign workers would sow the seeds of distrust, revolution, and hatred of the American people. Need anyone review the events to date, the universal appeal of "Go home Yank," of the mobs. They have not yet articulated the battle cry of the militant American labor leaders who fought valiantly and courageously against slave wages, long hours, slums, epidemics, and exploitation of the American worker by the greedy exploiters. Until they do their wage levels will be a threat to American jobs.

Let us take a look at some figures that tell a story that will haunt this administration and the American people unless the President of these United States does what he is capable of, and I believe courageous enough to do. Stop the sowing of seeds of hatred and the exploitation of the very peoples we are spending ourselves poor to help, by a small segment of the American investors.

Here are the figures that should scare every American who knows the depth of the feelings of people who work for exploiters and whose produce is taken without fair compensation. American investments as against incomes from the three investing areas. Latest figures, 1960.

WESTERN EUROPE

Investments, $1,322 million. Income returned to United States, $427 million. Income flowing back to United States, only $1 out of $3 because Western Europe was considered safe investment climate and the rest of profits poured back into expansion, new facilities, and expense accounts.

UNDERDEVELOPED AREAS

Investment, $608 million. Income taken out, $1,474 million. Investors taking no chances. They know the history of Cuba, Mexico, and so forth, on expropriation; so they take all they can out of these countries.

LATIN AMERICA

Investment, $500 million. Income taken out, $770 million. This does not include earnings held back for expansion. Foreign securities with extremely high dividend rates and of moneys loaned at exorbitant rates of interest; in some cases as high as 2 percent per month.

The 6-year totals show that this is about the normal profit of foreign investors.

WESTERN EUROPE

Investments, $5,141 million. Income returned to United States, $2,261 million.

UNDERDEVELOPED AREAS

Investment, $5,552 million. Income taken out, $8,794 million.

LATIN AMERICA

Investment, $3,057 million. Income taken out, $4,379 million.

How long would any American labor union, Congress, or any administration sit still allowing any American production facility an earnings ratio anywhere near the above examples of our friendly aid to friendly nations. Are we helping the underdeveloped areas or are we exploiting them.

The reason we have the demand for a lowering of trade barriers is because our American investors abroad have to sell in the market to make such enormous profits, either directly or indirectly. Not only are we exploiting the foreign worker with our payment of wages from 10 to 30 percent of the going average American wage, but we are exploiting the American economy by underselling the 96 percent of the nonexporting American firms whose higher wages maintain the American consumer economy.

While the State Department talks about good will and containment of communism, let us see what one business executive is quoted as saying in summing up the foreign investment policy.

> It's the opportunity to make big profits that gets us over there, it's a market decision for the great majority of us, not a tax decision (hearing records of Congress on Impact of Imports).

Bluntly put, this means exactly what I have been preaching, exploitation of low wage production, a free American market, exorbitant profits, and the devil take the hindmost. In this case, it can very well be the American unions, American small industry, and, yes, even the Democratic Party.

When a man loses his job he does not often look up a dead mule's throat to see what killed it. Frankly, there is little difference in our approach to the trade and aid programs of the Republican administrations. We may have new slogans and some new faces, but we are doing the same things and for the same peoples.

The public may take the same view as the polly parrot, after spending many years as a pet in a public dancehall, was loaned to a society matron as atmosphere for a private society dance. Looking the crowd over, the wise old bird

commented rather wryly, "new girls, same guys."

How long can we face up to the Castros if we go into a nation for the sole purpose of taking out big profits. How can these nations' little people ever become self-sufficient if we put in $1 and take out $2. How can we answer Castros when they point to the low wages paid by American enterprise abroad which, in many cases, are negotiated before the investments are made.

I had a visitor not too long ago, a highly placed labor leader in a European country, who bluntly told me:

Your American plants in our country are no help to our aims for a higher share of the profits of industry. They make deals, backed by the government and our own manufacturers' groups, guaranteeing not to raise wages above the domestic industries' scales. They give the local industries the leverage to keep us in line. They not only agree on wage terms, but they join the cartel's controlling prices and markets.

Personally, I'm here on a tour of your industries as a guest of the State Department. I came to your office because I've read of your trade fight. One thing you can be sure of, the average workers in my country can't buy our own products, let alone your high cost imports.

You will never undersell us in our market, even if we remove all tariffs. In the first place, do you think your own American enterprises that own so many of our facilities are going to close down to let your domestic plants ship into our market?

At this point, I asked him if our money was needed for development of their economy. His reply rather startled me. He said:

No. Absolutely no. There are enough rich people in our country to create any production facility we need. They hide their money, one way or another, and use your money. Why, even today, our investments in other countries may equal the investments Americans are putting in our country. You see, Mr. Congressman, it's easier to take exorbitant profits from a foreign country and to exploit a foreign worker than it is in your own country. In my opinion, the wage level of the American will be lowered long before the European wage level is raised.

Much more was said, but one thing I learned that worries me no end. Are we Americans going to be the goats in this international profits race? We are told by the promoters of free trade that unless we join up with the Common Market we are doomed. Nothing could be more idiotic and economically unsound than to tie our high economy up with the European low economy in a free market.

Even our planners admit this because, at this moment, they are setting aside Common Market entry until a future date. I predict that the across-the-board program will not succeed and its very failure will be used as the excuse for demands for entry into the Common Market. When we do join, and unless the American people look at the trees instead of the forest we will join, how then do we treat Latin America, Far East, Near East, Africa, Asia, and Canada.

When we hear of the great potential of the European Common Market because of its lure for expanding sales and profits we fail to consider one very important fact. Wiping out all tariffs between the European market and the United States will not increase our opportunities one-tenth of what we increase the foreign producers' chances in our own market.

We are told that Common Market potential is great because of 300 million consumers, an unsaturated market for cars, radios, and major appliances. What assurance do we have that American enterprise will manufacture these items in the comparatively high wage economy of the United States for shipment to the European market rather than in the European market itself and lacking a protective policy in America, what will stop these same products from coming back to the United States. The Common Market is and will be a protective market. We know or should have known that much when we created it.

Facts show that in most cases of an exporting-importing firm in the United States that has foreign production facilities, their exports to foreign markets are going up while their imports are going up. Back as far as 1954, over 30 percent of all imports into the United States were produced with American backing. Today, no one will give an estimate because if the truth were known, the new trade pact would die aborning. If all we need for prosperity are large markets based upon population, maybe somebody ought to count the people in Red China and Russia.

Because of our open invitation to come one, come all, into our marketplace, every nation seems intent upon working out its own salvation at the expense of our own economy. We have tried being all things to all peoples, and it is paying off in distrust, embargoes, restrictions, double dealing, false promises and above all an utter disregard of our sometimes unsound, but always "noble" intentions.

Look, for instance, at these items gathered from 1 day's mail, and news media:

Developing countries turn to U.S. research for aid in attracting foreign investments.

Agriculture is offering new incentives for foreign investors—50 percent tax cut for new investments.

U.S. banks helping new business get under way in developing countries.

In essence, these are the "noble" ventures and our high aims exemplified by our policies which all countries are happy about.

However, let us see how they treat us after we have fulfilled our promissory notes of good will and development help.

Brazil's Chamber of Deputies has delivered a staggering blow to foreign investors. A recent bill cuts drastically the amount of profit to be taken out of Brazil (100 percent), and (20 percent) withdrawal of capital investments in any one year.

U.S. business community shocked, predicting end of foreign companies in Brazil. Penalties range from confiscation of property to prison terms. On top of this, foreign businessmen are barred from raising money locally.

Mexico just recently barred more American cars from the Mexican market and tariff protection for domestic industries reaches as high as 100 percent ad valorem on American imports.

Canada wants more drilling equipment to be manufactured in Canada. Protection is promised to local manufacturers against foreign imports. Wants U.S. companies to license plants within Canada rather than American production being shipped.

Wonder where the freetraders will increase their exports under these arrangements?

U.S. firms losing orders worth millions. They are out-financed by European competitors.

U.S. business executive says:

We helped Europe recover, now they have financial reserves. They are giving deals we can't hope to meet.

In fairness, the freetraders ought to explain how we build our exports under these conditions without more Government spending and guarantees.

Indies Investment Center in New York has 27 industrial proposals to offer U.S. investors.

U.S. Steel, G.E., Westinghouse, Koppers, and others competing for Pakistan's steel development.

How do we export more steel to Pakistan after we build a new steel facility, or do we buy steel from Pakistan to give dollars to pay off the American investor?

Businessmen are told they must sell more abroad. In fact, we have got the "old E" back again; this time it stands for exports. This is necessary because when the American people learn that only 4 percent of American employers are exporters, while 96 percent of the U.S. firms operate within our economy they may not be able to sell the big lie that an export trade makes millions of jobs while imports only replace a few hundred thousand workers.

It seems we are shifting our emphasis from the five pillars of support for our economy: Domestic investment, employment, production, consumption, and profits, to an economy based upon foreign trade, loans at interest and nonreturned foreign profits. When told to export more, one question needs to be answered. How? By subsidies, of course; we export more cotton, wheat, tobacco, and so forth, because we subsidize against the world market price.

With European wage rates about 30 percent of ours, lower taxes, depreciation allowances giving leeway for the most modern production facilities obtainable, with trade walls going higher against imports and suckering the United States into lowering trade walls on their exports, the American exporter is going to have a tougher and tougher job ahead. Average wage of eight European countries, fringes and all, 85 cents an hour, American rate on the same basis is $2.96 an hour.

No one who has studied the 27-year record of our free trade agreements has illusions about what kind of tariff cuts the Common Market will agree to. They will cut tariffs on what they sell and increase or hold the line on products they buy. That, Mr. Speaker, is the real reason for the demand by the agents of foreign countries and exporters and others, for across-the-board tariff cut powers. If they win, then the people will be told that Common Market and United States agree to a 20 percent—or any other figure—flat cut across the board without spelling out the items—or worse, use a basket category.

I have seen some of the proposed cuts and one will mean cutting tariffs on automobiles, but raising customs on machine tools and certain types of finished steel and aluminum. The across-the-board program ignores every concept of economic law, whether it is domestic or international. This is pointed out in a speech made by Secretary Goldberg to the AFL–CIO convention in December.

There cannot be a single wage policy in the United States. That is perfectly clear. All employers do not begin from the same position or enjoy the same abilities to provide wage increases or have the same success in earning profits.

If this is true and I agree with Goldberg, how then can he or anyone else argue for across-the-board tariff cuts. Do not the same conditions exist? Are not all employers on a different base in their ability to compete with external competitors for markets, the same as they are for wages internally?

It seems either shortsighted, politically inspired, or completely ignorant of the historical economic facts to deny any American industry or its workers a day in court by establishing across-the-board tariff cuts without regard to the "ability to provide wage increases or to earning profits," to quote Mr. Goldberg.

That this fact is recognized even by the proponents of this new so-called broad—sometimes mistaken for bold—approach to tariffs and trade, let us look at recent remarks of the chief spokesman for the new policy, Under Secretary of State George W. Ball.

He said that if we are going to give development capital to underdeveloped nations, it will be necessary for us to help them market their produce. Their work will be mostly in the primary industries like textiles, mining, and light manufacture. Advanced nations like the United States should willingly abandon these industries to the underdeveloped nations, though textiles is our second largest employer. Of course, our Government would have to compensate our abandoned industries, and help transfer them to new activities. Fortunately the machinery for such Federal intervention in industrial new activities and growth has already been voted by Congress in the area redevelopment bill. The Federal Government can now create depressed areas to its heart's content, and buy off the opposition of industry, labor, and local government officials with its development assistance for Americans.

Under Secretary Ball's earlier statement leaves no doubt of the goal—the United States is to give up its economic boundaries and let itself be merged with the world economy, without any ability to protect itself, except through aid provided from Washington.

He asked specifically that the President be given authority, as follows:

1. Strike much broader and more ambitious bargains with other governments. No more product-by-product agreements which are too easily followed by Americans.

2. Direct negotiations with areas, like Latin America.

3. Federal aid for industries and areas hit by the proposed tariff reductions.

Some of us living in the depressed areas of Pennsylvania and West Virginia would like to know why our distressed areas have not been given new industries, retrained workers, and the prosperity we are promised if we pass this legislation and get hurt by imports. In our areas, we are hurt.

I know that I make myself the target for charges of isolationism, protectionism, and reactionism. I have been labeled by one newspaper as a profile of protectionism. I do not mind and I will admit to some of the charges. I want every American worker to be given the same type of protection we provide for workers in cotton, wheat, peanuts, and so forth. I believe that a glass worker has a right to life, liberty, and the pursuit of happiness. In my book, happiness comes from doing the kind of work you like best and feel best suited to, not as in West Virginia's retraining program where coal miners, glass workers, leather tanners, and so forth were being retrained as gas station operators, typists, and waiters on tables.

It has been said that it is isolationism to fight for a coal miner's right to dig coal rather than to let the oil companies make more money importing fuel oil, giving cheaper fuel to New England. If this is true, then why should the West Virginian and Pennsylvanian buy New England products instead of buying shoes, shirts, and small tools from Japan when they sell cheaper than New England products?

There are many protectionists in America. Most of them would fight a lot more viciously than a glassworker if Congress attempted to wipe out State lines in the practice of law, medicine, accounting, insurance, and other protected interests and jobs. These same persons are not only protected by local and State laws, but have a Federal protection against overcrowding of their job opportunities by the Immigration Act. What is the difference in having a high tariff in the form of an immigration embargo on people as against the importation of that person's production?

Does any American believe that we can have free trade without free movement of people? Already the drums are beating for special treatment for special skills and the lowering of work restrictions between nations. In fact, if I believed in free trade, I would demand free immigration at the same time. The one without the other will never achieve the aims of the freetraders, one market, one economy, and in essence, one world.

In my hearings I noted that few persons came forth as witnesses for lower tariffs except those whose personal incomes were influenced or traced directly or indirectly to foreign sources. I have looked over some of the lists of foreign agents and representatives.

In this fight, some of us are going to be forced to fight under very difficult circumstances. I, for one, do not look with pleasure upon the prospect of differing with my President or my political party leaders.

I would be tempted to give up the fight except that the unemployed in my district are very real and very worried. If the cures offered for injuries caused by imports to both industry and labor have any value, then let the proponents prove it before we vote.

If subsidies to industry and retraining workers can take care of the areas distressed by imports, why have not these projects been started. Do it now—prove its value, put the unemployed back to work. I can assure you that if this is done and our people and our economy can better be served by the free trade movement in this year of our Lord, 1962, I shall be the first to take the pledge and vote for the whole venture.

We have 6 months, name the new industries to be created, create them, retrain the displaced worker for his new job, and give him or her the job. This is the only honest thing to do. If it can be done later, why not now.

I close with one prayer, whatever we do, we must do for the good of our country first. First, I am an American; second, I am anything they want to call me.

A Report to My Constituents

EXTENSION OF REMARKS
OF

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1962

Mr. POWELL. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

A REPORT TO MY CONSTITUENTS ON WORK ACCOMPLISHED FOR 1961

Your continued faith and support have caused me to become chairman of the Committee on Education and Labor, 1 of the 20 committees in the House of Representatives, U.S. Congress.

My chairmanship (1) represents the results of united voting strength; (2) extends to you, my constituents, your most powerful Federal influence; (3) gives forceful and effective expression of minority problems to the Federal legislative process.

The power and influence of my office has been used, in addition to regular duties, to (1) express your feelings and demands concerning all Federal legislation in the vital areas of education and labor; and (2) declare your discontent with all conditions that deny you the rights of full citizenship.

LET'S LOOK AT THE RECORD

Specific accomplishments in the area of equality in employment and education

Investigations and hearings conducted by the Committee on Education and Labor have revealed that equal opportunities in education and employment are vital to the development of America and indispensable to the economic survival of the Negro and Puerto Rican.

Among the key accomplishments of my committee in this area are:

In Government

1. After investigation and hearing by my committee, the U.S. Department of Labor, District of Columbia Apprenticeship Training Council admitted that each application on file for apprenticeship training were coded to reflect the racial identity of the applicant. As a result of this disclosure the Secretary

of Labor immediately abolished this system of recording.

2. After our investigation of the National Guard, the Pentagon, Washington, D.C., it was revealed that of the 86 officers assigned to the Bureau, there were no Negroes.

The Committee received assurance from the Assistant Secretary of Defense that, "There is no question but that you can be assured that Negro officers will be in the National Guard very shortly pursuant to my direction."

Following this communication and as a direct result of my investigation three Negro officers were assigned to the National Guard Bureau.

3. Upon receipt of a complaint of racial discrimination against Negro employees in the civilian branch of the U.S. Army in Paris, France, the committee dispatched a team to investigate the matter. The investigation revealed that a Negro civilian had received a notice of dismissal and procedures had been instituted to effectuate same.

As a result of the committee's intervention, the employee has been relocated with a promotion.

4. During the course of FEPC hearings by the committee, a representative of the NAACP testified as to discriminatory actions by the State employment office located in Dallas, Tex. Upon receipt of the testimony, and during the course of the hearings, I dispatched a team of investigators to Dallas, Tex., who confirmed the allegation made at the hearing. An order was immediately issued by the State employment agency in Texas terminating the discriminatory practices.

5. On November 29, 1961, I addressed a letter to the President of the United States, stating, "After almost 1 year of trying to work out this problem with the Pentagon, I must now appeal to you. Members of the Defense Establishment continue to use not only the question of the individual's race, but also the race of his spouse. Repeated objections by me have met with no success."

On December 13, 1961, I received a reply from Alfred B. Ditt, Deputy Under Secretary (Manpower) stating "the requirement that a married service school applicant state his wife's race, if different from his own, will be dropped."

In industry

1. The Harlem liquor dispute had been the source of deep tension between the liquor industry and the Harlem community for the past 15 years. Unsuccessful efforts were made in the past by the National Association for the Advancement of Colored People, the State Committee Against Discrimination, the Commission on Inter-Group Relations, the New York State Liquor Authority, the Urban League, and the courts.

As a direct result of my entrance into the matter the dispute was settled on January 4, 1962. The settlement provided for an additional $15 million in gross sales and over $400,000 in commissions to Negro salesmen.

2. The committee caused the reemployment of 260 workers (Negro and white) by the Interstate Container Corp., New York City, after committee investigation revealed that the discharge had been unreasonable.

3. The committee's investigation revealed unfair treatment and other abuses involving migratory laborers by crew leaders in Riverhead, Long Island, New York City, and Glassboro, N.J.

I forwarded letters to Governor Meyner of New Jersey and Governor Rockefeller of New York. In addition, our findings were filed with the NAACP and SCAD.

The New York State Employment Service advised the committee that this condition would not reoccur and that a close scrutiny of all migratory labor camps under their jurisdiction would be maintained.

4. The investigation of the committee revealed that the Aluminum Corp. of America and its subsidiary, Wear-Ever, Inc., discriminated in its hiring policy as to race by refusing to employ Negro salesmen. It was further revealed that the company would not sell to Negroes on deferred credit or budget terms, irrespective of their credit rating.

Through the efforts of the committee, the company announced that as of January 12, 1962, the company hired its first Negro salesman and discontinued is discriminatory credit policy.

In unions

1. Investigation and intervention by the committee led to the acceptance of two Negro carpenters by Local 2710, United Brotherhood of Carpenters and Joiners of America, New York City. Prior to the admission of the two Negroes, only one other Negro had ever belonged to the local.

2. Investigation and intervention by the committee caused the acceptance of a Negro youth into apprenticeship training by the United Brotherhood of Carpenters and Joiners of America, Washington, D.C., after the applicant had repeatedly failed to gain admittance on his own initiative.

3. The committee effectuated the admission that the New York State employment office had committed negligence in causing 33 Puerto Rican migrant workers to be paid less than the proper wage in Virginia and further caused the workers to be subjected to substandard living conditions.

4. After investigation and hearing, it was revealed that the Consolidated Edison Co. of New York conducted a pattern of discrimination in hiring and promotion with respect to Negroes.

This revelation caused the company to announce a new policy granting equality in employment and the introduction of a program to train Negro executives within the company.

FEPC bill

The Committee on Education and Labor is now working on a fair employment practices bill, with the widest scope and most effective enforcement provisions ever introduced in the House of Representatives. This bill prohibits discrimination on the part of labor unions, employers, and employment agencies on account of race, color, creed, or age.

Jobs and salaries

The Committee on Education and Labor is comprised of an integrated professional staff, including educators, lawyers, and specialists conversant with the problems of minorities.

The committee staff of 48 employees had a 1961 payroll of $412,000.

On my personal staff the total 1961 payroll was $47,149.77.

I have secured approximately 45 appointments in various agencies in the city of New York, with a total payroll of approximately $125,000.

Key Negro appointees in the Kennedy administration from New York City

Through my efforts 11 persons from the city of New York received top level appointments in the Kennedy administration with salaries totaling $115,000.

Throughout the Nation

As of September 1961, over 65 Negroes had been appointed to positions ranging from $10,000 to $20,000 a year. A leading official in the Democratic Party involved in these appointments stated: "ADAM POWELL has played a key part in every one of these appointments."

General legislation

In 1961 my committee reported 23 bills to the House. Of these, 12 became law. This represented a greater volume of bills within an 8-month period than the previous committee reported in the 10 preceding years.

Your stake in key bills

reported by the committee, passed by Congress, and signed into law by the President was:

Salary

1. The first minimum wage legislation since 1938, establishing a minimum wage of $1.25 an hour, and extending coverage to thousands of employees. If you were in this group, your salary was raised.

Our children

2. The Juvenile Delinquency and Youth Offenses Act authorized $30 million over a 3-year period, to establish a program for the prevention and control of juvenile delinquency.

Education

3. (a) A new teaching hospital for Howard University. This bill which became law on September 22, 1961, transferred Freedman's Hospital to Howard University. This bill also authorized construction and remodeling to provide a modern hospital with a capacity of 500 beds.

(b) The extension of the National Defense Education Act. Among other things this act provided for: (1) loans to talented and needy college students; (2) Federal financial assistance to States in order to acquire equipment and facilities to promote education in science, mathematics, and modern foreign language.

(c) Extension of aid to Federal-impacted areas. This extended the current law which provides assistance to school districts which are burdened by new or increased Federal activities, such as defense and military projects.

Investigative task force

I have created an investigative task force directly under my jurisdiction with offices located at Foley Square, New York, and in Washington, D.C. The duty of this task force is to investigate discrimination and irregularities in Government, labor, and industry.

To date this task force has received over 2,000 telephone complaints and over 1,000 personal complaints.

In order to more effectively combat the forces of discrimination I have provided space in the committee's New York office for representatives of the New York State Committee Against Discrimination, the National Labor Relations Board, the Wage and Hour Division of the U.S. Department of Labor, and the Bureau of Labor-Management reports. Thus, in New York City for the first time a complainant has access to four distinct agencies, Federal and State working cooperatively to hear his grievance.

The One-Way Street

EXTENSION OF REMARKS

OF

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1962

Mr. DENT. Mr. Speaker, recently I spoke before a group of Americans interested in all facets of our trade problem.

I drew from testimony and information supplied in the main by Mr. Danny Danenberg of the Western Growers Association for facts relating to the basic problems of agriculture and foreign trade as well as observations on the general welfare.

Following is the main part of this address:

Because I am a public official, I trust that you will not accept this as a speech but,

rather, as an extended statement regarding a preservation of a way of life, a way of life that has brought more good things to more people than any other way of life that has ever been conceived. Now let me remind you that the key word is "survival" because these are indeed sobering times.

It is with natural dismay that I note that Government releases for the period ending December 15, 1961, report the lowest farm parity ratio in 22 years. Representing many farmers, I am beginning to wonder if low prices are not closely related to the destruction of our free enterprise system here in America. As I ponder over that situation, I pray with you here today that none of us will see the fall of our free enterprise system and the important role that free American agriculture has played with "freedom of choice" in endowing upon us the highest living standards and made us the leading nation in the free world.

I believe that you will agree that we are in national unity dedicated to these principles. When I say unity, I do not mean unity for the sake of unity—I mean unity between Democrats and Republicans, and Catholics, Protestants and Jews, and labor and management and the poor and the rich. I further mean unity behind a program of determination that all men are entitled to the blessings and opportunities that only a free society can offer. So, as such, we not only have unity of purpose, but we have national unity in their preservation and a willingness to work mightily for this preservation.

The American business community has thrived on free and open competition; and the American business and agriculture community is perfectly willing to invest its money and take its risk, provided it is allowed to enjoy equal opportunity and fair competition. This has not been possible because a posse of planners that carry over from administration to administration set rules of theory which are inadequate and introduce many additional complications, regardless of which political administration is in power.

When this posse of planners argue reciprocal trade, they argue "trade, not aid." When they want to put across foreign aid, they argue, "aid, not trade." When they are confronted with damage to American labor, American agriculture, and American industry by large-volume imports from low-wage-paying nations under the deceptive name of reciprocal trade, they rally to the defense by more Federal meddling and more Federal subsidies. Their motives are their business, but I do say that the time has come when we must fully examine the record because it is a one-way street, and the cure they offer is much worse than the disease.

COMPETITION

The American agricultural and industrial community has thrived on free and open competition. We, at the same time, recognize that the concept of a free market also requires the need for affording reasonable incentives and protection against invisible and uncontrollable conditions and that these incentives and protections should come from realistic policies concerning foreign imports. This implies that in the vital area concerning foreign trade agreements and tariffs, there must be a reexamination and a placing on a truly reciprocal basis.

RECIPROCAL TRADE AGREEMENTS

That the trade agreements are reciprocal in nature is theoretically true but in practice is translated to numerous instances where foreign countries have nullified concessions granted to us, i.e., tariff reduction, by limiting imports by other methods such as exchanged controls, import licenses, and import quotas. Even today one of the free trading nations, which has a low tariff, restricts imports by simply setting a limit to the amount that may be imported and refusing to grant the exchange for additional imports beyond a set quantity. While European countries also reduce their tariffs, they also resort to other devices to limit imports. A complete review of Agricultural Handbook No. 132, published by the Foreign Agricultural Service of the U.S. Department of Agriculture, on the subject "Agricultural Policies of Foreign Governments," is a 141-page book which reviews trade policies on agriculture throughout the world, and is an example of proof that reciprocal trade does not exist and that various protective devices are used.

Because of the mistaken notion that our trade policies aid agriculture, I propose to examine the statistical "hocus-pocus" on agricultural exports.

The contention that agricultural exports during the past fiscal year 1960–61 reached record proportions at $4.9 billion; and that 78 percent of this was sent to countries with which we made trade agreements; while imports of competitive agricultural products amounted to $1.8 billion, needs some reexamination. The $4.9 billion export figure is official and need not be questioned. However, in a publication of the U.S. Department of Agriculture, "The Demand and Price Situation," for August 1961, page 9, stated that about 60 percent of these exports received some form of Government assistance. This consisted of outright subsidies such as those that apply to our exports of wheat and cotton of which we exported over $2 million in 1960; outright grants (gifts), etc. Only 40 percent of the total was sold for dollars with no governmental assistance. This part of our agricultural exports was slightly below the previous year.

To attribute our agricultural exports and specifically their expansion to the benefits of the trade agreements program is, of course, wholly unjustified in view of the pertinent factors as above stated. Actually, the need for subsidation in order to export is proof that the trade agreements have not opened foreign markets to our farm productions; we do not have reciprocal trade on agriculture; quite the contrary. Only our subsidies have succeeded in doing that.

Our imports of agricultural commodities are classified by the U.S. Department of Agriculture as supplementary or complimentary. The complimentary imports are those that do not compete with domestic farm products—examples: coffee, tea, crude rubber, cocoa, etc. These are all free of duty. Nevertheless, importation of these products gives the foreign countries dollars with which to buy our products. Once again, the trade agreements program has nothing to do with these products because we have no tariff on these imports.

RECIPROCAL TRADE IN AGRICULTURE AND SUBSIDIES

The above stated that in fiscal year 1961 there was duty-free imports of $1.8 billion, which should give rise to exports of a like volume by supplying other industries with the necessary dollars. This should therefore be deducted from the $4.9 billion of exports for fiscal year 1961, if we seek to determine the influence of our trade agreements program. The export figure then would come to $3.1 billion.

It further stands to reason that this surplus of exports would not have occurred without the subsidation to which we have resorted. The cost of the wheat and cotton subsidies between them come to more than $550 million in 1960. Before we subsidized the exports of raw cotton our foreign market was fading rapidly. Our average exports of cotton from 1950–52 was 5 million bales per year. In 1956 these exports dropped to 2,214,000 bales. Then we began to subsidize the rate of 6 cents per pound in 1957. Exports jumped to 7,598,000 bales. This was followed by another drop in 1958–59 to 3,129,000 bales. On August 1, 1959, we increased the subsidy from 6 cents per pound to 8 cents. Exports again responded. In 1960, our exports leaped back to the 7 million bale level.

What did our trade agreements have to do with this? Nothing. Our record agricultural exports are the result purely and simply of our subsidation and governmental assistance. As recently as fiscal year 1958–59, our agricultural imports exceeded exports by $300 million. Imports were $4 billion; exports $3.7 billion. It is safe to say that the increase in exports has been the direct result of heavier subsidies and other governmental assistance. Witness the U.S. Department of Agriculture report already quoted; namely, "the proportion of unassisted dollar sales was slightly below the previous year," referring to fiscal year 1961 over fiscal year 1960.

ESCAPE-CLAUSE RELIEF

The biggest fraud of all upon a slumbering Congress and an uninformed people is the escape-clause relief fiction. The statement that any concession granted in negotiations is subject to the further safeguarding procedures of the escape clause under section 7 of the Trade Agreements Act when it can be shown that economic injury from imports to domestic producers has resulted from the negotiated tariff reduction ignores the record under the escape clause of the Trade Agreements Act regardless of which political administration has been in power. Since its inception in 1947, the record shows that the odds are almost 10 to 1 against getting relief under this procedure. The Tariff Commission itself has failed to find serious injury in 70 cases out of 110. The White House turned down 27 of the remaining cases coming to it from the Tariff Commission with a recommendation for a higher duty. This left 13 cases on which some affirmative action was taken. A summary of investigations on agriculture productions is provided below as initiated under section 7, Trade Agreements Extension Act of 1951, as amended, 1956–60:

Year, commodity, and results:

Garlic, 1957: Escape-clause relief not granted.

Red fescue, 1959: Escape-clause relief not granted.

Lamb, mutton, sheep, 1960: Escape-clause relief not granted.

Cantaloup, 1961: Escape-clause relief not granted.

Watermelons, 1961: Escape-clause relief not granted.

In 1961, the cantaloupes and watermelon growers, assisted by the California Department of Agriculture, presented two very strong cases before the U.S. Tariff Commission for relief from these excessive imports. Although, beyond any reasonable doubt, serious injury was proved, the Commission, consistent with policy, granted no relief and denied the petitions as stated above. It is extremely interesting to note that Congressman BAILEY of West Virginia, the author of the escape clause, stated in Congress on April 27, 1961, and I quote: "Mr. Speaker, there is no doubt in my mind that the escape clause has been virtually sabotaged by its administration. It has been twisted almost beyond recognition. Its purpose, which is to give relief when a tariff reduction backfires, seems to be forgotten or ignored. Congress has legislated to no avail. We should take a long look before we again entrust the executive with so much power; and we should also pay more attention to the treatment given the laws we pass here by the agencies set up by us to administer them, especially if the executive branch is not in sympathy with the objective of the particular law."

To this every Member of Congress should add a sincere "amen."

EXPORT VALUES AND FOREIGN VALUES

In October 1961 a report by the Nationwide Committee on Export and Import Policy covering the subject of "Import Competition Employment," covered this subject very well by stating, "In weighing these trade statistics we should keep before us the fact that the import values are foreign values, i.e., the sales choice to our importers exclusive of duty, ocean freight, marine insurance, etc. This fact tends to shrink the impact of imports in terms of man-hours required to produce them. For example, in 1960, our imports of shirts were valued at $14 million. What did this mean? What are $14 million dollars worth of shirts? How many shirts? In this country, it would mean 7 to 9 million shirts at factory prices. How many employees would be needed to make that many shirts? But wait. The imports were not 7 million or 9 million shirts, but 24 million. At our value, they would have represented $36 to $48 million. Innumerable other examples could be given. In terms of man-hours required to produce the 1960 imports of $14.6 billion, exports of perhaps triple that value would be required to balance the account."

Is it farfetched fantasy to state that the Nation with the highest economy in the world can fairly compete with foreign producing areas having the advantage of low tariffs and wages often 10 to 20 times less than our American industry. This type of competition poses a real serious problem and one which has been created, whereby these foreign imports result in oversupply and destroy the marketplace. This is not only a serious economic problem for industry, but is one with which labor certainly has a self-interest in as well. I have not argued in the past, nor do I argue now that our labor costs are too high. In preference to this, I would rather say that it is the extremely low wages in the foreign producing areas which have advanced this problem.

In August of 1961, the USDA in Bulletin No. DPS–80 issued the following release. This is important because the hope of the proponents of this destructive legislation cannot win unless the farm members are completely and purposely broadminded:

"Agricultural exports moved abroad at record volume during the fiscal year ending June 30. At $4.9 billion, exports were about 9 percent above the previous year."

"Roughly three-fifths of these exports received some form of Government assistance. A little over 30 percent moved under Public Law 480 and the Mutual Security Act. A somewhat smaller proportion represented assisted dollar exports, receiving subsidies in cash or kind, or sold from CCC stocks below domestic market prices (about 1 percent moved under short-term dollar credits). All wheat and cotton and the major proportion of rice and dairy products were subject to Government assistance. The remaining 40 percent of agricultural exports sold for dollars with no direct Government assistance. In this category are exports of most livestock products, soybeans, tobacco and horticultural products. The proportion of unassisted dollar sales was slightly below the previous year.

Foreign aid, in the form of agricultural commodities or loans, grants and credits of foreign currencies deriving from their sale, represented about two-fifths of the aggregate value of gross economic aid extended by the United States during the past year.

I say there is no farm problem as such; this sounds fantastic, but if the American farmer were permitted to raise and market a major part of the food and fiber that is consumed by the American people, we don't have acres enough today to produce it. The problem is that State Department officials are enticing agricultural imports into this country which have created an agricultural surplus. Permit me to explain briefly what I mean: The ratio of U.S. agricultural exports reached $4.9 billion in 1960, an alltime high and accounted for one-fourth of U.S. exports. Imports are just about in balance with exports; so the experts say that the American farmer is exporting as much as is being imported, but let's look at a few facts.

1. Approximately three-fifths of all agricultural exports included in the export total are very heavily subsidized, such as wheat at 60 cents per bushel, cotton at 8 cents per pound, or were exchanged for foreign currency, or were completely given away to foreign nations under the provisions of Public Law 480. Thus, only about 40 percent of our agricultural exports are sold under a commercial basis, and the 60 percent balance move on some subsidy, grant, loan or giveaway basis.

2. During the past 10 years, farm support programs have cost the American taxpayer $26 billion. During the same period, we imported agricultural products valued at $42 billion. While this was going on, we piled up in Government storage 1.1 billion bushels of wheat, 1.4 million bushels of corn, 2.6 million pounds of tobacco, and about 336 million pounds of butter, cheese, and dried milk.

3. The bulk of the feed grains, other than that in Government storage today, has been imported. Our disappearance of feed grains over the past 10 years has been greater than our production, yet, we, as taxpayers, are paying some $20 million a year to store what is termed "surplus" feed grains. It is surplus, to be sure, but not a surplus created by the overproduction of the American farmer. It is "created" by imports. Although my district is considered industrial, my 20-odd years in the Pennsylvania Senate taught me the importance of agriculture to the "common good."

FOREIGN TRADE—FAIR TRADE

Now, if we are to meet Soviet competition in the free world, we can only do it with an economy that is safe and sound. We need international trade, but we must be more selective. Foreign trade should be fair trade. Let us buy much more of the things we do not make, but which we need or can use. We, in Congress, want a good, well-balanced foreign trade and foreign relations policy without leaving American agriculture, American labor, or American industry as sitting ducks at home. May I also add: There is no good or sound reason why American labor, agriculture, and industry, which is in trouble over imports, should not have a logical remedy that will save its industry and safeguard the jobs of our workers in accordance with the American standard of living.

FREE ENTERPRISE FACTS

Foreign policy

From July 1, 1945, to June 30, 1960, the United States has made available to foreign nations a sum of nearly $86 billion in various types of foreign assistance, grants, and loans. We shall make available an estimated $5 billion in fiscal year 1961 for a total of nearly $91 billion. After all types of repayment and returns of grants have been considered, by June 30, 1962, our net foreign assistance program will represent the astronomical sum of $86.5 billion. Such a staggering sum of money is virtually impossible to comprehend.

National debt

This is not a forum to discuss the political existence of some of the economic decisions which are involved. We must be realistic though, and realize that this great Nation is accumulating a national debt which is approaching $300 billion—a figure, incidentally, which is larger than all of the combined national debts of all the nations of the world since the beginning of recorded history.

Foreign policy and trade agreements

There is every indication, as the years go by, that the American economy will be forced to compete with the state-controlled economy of the Soviet Union in many areas of the world. American business can only participate in such competition as it is allowed to grow and expand. The vital area of our foreign policy which has been commingled with trade agreements and tariffs must be reexamined and placed on a truly reciprocal basis if American industry is to compete, not only with our opponents, but also with our friends. The subject of reciprocal trade as it particularly relates to agriculture has been fully stated in a separate part of this report.

In the areas of produce, manufacturing, wages, marketing, research and taxes, we must comment on Government programs which will assist our economy in expanding or which, conversely, will cause it to contract. Under all circumstances, any Government action promoting business stability and growth benefits the Nation as well as industry. Government action, on the other hand, that causes business and industry growth to contract, certainly undermines our economic strength and tends to choke off employment as well as the source of tax revenue on which the Government's own manifold programs depend. We, therefore, feel that there are certain areas which require evaluation because they do have a direct and vital impact upon the free enterprise subject as a whole.

In considering the above problem, I am greatly concerned relative to the impact that foreign competition is having upon American labor, industry and agriculture. I feel that the above observation emphasizes that we, in industry, recognize this as a mutual problem, and as such, a very strong relationship exists in our national economy between the wheels of agriculture, labor and industry. We feel that our self interest is best served by having a vital interest in the factors relating to American labor and employment. This implies that we have strong feelings regarding the fact that trade is a two-way street between labor and industry. We fully recognize that in the marketplace, they represent our consuming public. By the same token, recognition must also be given to the fact that industrial labor and the farmers are the largest purchasers of what American industry and American labor produce. When you find farm income down 25 percent, declining steel production, textile mills shut down, industrial unemployment and depressed areas, it certainly is time to conscientiously call attention to the impact of foreign imports upon our economy. I respectfully request that the significance of this problem be fully recognized, because certainly there is no good or sound reason why American labor, American industry and American agriculture, which are in trouble over imports, should not have a logical remedy that will save its industry and safeguard the jobs of our workers in accordance with our American standard of living.

In concluding, I would like to state my personal economic philosophy as it relates to our free enterprise concept of economic well being:

THE NATION'S ECONOMY RESTS UPON FIVE PILLARS

1. Investment: Without investment, there can be no production.

2. Production: Without production, there can be no payrolls.

3. Payrolls: Without payrolls, there can be no consumption.

4. Consumption: Without consumption, there can be no profit.

5. Profit: Without profit, there can be no investment, and there the cycle starts all over again.