SENATE

MONDAY, MARCH 19, 1962

(Legislative day of Wednesday, March 14, 1962)

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

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

Almighty God, in whose keeping are the destinies of men and nations, endue with Thy wisdom our fallible minds, as the spokesmen of the people here face decisions with the background of fearful forces of nature which, if not harnessed by mutual good will, may destroy us utterly.

We pray for greatness of soul, that the keys of new power may be used to open doors, not of peril, but of plenty for the whole earth.

So distill upon us the dews of quietness and confidence that in simple trust and deeper reverence we may be found steadfast and abounding in the work of the Lord, knowing that in Him and for Him and with Him our labor is not in vain.

So send us forth with serenity and calm, to meet an agitated world with an unruffled tranquillity which is strength and an inner candor which is the courage of the soul. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, March 16, 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. Ratchford, one of his secretaries, and he announced that on March 16, 1962, the President had approved and signed the following acts:

S. 201. An act to donate to the Zuni Tribe approximately 610 acres of federally owned land;

S. 1299. An act to amend the act of June 4, 1953 (67 Stat. 41), entitled "An act to authorize the Secretary of the Interior, or his authorized representative, to convey certain school properties to local school districts or public agencies"; and

S. 2774. An act to amend section 8 of the Organic Act of Guam and section 15 of the Revised Organic Act of the Virgin Islands, to provide for appointment of acting secretaries for such territories under certain conditions.

EXECUTIVE MESSAGES REFERRED

As in executive session,

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

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

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 5143) to amend section 801 of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, and it was signed by the Vice President.

ORDER FOR RECESS UNTIL 10:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 o'clock tomorrow morning.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. STENNIS, Mr. MANSFIELD, Mr. DIRKSEN, and other Senators addressed the Chair.

Mr. STENNIS. Mr. President, a point of order.

The VICE PRESIDENT. The Senator from Mississippi will state it.

Mr. STENNIS. In order to keep the record straight, Mr. President, will the majority leader make a statement in regard to the order of business? Is it not true that on Friday, when the recess was taken, the Senator from Mississippi had the floor?

Mr. MANSFIELD. Mr. President, that is true. However, the Senator from Mississippi may recall that Senators on both sides of the aisle had concurred in statements made here on the floor in regard to the great amount of storm damage which had occurred on the east coast.

After having cleared this matter with all those concerned, I should like to ask unanimous consent, if I may, to have taken up at this time and passed a measure introduced dealing with that matter.

Mr. STENNIS. Mr. President, reserving the right to object—although I do not expect to object—I merely wish to keep the record straight, by stating that the Senator from Mississippi does have the floor, under unanimous consent given last Friday. But with the understanding that the Senator from Mississippi will not lose the floor by yielding for the purpose requested, and with the further understanding that in yielding for such interruptions, he will not be charged with making a speech on the pending motion, the Senator from Mississippi will be glad to yield to the Senator from Montana and to the Senator from Illinois, for the purposes they have in mind.

The VICE PRESIDENT. The Senator from Mississippi has correctly stated the case, according to the information of the Chair.

Without objection, the Senator from Mississippi may yield at this time to the Senator from Montana and the Senator from Illinois, in accordance with the stipulations the Senator from Mississippi has stated.

Mr. MANSFIELD. I thank the Senator from Mississippi for his usual and unfailing courtesy.

Mr. STENNIS. I thank the Senator from Montana.

FREE ENTRY OF SPECTROMETER FOR USE OF TULANE UNIVERSITY

Mr. MANSFIELD. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1189, House bill 641, to provide for the free entry of an intermediate lens beta-ray spectrometer for the use of Tulane University.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H.R. 641) to provide for the free entry of an intermediate lens beta-ray spectrometer for the use of Tulane University, New Orleans, La.

Mr. WILLIAMS of Delaware. Mr. President, I send to the desk an amendment which I ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The amendment submitted by Mr. WILLIAMS of Delaware, for himself, Mr. BYRD of Virginia, Mr. BOGGS, Mr. BEALL, Mr. ROBERTSON, Mr. KEATING, Mr. HOLLAND, Mr. BENNETT, Mr. CARLSON, Mr. CURTIS, Mr. CASE of New Jersey, Mr. WILLIAMS of New Jersey, Mr. JORDAN, Mr. ERVIN, Mr. BUSH, Mr. BUTLER, Mr. COOPER, and Mr. MORTON, was read, as follows:

At the end of the bill add the following new section:

"SEC. 2. (a) Section 165 of the Internal Revenue Code of 1954 (relating to losses) is amended—

"(1) by redesignating subsection (h) as subsection (i), and

"(2) by inserting after subsection (g) a new subsection (h) as follows:

"'(h) DISASTER LOSSES.—Notwithstanding the provisions of subsection (a), any loss—

"'(1) attributable to a disaster which occurs during the period following the close of the taxable year and on or before the time prescribed by law for filing the income tax return for the taxable year (determined without regard to any extension of time), and

"'(2) occurring in an area subsequently declared by the President of the United States by Executive order to be a disaster area,

at the election of the taxpayer, may be deducted for the taxable year immediately preceding the taxable year in which the disaster occurred. Such deduction shall not be in excess of so much of the loss as would have been deductible in the taxable year in which the casualty occurred. If an election is made under this subsection, the casualty resulting in the loss will be deemed to have occurred in the taxable year for which the deduction is claimed.'

"(b) The amendments made by this section shall be effective with respect to any disaster occurring after December 31, 1961."

Mr. WILLIAMS of Delaware. Mr. President, this amendment carries out the purpose of the joint resolution introduced by myself and several others last week. This proposal is cosponsored by the senior Senator from Virginia [Mr. BYRD] and others, and it will allow those in any disaster area so declared by the

President of the United States to charge off their casualty losses on the preceding year's tax return when the disaster happens after January 1 and before the time prescribed by law for the filing of their income-tax returns.

This proposal has been approved by the Treasury Department.

I ask unanimous consent that my further remarks on this amendment be printed at this point in the RECORD.

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

STATEMENT BY SENATOR WILLIAMS OF DELAWARE

Under this amendment when a major disaster strikes an area between the date of January 1 and the final date prescribed by law for the filing of income-tax returns and when such area is subsequently declared by the President of the United States by Executive order to be a disaster area, the taxpayers suffering the losses of property as the result thereof can elect to deduct such losses for the taxable year immediately preceding such disaster.

Under the existing law these casualty losses are deductible under a formula as provided by the Internal Revenue Code; however, under existing law such casualty losses are only deductible in the calendar year in which they occur. In this instance it means that the taxpayers would not be able to claim this loss and thereby get their refunds until their returns are filed in 1963.

The purpose of this amendment is to allow these citizens who suffer such casualty losses as the result of a disaster which occurs in the described period to compute their losses as though the loss had occurred in the preceding year.

This will be beneficial in two categories. First and most important, it will give to the taxpayers suffering these losses the refunds and the use of their money 1 year earlier, or at a time when they need it most; and second and perhaps of equal importance, it will prevent many good citizens who have always paid their taxes on time but who now, through no fault of their own, are in distressed circumstances, from being classed as tax delinquents on the Treasury Department's records.

In instances where the taxpayers have already filed their returns they can if this bill is enacted file amended returns and claim their refunds and thereby have the use of their money this year.

The language of this bill was worked out in cooperation with the Treasury Department, and they have advised us that they have no objections to its enactment.

I appreciate very much the cooperation of the majority leader in getting this proposal before the Senate at this early date in order that the citizens in these areas who have suffered property losses may obtain their much needed tax relief immediately.

The following is a typical letter from one of the property owners in this disaster area:

"DEAR SENATOR: I just want to thank you and say may the good Lord bless you in all things.

"For most of us struck a body blow and faced with the demand to do something about it immediately—and without the financial resources and the connections to move at once—your proposal would be the lift of a lifetime. In my own case I had saved $325 to pay on income tax over and above the sum already withheld. Now that saving has been eaten into just cleaning up the tide damage and before making any start on reconstruction. What a relief it would be and a chance to tear into the heavy job ahead to know that I could fulfill my obligation on the 1961 tax without having to try to borrow money for it on top of borrowing $1,500 to restore our home.

"I just want you to know how much I appreciate your effort, that's all. No answer is expected.

"Sincerely,

"——— ———."

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Delaware, on behalf of himself and certain other Senators.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 641) was read the third time and passed.

The title was amended so as to read: "An act to provide for the free entry of an intermediate lens beta-ray sectrometer for the use of Tulane University, New Orleans, La., and to amend section 165 of the Internal Revenue Code of 1954 with respect to treatment of casualty losses in areas designated by the President as disaster areas."

Mr. MANSFIELD. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. WILLIAMS of Delaware. Mr. President, I move to lay on the table the motion to reconsider.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Delaware.

The motion to lay on the table was agreed to.

Mr. COOPER subsequently said: Mr. President, today the Senator from Delaware [Mr. WILLIAMS] very kindly asked me and my colleague [Mr. MORTON] to join in sponsorship of Senate Joint Resolution 173, and of his amendment to H.R. 641 which incorporated the substance of Senate Joint Resolution 173 and was adopted by the Senate. I hope the amendments will be accepted without delay by the House of Representatives, for it will be of great help to individuals struck by floods in the 28 Kentucky counties declared by the President as disaster areas, in others that may be declared disaster areas, and to hundreds of people in other flood-stricken States.

VOLUNTARY OVERSEAS AID WEEK

Mr. MANSFIELD. Mr. President, will the Senator from Mississippi yield further, under the understanding which has been reached?

Mr. STENNIS. I am glad to yield.

Mr. MANSFIELD. Mr. President, last week the Senate adopted Senate Concurrent Resolution 61. My attention has been called by the Parliamentarian to the fact that an amendment to the last paragraph of the resolution should not have been included.

Therefore, Mr. President, I ask unanimous consent that the vote by which Senate Concurrent Resolution 61 was adopted be reconsidered.

The VICE PRESIDENT. Without objection——

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

Mr. MANSFIELD. Certainly.

Mr. HOLLAND. What is the subject matter of the concurrent resolution?

Mr. MANSFIELD. It is Senate Concurrent Resolution 61, and it authorizes and requests the President to issue a proclamation designating the week of March 25, 1962, as Voluntary Overseas Aid Week.

Mr. HOLLAND. I have no objection to the request of the Senator from Montana.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana that the vote by which Senate Concurrent Resolution 61 was agreed to be reconsidered?

Without objection, the vote by which the concurrent resolution was agreed to will be reconsidered; and the concurrent resolution is now before the Senate.

Mr. MANSFIELD. Mr. President, I now ask unanimous consent that the vote, by which the committee amendment on page 2, in line 6, was agreed to, be reconsidered. That amendment inserted the words "authorized and"; and, in view of the fact that the amendment is legislative in character, the amendment should be rejected.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana that the vote by which the amendment was adopted be reconsidered? Without objection, it is so ordered.

The question now is on agreeing to the committee amendment on page 2, in line 6, to insert the words "authorized and" before the word "requested."

The amendment was rejected.

The concurrent resolution (S. Con. Res. 61) was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that people-to-people programs administered by nonprofit voluntary agencies registered with the Committee on Voluntary Foreign Aid evidence our friendship for peoples in other lands.

The President of the United States is requested to issue a proclamation designating the week of March 25, 1962, as Voluntary Overseas Aid Week.

PRINTING OF REPORT ON LATIN AMERICA

Mr. MANSFIELD. Mr. President, if the Senator from Mississippi will yield once more, I should like to call up at this time, if I may, two printing resolutions reported from the Committee on Rules and Administration. One was submitted by the Senator from Arkansas [Mr. MCCLELLAN]; the other was submitted by the Senator from New York [Mr. KEATING].

Mr. STENNIS. Very well.

Mr. MANSFIELD. Then, Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 1248, Senate Resolution 301, to print with illustrations a report on Latin America submitted by the Senator from Arkansas [Mr. MCCLELLAN].

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution (S. Res. 301) was considered and agreed, as follows:

Resolved, That there be printed with illustrations, as a Senate document, a report

entitled "Special Report on Latin America", submitted by Senator JOHN L. MCCLELLAN to the Senate Committee on Appropriations on February 16, 1962; and that five thousand additional copies be printed for use of that committee.

PRINTING OF SURVEY OF TRADE RELATIONS BETWEEN THE UNITED STATES AND THE EUROPEAN COMMON MARKET

Mr. MANSFIELD. Mr. President, under the same conditions, I ask unanimous consent for the present consideration of Calendar No. 1250, Senate Resolution 308, to print a survey of trade relations between the United States and the Common Market.

The VICE PRESIDENT. Is there objection?

There being no objection, the resolution (S. Res. 308) was considered and agreed to, as follows:

Resolved, That there be printed as a Senate document a survey of trade relations between the United States and the Common Market compiled by Senator KENNETH B. KEATING.

Mr. MANSFIELD. Mr. President, again I thank the Senator from Mississippi.

Mr. STENNIS. I have been glad to accommodate the Senator from Montana.

TAX DEDUCTION FOR CONTRIBUTIONS TO ORGANIZATIONS CONSIDERING REORGANIZATION OF THE JUDICIAL BRANCH

Mr. DIRKSEN. Mr. President, under the conditions stated, will the Senator from Mississippi yield at this time to me?

Mr. STENNIS. Yes; under the conditions stated, I am glad to yield to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, from time to time the American Bar Association and similar groups find it necessary to have studies made in connection with proposals to reorganize the judicial system in any given State. Such studies require contributions by individuals, in order to carry on a campaign of that kind. However, contributions of that sort are not now deductible for tax purposes.

On January 18, I introduced Senate bill 2716, to amend section 170 of the Internal Revenue Code of 1954 with respect to certain organizations for judicial reform. That bill in principle has the endorsement of the American Bar Association, by its resolution adopted on February 20.

I ask unanimous consent that the text of the bill and the resolution adopted by the American Bar Association be printed at this point in the RECORD.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 170(c)(1) of the Internal Revenue Code of 1954 (relating to charitable contributions) is amended to read as follows:

"(1) A State, a territory, a possession of the United States, or any political subdivision of any of the foregoing, or the United States or the District of Columbia, or any nonprofit organization created and operated exclusively to consider proposals for the reorganization of the judicial branch of the government of any of the foregoing to provide information, to make recommendations, and to seek public support or opposition as to such proposals, but only if the contribution or gift is made for exclusively public purposes."

SEC. 2. The amendment made by the first section of this Act shall apply to taxable years ending after the date of the enactment of this Act.

RESOLUTION ADOPTED BY THE HOUSE OF DELEGATES OF THE AMERICAN BAR ASSOCIATION, FEBRUARY 20, 1962

Whereas it has long been a primary purpose of the American Bar Association to improve the administration of justice, and

Whereas there is a widespread interest and activity on the part of civic organizations as well as bar associations throughout the United States in reorganizing and modernizing State court systems and making them responsive to present-day needs by adopting legislation and constitutional amendments to that end, and

Whereas to accomplish such purpose it is necessary to conduct extensive research, publicity, and educational programs requiring substantial funds, and

Whereas experience in some States indicates that adequate funds for such activities cannot be obtained unless contributions therefor are deductible for Federal income purposes, and

Whereas there has been introduced in the 87th Congress of the United States legislation amending the Internal Revenue Code which would accomplish such result: therefore be it

Resolved, That the American Bar Association approves in principle S. 2716 (87th Cong., 2d sess.) introduced by Senator DIRKSEN, of Illinois, and H.R. 10080 (87th Cong., 2d sess.) introduced by Congressman YATES, of Illinois, amending section 170(c) of the Internal Revenue Code by allowing deductibility of contributions to any nonprofit organization created and operated exclusively to consider proposals for the reorganization of the judicial branch of governments, to provide information, to make recommendations, or to seek public support of opposition as to such proposals, but only if the contribution is made for exclusively public purposes, and the association favors the adoption of this legislation.

JOSEPH D. CALHOUN, *Secretary.*

IMPORTATIONS OF SOVIET OIL

Mr. DIRKSEN. Mr. President, last year I gave considerable attention to the threat of Soviet oil importations. That matter was discussed at length on the floor of the Senate; and I have carried on some correspondence regarding it with the distinguished Secretary of the Interior, largely because a monograph on that subject was written by one of the personnel of the Department of the Interior. I sought to get the matter clarified, and also to obtain clarifications in regard to other matters in that field.

Accordingly, on March 9, I wrote to the Secretary of Defense, Hon. Robert S. McNamara. My letter was written also because of a statement which had appeared in a news service, and the statement was represented to set forth Government policy.

Under date of March 14, I received from the Deputy Secretary of Defense a letter in which the Department's policy and position are set forth; and the Department is just as anxious as is anyone else to have a clear statement made in regard to the policy and purposes.

Therefore I ask unanimous consent that my letter of March 9, and the letter, dated March 14, from the Deputy Secretary of Defense, be printed at this point in the RECORD, in connection with my remarks.

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

MARCH 9, 1962.

The Honorable ROBERT S. MCNAMARA,
The Secretary of Defense,
Washington, D.C.

DEAR MR. SECRETARY: It may or may not have come to your attention that early last year I rather diligently pursued the content of a report which had been issued by the Department of Interior, which bore certain observations with respect to Soviet oil. This matter was subsequently pursued in correspondence between the Secretary of Interior and myself, and I recite this fact to indicate my interest in this field of activity and the impact of Soviet oil upon the economy and well being of the United States and our enterprise in this field.

It has now come to my attention that a recent report on the Soviet oil offensive, which was prepared by the Rand Corp. of Santa Monica, Calif., for the U.S. Air Force, has been summarized and fully publicized in the March 5, 1962, issue of the Platt's Oilgram News Service.

This summary contains a number of assertions, observations, and recommendations which, in my judgment, appear somewhat contrary to the best interests of the United States and the free world.

May I be advised as to whether or not the Rand Corp. report does reflect and represent the policy of the U.S. Government? I would be grateful indeed if I could have a responsive reply at a reasonably early date.

Sincerely,

EVERETT MCKINLEY DIRKSEN.

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., March 14, 1962.

Hon. EVERETT M. DIRKSEN,
U.S. Senate.

DEAR SENATOR DIRKSEN: This is in reply to your letter of March 9, 1962, concerning the Rand Corp. report on the Soviet oil offensive.

Your interest in the Soviet oil offensive is well known and greatly appreciated. I hasten to advise you that the report and publicity to which you referred does not represent or reflect the policy of the Department of Defense or, to the best of my knowledge, the U.S. Government. As stated on the frontispiece of the report, views or conclusions contained in it should not be interpreted as representing the official opinion or policy of the U.S. Air Force. I trust, therefore, that the views and conclusions of this report will be generally understood as being solely those of its author, Harold Lubell, of the Rand Corp.

I appreciate your bringing this matter to my attention, and I hope that you will call upon me if any further information is desired in connection with this matter.

Sincerely,

ROSWELL GILPATRIC.

Several Senators addressed the Chair.

Mr. STENNIS. Mr. President, several Senators wish to put matters into the RECORD, some in the nature of morning

business, and one Senator has a speech. Under the circumstances, I ask unanimous consent that I may yield to the following Senators in the order in which they have requested me to yield: The Senator from Kansas [Mr. CARLSON], the Senator from Utah [Mr. BENNETT], the Senator from Alaska [Mr. BARTLETT], the Senator from New York [Mr. KEATING], the Senator from Minnesota [Mr. MCCARTHY], and the Senator from Pennsylvania [Mr. SCOTT] for remarks they wish to make, with the understanding that I will not lose the floor and that my subsequent remarks will not be charged to me as an additional speech on the pending motion.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

EXECUTIVE COMMUNICATIONS, ETC.

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

INCREASE OF BASIC ALLOWANCE FOR QUARTERS OF MEMBERS OF THE UNIFORMED SERVICES

A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to amend section 302 of the Career Compensation Act of 1949, as amended (37 U.S.C. 252), to increase the basic allowance for quarters of members of the uniformed services (with an accompanying paper); to the Committee on Armed Services.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

Three letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens, together with a statement of the facts and pertinent provisions of law pertaining to each alien, and the reasons for ordering such suspension (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

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

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report of the Archivist of the United States on a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. JOHNSTON and Mr. CARLSON members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

A joint resolution of the Legislature of the State of Alaska; to the Committee on Commerce:

"SENATE JOINT RESOLUTION 44

"Resolution relating to the fishing industry, requesting a special joint congressional committee and emergency Federal support

"Whereas the fishing industry of Alaska is in imminent danger of being crushed and eventually destroyed as its fisheries are rapidly being depleted and used beyond their capacity by the increasing number of Russian and Japanese fishing vessels and of neighboring American out-of-State fishing vessels into waters adjacent to Alaska; and

"Whereas Alaska recognizes its fisheries are supporting an important element of U.S. foreign policy which seeks to aid the economic development of Japan, thus strengthening our ties of friendship with that nation; and

"Whereas Alaskan fisheries were sadly mismanaged before statehood and are already weakened to the point of exhaustion by out-of-State exploitation, and are now forced to yield their harvest to Russian and Japanese fishing interests; and

"Whereas the decline of Alaska fisheries cannot serve to bolster U.S. foreign policy with Japan nor continue to contribute to the well-being of the people of this State; and

"Whereas the destruction of the fishing industry will result in an enormous rate of unemployment, in the loss of a livelihood to thousands of citizens of this State who have no other trade, plunging the State into a great economic crisis; and

"Whereas the burden of U.S. foreign policy and neighboring out-of-State residents fishing in Alaska falls heavily upon the shoulders of the taxpayers of this State who watch State moneys being drained and siphoned off in a desperate attempt to protect, manage, conserve, and improve the fisheries; one of the God-given natural resources that should instead be expanding and contributing to help build this fledgling State into one of the greatest in the Union; and

"Whereas it is strongly felt by the people of Alaska that a true, realistic and on-the-spot investigation of the fishing industry will convince the Federal Government that the mounting fear of Alaskans for their fishing industry is well founded and that greater control of Japanese fishing and neighboring out-of-State fishing in waters adjacent to Alaska is essential, together with increased financial support to foster the growth of the fisheries: Be it

"Resolved by the Legislature of the State of Alaska in second legislature, second session assembled, That the Congress of the United States is urged to appoint a special joint congressional committee to investigate the Alaskan fishing industry and the necessity for Federal financial support; and be it further

"Resolved, That the Federal Government is urged to allocate emergency funds immediately, to support intense scientific research programs in Alaska to aid the conservation and improvement of these vital fisheries; and be it further

"Resolved, That copies of this resolution be sent to the Honorable John F. Kennedy, President of the United States; the Honorable Stewart L. Udall, Secretary of the Interior; the Honorable Dean Rusk, Secretary of State; the Honorable Lyndon B. Johnson, Vice President of the United States and President of the Senate; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Clinton P. Anderson, chairman, Senate Interior and Insular Affairs Committee; the Honorable Herbert C. Bonner, chairman, House Merchant Marine and Fisheries Committee; the Honorable Harry F. Byrd, chairman, Senate Finance Committee; the Honorable Wilbur D. Mills, chairman, House Ways and Means Committee; the Honorable William A. Egan, Governor of Alaska; and the members of the Alaska delegation in Congress.

"Passed by the senate February 21, 1962.

"FRANK PERATOVICH,
"President of the Senate.

"Attest:

"EVELYN K. STEVENSON,
"Secretary of the Senate.

"Passed by the House March 6, 1962.

"WARREN A. TAYLOR,
"Speaker of the House.

"Attest:

ESTHER REED,
"Chief Clerk of the House.

"Approved by the Governor March 13, 1962.

"WILLIAM A. EGAN,
"Governor of Alaska."

A resolution of the Senate of the State of Alaska; to the Committee on Commerce:

"SENATE RESOLUTION 47

"Resolution commending the work of the International North Pacific Fisheries Commission

"Whereas the recent meeting of the American section of the International North Pacific Fisheries Commission in Juneau has reemphasized to the Senate the magnitude and importance of the work of the Commission; and

"Whereas the work of the Commission is particularly vital to Alaska which depends so much on its fishery; and

"Whereas the Commission acting on the behalf of the Government of Canada, Japan and the United States has made commendable progress in the field of offshore and inshore fisheries research; and

"Whereas this vital service to the Nation and the State of Alaska has been accomplished while operating under great difficulties and with overly modest financial means: Be it

"Resolved by the Senate in second Legislature, second session assembled, That it most highly commends the intergovernmental cooperation and accomplishment of the International North Pacific Fisheries Commission in its efforts to conserve and beneficially utilize the North Pacific fishery through fishery and oceanographic research, pledges its full support to the Commission and the Federal Government for the furtherance of its work, and urges that the financial support for its activities be expanded through the efforts of the President and the Congress of the United States; and be it further

"Resolved, That copies of this resolution be sent to the Honorable John F. Kennedy, President of the United States; the Honorable Lyndon B. Johnson, Vice President of the United States and President of the Senate; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Dean Rusk, Secretary of State; the Honorable Stewart L. Udall, Secretary of the Interior; the Honorable Edward Allen, Chairman of the International North Pacific Fisheries Commission; the Honorable Milton E. Brooding, Chairman, American section, International North Pacific Fisheries Commission; and the members of the Alaska delegation in Congress.

"Passed by the senate March 13, 1962.

"FRANK PERATOVICH,
"President of the Senate.

"Attest:

"EVELYN K. STEVENSON,
"Secretary of the Senate."

A concurrent resolution of the legislature of the State of New York; to the Committee on Finance:

"RESOLUTION 176

"Concurrent resolution memorializing the Congress to amend the Social Security Act by reasserting its authority over public assistance programs and by limiting the powers delegated to, or assumed by, an administrative agency to promulgate policy and procedure binding upon the States

"Whereas in the State of New York large segments of the public have manifested over the years increasing concern with the administration, effect and cost of public assistance programs; and

"Whereas the State Board of Social Welfare, as the nonpartisan governing body charged with making policy and supervising the administration of public welfare in this State, on February 20, 1962, recommended definitive action in recognition of specific defects in public welfare policy and procedure as follows:

" 'STATEMENT BY THE BOARD OF SOCIAL WELFARE

" 'This board has been concerned over the years with the many problems that have stemmed from Federal-State relationships in the public welfare field, especially with the steadily increasing domination by Federal authorities and the consequent loss of State and local autonomy.

" 'Back in 1951, the Governor of New York State appointed the (Kelly) Commission to Study Federally Aided Welfare Programs and examine the problems of Federal-State relationships and the more immediate threat of withholding Federal funds because of certain variances in assistance standards and practices in local public welfare departments. More recently, the New York State Temporary State Commission on Coordination of State Activities identified the danger of the current situation in this growing complex of Federal-State-local welfare machinery.

" 'These and other studies by New York State indicated that there was no disagreement on the fundamental objectives of all modern public welfare—to help people who have no other resources but public aid, and to provide that assistance as promptly, as effectively, and as economically as possible, in accordance with the best self-help practices. What is involved is the bureaucratic network of Federal regulations, reporting, auditing, bulletins, State letters, interpretations, conformity reviews, and a snowstorm of other administrative paper requirements.

" 'Once again this board finds it necessary to express concern, its very real alarm, over another threat to extend Federal dominance in public welfare—the latest welfare proposal of the Federal Department of Health, Education, and Welfare. Here again, this board and the staff of the State Department of Social Welfare do not quarrel with objectives—providing for needy people who must be helped, rehabilitating individuals who can profit thereby, and using every known modern technique for breaking the chain of dependency in sorely deprived families. Our anxiety arises from the specific ways and means proposed to reach these objectives.

" 'These new proposals, if adopted by the Congress, would give the Secretary of Health, Education, and Welfare in Washington full power to dictate in detail to all the States, and therefore to all the thousands of local communities in the Nation that administers public welfare, just how it is to be managed—almost down to the last piece of paper.

" 'The descretion vested in the Secretary is without limitations.

" 'The philosophy implied and inherent is in flat contradiction to the historic concern of New York State and its localities for home rule, and ignores the basic right and responsibility of the State and its localities to decide how they will conduct their public business.

" 'We believe that a stand must be made now, by this State and, hopefully, every other State, to stop and to reverse the trend of increasing Federal domination of a growing complexity that is getting completely out of hand, and of the constant threats to withhold Federal funds because of alleged nonconformity with Federal regulations.

" 'To accomplish this urgently-needed change, this board proposes that:

" '1. Because many of these problems stem from federally required State plans, the Social Security Act should be revised to require that, not a State's plan, but its State laws, should be used as the basis for determining whether a State is in conformity with Federal law.

" 'Such a revision would also shift the responsibility for accepting or refusing Federal welfare funds from administrators to legislators. The amount of funds that are now available to a State such as New York, over $200 million annually, is so great that the decision to accept or refuse such funds should be made by those who have the duty to decide the major fiscal policies of the State. After all, the effect of such fiscal decisions goes far beyond the interest or jurisdiction of any single State agency.

" '2. The Federal administrator's powers to review a State's program for conformity should be limited to reviewing a State's welfare laws. This would restrain Federal administrative personnel from continuously stretching Federal requirements and threatening a State agency with withdrawal of Federal funds unless its voluminous State plan is amended again and again to conform to the latest Federal interpretation of its own regulations.

" '3. Determinations stemming from this review procedure should be appealable to an appropriate Federal court, which would render a decision after a hearing in which the facts indicated whether a State did meet the requirements of the Federal law or whether its claims for Federal funds were made in good faith or that it withheld the Federal share of recovery funds from the Federal Government:' Now, therefore, be it

"*Resolved* (*if the senate concur*), That the Congress of the United States be and it hereby is memorialized to amend the Social Security Act as follows:

"1. That titles I, IV, X, and XIV be amended to require that a State's laws, instead of a State's plan, conform to the requirements of those titles to qualify the State for Federal funds thereunder; and

"2. That titles I, IV, X, XIV and related provisions of the Social Security Act be amended to make clear that the powers and duties of the Department of Health Education and Welfare be limited to—

"(1) Determining whether a State's laws conform to the requirements of the Federal legislation;

"(2) Determining whether in the administration of the State's laws there be substantial compliance with the Federal legislation;

"(3) Determining whether a State's claims for Federal funds are properly computed and are based on actual expenditures made in good faith, and whether a State has correctly computed and reported the Federal share of amounts recovered from recipients, their estates and relatives;

"(4) Stimulating and assisting States to provide skilled social services for the prevention of dependency and for rehabilitation;

"(5) Stimulating and subsidizing research into the causes of dependency and into methods of effective rehabilitation; and

"(6) On request, to give advice and guidance to States for the better administration of the federally aided programs; and

"3. That titles I, IV, X, and XIV and other related provisions of the Social Security Act be amended to provide that the Department of Health, Education, and Welfare shall not deny or withhold Federal funds made available to the States under any of the Federally aided assistance programs except with the appraisal of an impartial administrative board (comprised, for instance, of three or five persons appointed by the President with the advice and consent of the Senate, and assured of facilities and services adequate to the discharge of its functions), issued after appropriate notice and opportunity to be heard shall have been afforded the State affected; and to provide further that the State affected shall have the right to appeal the determination of such board to an appropriate Federal court; and

"4. That the bill (H.R. 10032 by Mr. MILLS) pending in the 87th Congress, 2d session, be amended to provide:

"(a) For the elimination therefrom of the authority proposed to be delegated to the Secretary of Health, Education, and Welfare and that all programs and procedures therein proposed together with detailed standards for the administration thereof be specified in said bill or by other act of Congress; and

"(b) That wherever said bill requires conformity or other action by the States or any agency thereof as a condition precedent to payments to the States of Federal funds, such State action shall be pursuant to State statute and not by administrative act taken otherwise than specifically pursuant to such statute; and

"5. That temporary aid to dependent children, an extension of the aid to dependent children category adopted at the first session of the 87th Congress, be discontinued for the reason that aid to dependent children is designed for special services for women with children whose fathers are absent from the home to meet a family problem and should not embrace relief to supplement unemployment insurance; also for the reason that families, the fathers of which are living in the home, heretofore have been, and hereafter can be adequately provided for by home relief, or general assistance, a program subject solely to the control of the State and the counties and municipalities thereof; and for the further reason that if the temporary aid to dependent children program becomes permanent it will have the ultimate effect of transferring control of public assistance in all its forms from the States to the Department of Health, Education, and Welfare, an administrative agency; and be it further

"*Resolved* (*if the senate concur*), That copies of this resolution be sent to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, the chairman of the Committee on Ways and Means of the House of Representatives, the chairman of the U.S. Senate Committee on Finance, and to each Member of the Congress of the United States duly elected from the State of New York, and that such members are urged to apply themselves to achieving the purposes of this resolution.

"By order of the assembly.

"ANSLEY B. BORKOWSKI,
"Clerk.

"Concurred in, without amendment in the senate March 7, 1962.

"JOHN J. SULLIVAN,
"Secretary."

A resolution of the General Assembly of the State of Rhode Island; to the Committee on Labor and Public Welfare:

"HOUSE RESOLUTION 1176

"Resolution memorializing the Congress of the United States to enact legislation to extend the benefits of library service to urban areas

"Whereas, the educational needs of citizens of all ages is constantly increasing; and

"Whereas the need for a well-informed citizenry at the local, State and national levels is a necessity in these days when the social, economic and political structures of the society in which we live are becoming increasingly complex; and

"Whereas an educated population is the best guarantee of a free and progressive Nation; and

"Whereas the success of the Library Services Act of 1956 and its 5-year extension has increased the facilities of library service in the rural areas, not only in increased book stock, more hours of service and more staff and equipment, but also in increased local appropriations for these activities, to meet the educational, informational and recreational needs of students and citizenry; and

"Whereas many libraries in urban areas of over 10,000 population are presently inadequately financed, have insufficient or outdated book stock, and are inadequately housed and staffed; and

"Whereas a constantly increasingly demand for service is being made on libraries which provide more adequate facilities, by patrons living outside their legitimate boundaries, causing a severe strain on the facilities and staff of many urban libraries: Therefore be it

"Resolved, That the Congress of the United States enact legislation extending the benefits of library service to urban areas, in an endeavor to improve the facilities and staff for libraries in these urban areas, and to stimulate increased local financial support for urban libraries; and be it further

"Resolved, That duly certified copies of this resolution be transmitted forthwith by the Secretary of State to the Vice President of the United States, to the Speaker of the House of Representatives of the United States, and to each of the Senators and Representatives from the State of Rhode Island in the Congress of the United States, earnestly requesting that each use his best efforts to enact legislation which would carry out the purposes of this resolution."

A joint resolution of the Legislature of the State of Alaska; to the Committee on Public Works:

"HOUSE JOINT RESOLUTION 57

"Resolution relating to the construction of the Bradley Lake hydroelectric power project in south central Alaska and the Crater-Long Lakes division of the Snettisham hydroelectric power project in southeastern Alaska

"Whereas President Kennedy said in speeches at Palmer and Anchorage, Alaska, on September 3, 1960, 'We have substituted in this State a program of no new starts. We have failed to recognize the fact which the Soviet Union has recognized, and that is the necessity of (hydroelectrical) power as the key to their national development. I think this is the kind of project which Alaska needs. For the Alaska that I see is not the Alaska of no new starts. It will not come about when * * * water runs useless to the sea'; and

"Whereas the economy of southcentral and southeastern Alaska is in great need of new industries capable of utilizing the abundant natural resources of this area and providing stable, nonseasonal employment; and

"Whereas present and potential developments in the exploitation of natural resources, establishment of industries, and expansion of the population indicate the need for the immediate construction of additional sources of electrical energy; and

"Whereas private power companies have indicated that they cannot or will not undertake the construction necessary to guarantee the comfort or well-being of an enlarged population or the demands of industrial expansion; and

"Whereas the Federal Power Commission has estimated that the electrical power needs of the city of Juneau alone will more than double by 1970 and more than triple by 1980; and

"Whereas the present cost of power is much higher in Alaska than in most areas of the United States, due to the lack of modern power facilities; and

"Whereas feasibility studies have shown that these hydroelectric power projects can be economically constructed and are a necessity to the continued progress of south-central and southeastern Alaska: Be it

"Resolved by the Legislature of the State of Alaska in second legislature, second session assembled, That the Congress of the United States is urgently requested to expedite in every possible way the construction of the Bradley Lake hydroelectric power project and the Crater-Long Lakes division of the Snettisham hydroelectric power project; and be it further

"Resolved, That copies of this resolution be sent to the Honorable John F. Kennedy, President of the United States; the Honorable Stewart L. Udall, Secretary of the Interior; the Honorable Kenneth Holum, Assistant Secretary (water and power), Department of the Interior; the Honorable Floyd E. Dominy, Commissioner, Bureau of Reclamation, Department of the Interior; the Honorable Elvis J. Stahr, Secretary of the Army; Lt. Gen. W. K. Wilson, Jr., Chief of Engineers, U.S. Army; the Honorable Joseph C. Swidler, Chairman, Federal Power Commission; the Honorable Harry J. Trainor, Executive Director, Federal Power Commission; the Honorable Lyndon B. Johnson, Vice President of the United States and President of the Senate; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Harry F. Byrd, chairman, Senate Finance Committee; the Honorable Clinton P. Anderson, chairman, Senate Interior and Insular Affairs Committee; the Honorable Dennis Chavez, chairman, Senate Public Works Committee; the Honorable Wayne N. Aspinall, chairman, House Interior and Insular Affairs Committee; the Honorable Charles A. Buckley, chairman, House Public Works Committee; the Honorable Wilbur D. Mills, chairman, House Ways and Means Committee; and to the Members of the Alaska delegation in Congress. Passed by the House February 26, 1962.

"WARREN A. TAYLOR,
"Speaker of the House.

"Attest:

"ESTHER REED,
"Chief Clerk of the House.

"Passed by the Senate March 3, 1962.

"FRANK PERATOVICH,
"President of the Senate.

"Attest:

"EVELYN K. STEVENSON,
"Secretary of the Senate.

"Approved by the Governor, March 13, 1962.

"WILLIAM O. EGAN,
"Governor of Alaska."

A resolution adopted by the Board of Supervisors, of Orange County, Calif., protesting against the imposition of a Federal tax on income from State and local bonds; to the Committee on Finance.

A resolution adopted by the City Council of the City of Santa Barbara, Calif., opposing any Federal tax on interest from public bonds; to the Committee on Finance.

COMMENDATION OF COAST GUARD IN ALASKA — RESOLUTION OF ALASKAN SENATE

Mr. BARTLETT. Mr. President, I ask unanimous consent that there be printed in the RECORD, and appropriately referred, Senate Resolution 41 adopted in the Senate of the Alaska State Legislature now assembled in Juneau. The resolution is one which will be of particular interest to those Members of the Senate who represent coastal States as it expresses a sentiment which I am certain is shared among all persons who rely upon the dedicated services of the U.S. Coast Guard.

The people of Alaska are especially fortunate in having the protection and services of the officers and men of the 17th Coast Guard District, Adm. Christopher C. Knapp, commanding. It was in recognition of the excellence of the 17th Coast Guard District that the Alaska Senate unanimously adopted Resolution 41 and it is in further recognition of this excellence that I call to the attention of my colleagues the contents of this resolution.

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

SENATE RESOLUTION 41

Be it resolved by the senate in second legislature, second session assembled:

Whereas the economy of Alaska depends heavily upon the commercial fisheries along its coast, the sport fishing which brings tourists to the State, and the water transportation routes which afford the most important connection with the continental United States; and

Whereas whether by choice or necessity, boats and boating are an integral part of the life of nearly every inhabitant of coastal Alaska; and

Whereas the extreme tides, variable winds, and rugged and uninhabited terrain of much of the coast present hazards to life and property seldom encountered elsewhere; and

Whereas the U.S. Coast Guard is charged with the vital duties of providing aids to navigation, of breaking ice to keep water transportation lanes open, of enforcing compliance with vessel safety laws and regulations, and of providing rescue and assistance to persons and vessels endangered on or near the water; and

Whereas the present administration of the 17th Coast Guard District has been so vigorous and cooperative, and has shown so much understanding of the problems peculiar to Alaska, that the Coast Guard enjoys everywhere in Alaska the unbounded confidence and esteem of the people; be it

Resolved by the senate in second legislature, second session assembled, That the commander, the staff, and all the personnel of the 17th Coast Guard District be highly commended upon their unstinted devotion to duty and unexcelled performance of their mission in Alaska; and be it further

Resolved, That a copy of this resolution be sent to the Honorable Douglas Dillon, Secretary of the Treasury; Adm. Alfred C. Richmond, Commandant, U.S. Coast Guard; Rear Adm. Christopher C. Knapp, commander, 17th Coast Guard District; Capt. Gilbert I. Lynch, chief of staff, 17th Coast Guard District; and Capt. Alfred E. Harned, chief, Operations Division, 17th Coast Guard District.

BILLS INTRODUCED

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

By Mr. CHURCH (by request):

S. 3018. A bill to provide for the conveyance of the 39 acres of Minnesota Chippewa tribal land on the Fond du Lac Indian Reser-

vation to the SS. Mary and Joseph Church, Sawyer, Minn.; to the Committee on Interior and Insular Affairs.

By Mr. BEALL:

S. 3019. A bill to provide for the conveyance of certain real property of the United States to the State of Maryland; to the Committee on Interior and Insular Affairs.

By Mr. SPARKMAN (for himself and Mr. YARBOROUGH):

S. 3020. A bill to extend the maximum maturity of VA-direct nonfarm home loans from 30 to 35 years; to the Committee on Banking and Currency.

By Mr. HART.

S. 3021. A bill to amend the Agricultural Marketing Agreement Act of 1937, as amended; and

S. 3022. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes; to the Committee on Agriculture and Forestry.

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

By Mr. GORE (for Mr. KEFAUVER):

S. 3023. A bill for the relief of Mr. Demetrious Mallios; to the Committee on the Judiciary.

By Mr. YARBOROUGH (for himself and Mr. SPARKMAN):

S. 3024. A bill to extend the maximum maturity of VA-guaranteed or insured home loans from 30 to 35 years; to the Committee on Labor and Public Welfare.

By Mr. YARBOROUGH (by request):

S. 3025. A bill to supplement certain provisions of Federal law incorporating the Texas & Pacific Railway Co. in order to give certain additional authority to such company; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 3026. A bill for the relief of Jeno Nagy; to the Committee on the Judiciary.

By Mr. CARLSON:

S. 3027. A bill for the relief of Gail Hohlweg Atabay and her daughter; to the Committee on the Judiciary.

By Mr. PELL:

S. 3028. A bill to amend the Immigration and Nationality Act; to the Committee on the Judiciary.

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

PROPOSED LEGISLATION TO AMEND THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

Mr. HART. Mr. President, the marketing of farm products has changed greatly over the past 25 years. It is felt that certain language in the Agricultural Marketing Agreement Act of 1937 is unnecessarily restrictive in terms of present-day conditions.

The two bills I am introducing today deal with changes which have been suggested by a number of organizations specifically interested in expanding the uses to which funds, collected pursuant to a marketing order, may be put to use.

In general, the first bill would amend section 8c(6) of the Agricultural Marketing Agreement Act of 1937 to permit funds collected to be used to, first, establish research projects and, second, to finance domestic and foreign marketing programs. Farmers producing any specific commodity need all the tools of market promotion possible to expand the consumption of their product. Paid advertising is one of the important tools of promotion needed today. The producers of dairy products and the producers of red cherries, peaches, and pears for processing, and the producers of apples, for both fresh and processing use, are especially interested in the availability of this tool to strengthen their private marketing programs.

The second bill which I am introducing seeks to accomplish the same purpose but its applicability is limited to cherries, authorizing the use of funds raised under any cherry marketing order to be used for market promotion, including paid advertising.

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

The bills, introduced by Mr. HART, were received, read twice by their titles, and referred to the Committee on Agriculture and Forestry, as follows:

S. 3021. A bill to amend the Agricultural Marketing Agreement Act of 1937, as amended; and

S. 3022. A bill to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes.

AMENDMENT OF IMMIGRATION AND NATIONALITY ACT

Mr. PELL. Mr. President, I rise to introduce a bill which would amend the Immigration and Nationality Act. I have long had a deep and abiding interest in immigration policy based on my experience as a vice consul administering the current basic immigration law, my work as an officer of the American Immigration and Citizenship Conference, and my work with refugees in Austria after the Hungarian revolution as a vice president of the International Rescue Committee. Mr. President, my experience and study have convinced me that there is a vital need for new immigration legislation to meet the responsibilities we face as a leader of the free world in the decade of the sixties.

This bill, I introduce today, permits the admission of 250,000 immigrants annually. Eighty thousand of the visas provided for in this bill would be allotted on the basis of the proportion which each country's population holds to the world population but no one country could be allotted more than 1,500 visas under this provision. An additional 120,000 visas would be allocated according to the proportion each country's annual immigration during the past 15 years to the United States, holds to an average of the total immigration to the United States during the same period.

This formula strikes at the un-American concept that one race is superior to another or that northern and western Europeans make better Americans than do southern and eastern Europeans. For instance, under the present law, Italy, with a population of 49,052,000, has a quota of 5,666, while Germany, with a population of only 3 million larger than that of Italy, presently has a quota of 25,814. Under the formula offered in my bill, Italy's quota would be 15,648 and for instance, countries like Portugal and Greece, who have been discriminated against, would receive more equitable quotas. In the case of Portugal, her quota would be raised from the current 438 to 1,892 and Greece's quota would be raised from 308 to 3,458.

Under this bill, up to 100 percent of each country's quota would be allocated for the reuniting of a family with a family member who has already been admitted to the United States for permanent residence. Moreover, husbands and wives, parents, brothers and sisters of American citizens would be admitted without regard to the quota. Also, because of the pooling of quotas provision, the reuniting of husbands and wives, children and parents with legally admitted aliens, would be considerably speeded up. The medical requirements, in any case, for reuniting families, would be eased. I do not believe that the justice and humanity of such provisions need any explanation.

This bill would also provide that an immigration officer could not question the quota status of an immigrant's visa, although, of course, the Attorney General would retain the power to deport a person admitted for permanent residence if it were proved at a later date that he or she had made fraudulent application to the consul who issued a visa for permanent residence.

That portion of a country's annual quota not needed for reuniting of families would be allocated for "pioneer" immigrants. When considering immigration legislation, we must not lose sight of the need for "pioneer" immigrants who, like their forebears in the past, brought fresh vitality to our national cultural, economic, and political life. We need this new blood today just as much or more than we did in the past.

Because I believe strongly that spirited pioneer immigrants have a great contribution to make, this bill proposes medical standards designed to insure that our pioneer immigrants will be vigorous people in excellent health. This bill also contains provisions for arranging for pioneer immigrants to spend their first 2 years in the United States in an area where they can be best integrated into the economic and cultural life of our country.

Without regard to the total national quota allotment of 200,000 visas, another 10,000 visas would be earmarked for people with skills which we desperately require. I do not need to dwell on the need of our country for certain skills.

A further 40,000 visas would be earmarked for refugees from tyranny. Although America has provided generous financial assistance to these refugees, we have not taken within our borders our fair share of those who have often sacrificed all to live in freedom. Actually, the last set of statistics which I have seen showed that our country ranked 13 in the world when it comes to taking in refugees as measured on the basis of relative population and still further down the scale when measured on the basis of relative wealth.

There has been a great deal of talk about taking the initiative in the cold war. By resettling our fair share of refugees, we would give new hope to those who bear this tragic title and strike a new blow for freedom. No amount of Communist doubletalk can cover up the devastating fact that the people of the so-called peoples' democracies, are continuously fleeing and voting with their feet against their rulers. The proof of this is demonstrated by the detestable wall in Berlin and the cruel Iron Curtain which stretches across Europe. In turn, the least we can do is to insure that we erect no paper wall preventing us from fulfilling our responsibilities to those escapees who deserve our admiration and assistance.

Mr. President, I believe that our country can no longer delay serious consideration of new concepts of immigration. We all know that both parties in their platforms recognized the need for new immigration legislation. It is my earnest hope that this bill will serve to stimulate interest and discussion in the challenging field of immigration.

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

The bill (S. 3028) to amend the Immigration and Nationality Act, introduced by Mr. PELL, was received, read twice by its title, and referred to the Committee on the Judiciary.

CHANGE OF NAME OF BIG BEND RESERVOIR IN SOUTH DAKOTA TO LAKE SHARPE—ADDITIONAL COSPONSOR OF BILL

Mr. MUNDT. Mr. President, I ask unanimous consent that the name of my colleague, the junior Senator from South Dakota [Mr. CASE], may be added as a cosponsor of Senate bill 2988, at its next printing, which I introduced last week, to change the name of the reservoir behind Big Bend Dam in South Dakota to Lake Sharpe, in memory of a beloved former Governor of our State.

The VICE PRESIDENT. Without objection, it is so ordered.

TREATMENT UNDER INTERNAL REVENUE CODE OF 1954 OF CASUALTY LOSSES IN AREAS DESIGNATED BY THE PRESIDENT AS DISASTER AREAS—ADDITIONAL COSPONSORS OF JOINT RESOLUTION

Under authority of the order of the Senate of March 16, 1962, the names of Mr. COOPER, Mr. MORTON, Mr. JAVITS, and Mr. LONG of Missouri were added as additional cosponsors of the joint resolution (S.J. Res. 173) relating to the treatment under the Internal Revenue Code of 1954 of casualty losses in areas designated by the President as disaster areas, introduced by Mr. WILLIAMS of Delaware (for himself and other Senators) on March 16, 1962.

NOTICE OF HEARINGS ON INDIAN HEIRSHIP LAND PROBLEM

Mr. CHURCH. Mr. President, I announce for the information of the Senate that the Subcommittee on Indian Affairs, of which I am chairman, will hold hearings on S. 2899, a bill relating to the Indian heirship land problem, on Monday and Tuesday, April 2 and 3, beginning at 10 a.m. in room 3110 New Senate Office Building.

I hope that all interested parties who may wish to give testimony or submit statements in connection with the proposed legislation will notify the staff of the Committee on Interior and Insular Affairs in order that an appropriate witness list may be prepared.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. HAYDEN:

Address delivered by Senator Moss at the semicentennial celebration of the State of Arizona, at Phoenix, Ariz., on February 14, 1962.

By Mr. WILEY:

Weekend radio broadcast by himself over Wisconsin radio stations, dealing with the challenges confronting our Nation.

THE NEED FOR A LONG-RANGE SUGAR ACT

Mr. CARLSON. Mr. President, there can be no justification for cutting domestic sugarbeet production by at least 10 to 12 percent, as proposed in the administration's program.

I am amazed that the administration would present such a proposal at the present time. If it should be adopted, it would give no consideration to either our beet and cane producers or our sugar refining industry.

When the 357,000 tons of fully refined sugar annually imported from Cuba were eliminated, our beet producers had a right to expect additional permanent quotas for sugar production.

After several annual extensions of the Sugar Beet Act, we have been unable to secure any definite quotas for our growers. This is a situation that should not prevail. If the administration proposal is adopted, it will not only continue to prevail, but our domestic sugar industry will be further curtailed.

In this session of Congress we should not continue to enact annual or short-term extensions of our Sugar Act, but we should work out a realistic long-range Sugar Act.

Those of us who serve on the Senate Finance Committee are familiar with the procedure that has been followed in the past years regarding the extension of this act, which expires on June 30 of this year.

Generally, 2 or 3 days before the date of expiration, we in the Senate are confronted with a House-passed bill that we are told must be passed before the expiration date. It is a case of either take it or leave it.

In view of the administration's current proposal, which is contained in a tentative nine-point program and was presented to sugar industry representatives recently, it is imperative that we in Congress begin immediate consideration of the new Sugar Act for 1963.

The administration's proposal would require at least a 10 percent reduction in sugarbeet acreage next year, or an estimated 200,000 tons less.

In the State of Kansas we have thousands of acres of soil and large irrigated areas where sugarbeets are, and can be, profitably grown. If our Kansas farmers were assured of permanent sugarbeet quotas, we would be in a position to construct sugar refineries in areas where our sugar could be profitably refined.

Someone will no doubt say that at the present time there are no sugar quotas and the production has not been greatly increased in Kansas. The reason, of course, is that sugarbeets can be grown only where sufficient refining capacity is available, and our growers are producing every ton that can be refined in the refineries that are available.

It seems even more ridiculous to curtail sugarbeet acreage when we have no surplus of sugar, at a time when our Federal Government is insisting on further reductions of farm crop acreage.

We pay farmers to leave land idle, we restrict the acreage that can be used for current crops, and, under the Sugar Act, we prevent them from contributing to the revenues and general welfare of our economy.

Congress has established the program for sugar in the past, and it has worked well.

There are many phases and details in the administration's proposed draft on sugar legislation, and I shall not dwell on them at this time. It is imperative, however, that Congress immediately begin to look at the proposal submitted by the administration that would further reduce the production of beet and cane sugar in this Nation. The early extension of the Sugar Act is in the interest of the President, the Congress, the growers, and the refineries.

MAJOR ACCELERATION NEEDED FOR THE CENTRAL UTAH AND THE DIXIE RECLAMATION PROJECTS IN UTAH

Mr. BENNETT. Mr. President, I have just sent letters to the President and to Secretary of Interior Stewart L. Udall urging an immediate speedup in the planning and construction of the central Utah and Dixie reclamation projects in Utah. In light of the serious, prolonged drought which plagued Utah during the past 3 years, such an acceleration is urgently and vitally needed to assure an adequate water supply for the people of the State.

SUMMARY OF THE PROPOSALS

In my letters I asked the President and the Secretary of Interior to reprogram $6,303,000 already in the President's fiscal year 1963 budget request which is now earmarked to build transmission lines in the State of Utah in connection with the Colorado River storage project.

Of this amount, $5,303,000 should be used as follows:

First. Immediately speed up the detailed advance planning studies and the

final definite plan reports for the Jensen, Upalco, and Bonneville units of the central Utah project.

Second. In connection with the Bonneville unit:

(a) Complete all preconstruction studies and initiate construction of a dike across Provo Bay on Utah Lake.

(b) Complete all preconstruction studies and initiate construction of a test dike at Goshen Bay on Utah Lake.

(c) Speed up and complete studies of further water storage and other development on the Provo River, including all the necessary studies to assure an adequate water supply in Heber Valley.

Third. Immediately initiate studies to extend the Bonneville unit south adding the Sevier River Basin to the project for the benefit of Millard, Juab, Sanpete, and Sevier Counties.

Fourth. Commence studies this year leading to early development of an irrigation project near Ouray to the south in Uintah County.

Fifth. Initiate studies leading to inclusion of additional Uintah Basin Indian lands in the first stage of the central Utah project.

Sixth. Accelerate studies which will assure early completion of irrigation projects to make certain an adequate water supply will be available to white water users in Duchesne and Uintah Counties.

Seventh. Immediately initiate and complete plans to assure much earlier delivery of water than now planned from the Green River into the Uintah Basin, thus completely assuring a sufficient water supply to meet all needs in the basin.

The other $1 million should be allocated to the Dixie project, conditional upon congressional authorization this year. Such action will save at least a year's time in getting construction underway in this important reclamation effort.

WILL NOT ADD TO THE KENNEDY BUDGET

These recommendations which I have proposed will not add to the appropriation requests already made by the Kennedy administration for the Upper Colorado River storage project. On February 20, 1962, the Department of Interior announced its decision on who should build the transmission lines for the Colorado storage project. Under this decision, the Department will use many existing private utility lines, particularly in the State of Utah. This was a wise step, which I supported. I strongly maintained throughout the entire dispute over who should build the lines that many millions could be saved to the taxpayers in initial investment cost and many more millions made available to build the irrigation features of the Colorado storage project if the private utilities' systems were used. This was fully borne out by the Department's decision of February 20.

Secretary Udall said that there would be a $27 million reduction in Federal investment for the transmission grid and that $77 million would be added to the project's basin fund to build irrigation projects above that which would have been available had there been all-Federal construction. Twenty-two million dollars of the $27 million will be saved in Utah, and over $62 million of the $77 million will be added to the basin fund from Utah. It seems only logical and fair, therefore, that a significant portion of these savings be used to accelerate projects in the State of Utah.

President Kennedy submitted his budget request for fiscal year 1963 in the beginning of January of this year, a month and a half before Secretary Udall made his transmission line decision. As a result, there is now included in the President's budget $6,303,000 for transmission lines in Utah that will not be needed. Of this amount, $3,733,000 is allocated to the Glen Canyon to Centerfield, Fillmore, and St. George lines, and $2,570,000 for the Vernal to Hyrum line. I have asked the President and the Secretary of the Interior to transfer this $6,303,000 to the studies and projects as I have already outlined. In addition, I shall appear before the Senate Appropriations Committee to make this same request. Neither the House nor the Senate has yet held hearings on the public works appropriation bill which deals, in part, with reclamation projects.

GREAT NEED FOR SPEEDUP

The recommended speedup in the central Utah project is greatly needed. The 3-year drought which we have just experienced shows that we are only now studying projects which should have been built a decade ago. Moreover, the census experts flatly predict that the population of Utah will reach about 1,400,000 by 1975, just over 13 years from now. Since the 1960 population was 880,000, this indicates that there will be an increase in population of about 345,000 just in this decade. Such explosive population growth is well beyond that of any experienced thus far in the State's history. For example, during the 1950–60 decade, Utah's population increased by 190,000, the largest growth to date. But this is just the beginning. The population experts predict that Utah's population could reach 2 million by the year 2000. That is just 38 years from now.

If the expected 2 million population level is achieved by the year 2000, it means that water resources must be developed to support an average of 280,000 more people for each decade between now and then. We must move swiftly to meet these tremendous new demands on our limited water supply.

CENTRAL UTAH PROJECT—UTAH'S LAST GREAT WATER HOLE

The only way we in Utah can get additional water is to better use and conserve that which is already available. Under the upper Colorado River compact of 1948, Utah is entitled to 23 percent of the upper Colorado River water to use in the State. Our only hope to fully utilize this 23 percent share is the key central Utah project authorized by Congress in 1956, in a bill which I had the privilege to sponsor. If we are to have this precious water when it is needed, it is imperative that preliminary studies be made as soon as possible, so that construction can be completed at the earliest possible date on all units of the central Utah project.

It is estimated that the accelerated urbanizing trend in Salt Lake and Utah Counties alone will bring about a need for an additional 114,000 acre-feet of municipal and industrial water in the two counties between 1975 and the year 2000. Between 1950 and 1960, the population in Salt Lake and Utah Counties increased by 39 percent and 30 percent, respectively. It is expected that this trend not only will continue but also will accelerate.

In addition, water needs are also acute in the Uintah basin, the Sevier basin, and in the agricultural portions of Utah County. All of these areas suffered greatly during the drought.

Under the central Utah project, water will be imported by tunnel from the Colorado River basin into the Bonneville basin, which, together with development of local supplies and reuse of return flows, will provide an average of about 220,000 acre-feet annually for irrigation use; 8,000 acre-feet initially will be available for municipal and industrial use, enough for an average western city of 372,000 inhabitants. Other unit works will permit future diversions from the Provo River to increase the total amount for municipal and industrial uses in Utah and Salt Lake Counties to 100,000 acre-feet annually, enough for a city with 641,000 population. Later on, in the ultimate phase of the Bonneville basin, an additional 400,000 acre-feet annually will be imported from the Colorado basin.

Corresponding benefits will be conferred upon the people of the Uintah Basin through better use of existing water supplies and imported water from the Green River. But it is imperative that work be undertaken much earlier than now planned in Uintah and Duchesne Counties to assure a full water supply for these counties. In particular, studies should be initiated at once leading to construction of the necessary works to bring water from the Green River, probably from the Flaming Gorge Reservoir. Likewise, the Sevier River Basin will be greatly benefited if my recommendations are carried out, for water would flow south much sooner than now scheduled.

SPEEDUP OF JENSEN, UPALCO, AND BONNEVILLE UNITS

Under present Bureau of Reclamation plans, definite plan reports, which are required before construction can be initiated, will be completed as follows:

First. Jensen unit, June 1964.

Second. Upalco unit, June 1964.

Third. Bonneville unit, first stage, June 1963.

Fourth. Bonneville unit, second stage, June 1966.

This pace is not adequate to meet the needs of the people in the areas involved. In saying this, I do not intend to be critical of the Bureau of Reclamation, because I am confident, after carefully studying the situation, that the Bureau is making good progress in light of the present limited funds and personnel available. In my opinion, the Bureau can move ahead much faster if it is given the additional funds I have requested.

In requesting an acceleration of the present pace, I am aware that such a task requires experienced specialists, including engineers, hydrologists, land classifiers, and economists. If the Bureau does not have sufficient trained specialists presently on its staff, top-flight, experienced men can be obtained on a short-term or consultant basis. For example, such men as E. O. Larson, former Bureau of Reclamation region 4 director, who did so much to develop the project, would probably be available. Other specialists could also be readily obtained.

It was my privilege last year to appear before the Senate Appropriations Committee, which in its wisdom approved my request for $100,00 to speed up planning on the Jensen unit. As a result, the definite plan report will be finished in June of 1964 instead of June 1965. A full year will be saved. Equally and even more dramatic results could be obtained if my present recommendations are adopted by the administration and by Congress.

It is my hope that the report on the first stage of the Bonneville unit will be finished in time to start construction late next spring. Likewise, I think it is possible for the definite plan reports on the Jensen and Upalco units to be completed in mid-1963. Admittedly this is a most complex undertaking and involves difficult problems, but the need is of sufficient magnitude to fully justify the additional effort.

UTAH LAKE DIKES AT PROVO AND GOSHEN BAYS

Two key features of the Bonneville unit which should be stepped up are the proposed dikes on Utah Lake at Provo and Goshen Bays. These two dikes are not scheduled for study until the second stage of the Bonneville unit, which means the definite plan reports will not be completed at the present schedule until 1966. However, in view of the great potential benefits which will flow from these dikes, it is my strong conviction that the requisite studies should be undertaken beginning this summer.

On February 15, 1961, I directed a letter to Secretary of the Interior Stewart Udall asking that he immediately initiate studies of the two dikes, leading to early construction. Unfortunately, my request was refused. When the initial central Utah project study was completed in 1951, the Bureau of Reclamation estimated that a great new supply of water would be available as the result of a dramatic reduction in evaporation from the surface of Utah Lake—60,000 acre-feet at Goshen and 30,000 acre-feet at Provo were thus to be saved. The lake is extremely shallow, but fully covers 95,000 acres of land and is only 13 feet deep at its deepest spot. As a result, evaporation consumes half of the lake inflow in normal years.

It is tragic to waste 90,000 acre-feet of water yearly, especially in times of drought. That is 29.4 billion gallons of water which is lost in our water-short area every year. According to public health experts, that is enough water to fully supply an average western city of 577,000 people. That includes not only water for culinary purposes but also for industrial and all other uses combined.

These initial Bureau evaporation estimates have been revised, but even the latest hydrologic studies show that during wet cycles the yield of Utah Lake would be increased up to 65,000 acre-feet annually by diking the two bays and largely drying up the land behind them with drains and sump pumps.

It is my understanding that in the case of Goshen Bay, which is the larger of the two and has a more questionable foundation, it would probably be advisable to construct a test section of the dike before completing the final specifications needed for awarding a construction contract, as was done on Willard Bay.

I hope that the necessary engineering construction can be completed and that this test section, recommended by Assistant Secretary of the Interior Kenneth Holum, can be started during the coming fiscal year, using a portion of the increased funds which I am proposing, which can be transferred from their recommended use in building construction lines to these new purposes.

In addition to saving water from evaporation, 8,400 acres of new land would be irrigated in the Provo Bay area, and supplemental water would be provided for about 2,400 acres of fringe lands. The consumptive use of water with this new irrigation development still would be slightly less than the evaporation and transpiration losses from the bay area under present conditions. Thus the irrigation development of the Provo Bay would not deplete the Utah Lake water supply.

It is expected that equally and probably more beneficial results would come from the Goshen Bay dike. But the Bureau studies are not sufficiently advanced to predict the precise effect at this time.

FURTHER DEVELOPMENT ON THE PROVO RIVER—INCLUDING THE HEBER AREA

Our recommendations call for a major speedup of investigations and engineering to bring further development to the Provo River area. Unfortunately, this Bureau report, too, will be completed with the second stage of the Bonneville unit in 1966. This is doubly regrettable, both because of the delay and because this effort is designed to more fully develop existing water resources on the Provo River, so it need not wait for imported water.

With the provision of added storage on the Provo River, 100,000 acre-feet of water or more could be made available as an increased supply for municipal and industrial diversions from the Provo River. This would arise largely through continued changes from irrigation to other uses in Utah and Salt Lake Valleys.

One of the storage features which the Bureau has under consideration is an enlarged Deer Creek Reservoir. Other alternatives are being considered. Whatever decision is made, it is absolutely mandatory that added storage be available to supply supplemental water to the Heber area. If the Bates Reservoir will best do the job, it should be built. Heber Valley must not be left out of the central Utah project, which is why I have included funds in my present request to rapidly complete an engineering study of storage features to accomplish this important objective.

WATER SUPPLY FOR THE SEVIER RIVER BASIN—JUAB, MILLARD, SANPETE, AND SEVIER COUNTIES

Under present plans, the Bureau of Reclamation will not complete its study of the necessary project works to carry water south to the Sevier River Basin until 1966. This will delay an important water supply in the Sevier River Basin for Juab, Millard, Sanpete and Sevier Counties. The recent drought has clearly shown that a much more rapid program must be undertaken.

The initial phase of the central Utah project should include early delivery of water to the Sevier, Millard, Juab and Sanpete County areas. There appears to be authority in the bill to do so. The future of these counties is dependent upon the project water. The earlier the water can be delivered, the more sure that future development of the counties can be assured. A new water supply would open up new economic vistas in the Sevier Basin. Few areas of the State suffered more than these four counties during the 3-year drought, which we hope is now ended.

WATER TO THE OURAY AREA IN UINTAH COUNTY

The Jensen unit of the central Utah project is presently being studied by the Bureau of Reclamation. That study will be completed, under present plans as I have indicated, in June of 1964. It is my hope that this can be readied much earlier. This project lies near Jensen, Utah. Water could be delivered to about 4,000 acres of supplemental lands and 500 acres of new lands. This land is located to the east of the Fernal unit which will be completed this year, the first participating project to be constructed.

There is another important unit, near Ouray, which should be built under the central Utah project. It is my understanding that the Bureau of Reclamation has authority to study this area so that it, too, may receive an adequate water supply. Therefore, I strongly urge that a portion of the reprogramed funds be used for this purpose.

Another unit under study is the Upalco. It would supply water for a part of the 75,000 acres in the existing Moon Lake project area. Reservoir sites are being considered for storage of the limited, undeveloped water supplies there. Under the present Bureau plans, a definite plan report will be completed in 1964, but I believe it can be finished much sooner.

UINTA BASIN INDIAN LANDS

Water right negotiations are presently being conducted which involve the Indians in the Uinta Basin. Judging from information given to me, it is apparent that the Indians are taking a statesmanlike, long-range view of the situation. Of course, it is certainly understandable that they should wish to fully protect

their interests. It is my hope that these negotiations will be satisfactorily completed in the immediate future. The Indians would no doubt be even more willing to enter into acceptable agreements if project studies were initiated immediately to assure the inclusion of additional Uinta Basin Indian lands in the first stage of the Bonneville unit of the central Utah project.

An assured water supply with appropriate project features would be a great boon to the Uinta Basin Indians and would give them an opportunity to substantially improve their standard of living and enhance their economic situation.

Once these water right adjudication studies are completed, it would be possible to start work to develop the lands on the Duchesne River, both above and below the mouth of the Strawberry. A total of about 48,000 acres can be served. This feature includes such works as the Starvation Reservoir on the lower Strawberry River with a 70,000-acre-foot capacity. But we must get it off the drawing board and into reality.

PROVIDE AN ASSURED AFTER SUPPLY FOR WHITE WATER USERS IN THE UINTA BASIN

The white water users in the Uinta Basin also are understandably concerned about the present water right adjudication studies. They are apprehensive because the Indians have first priority while they have second. In addition they are troubled by the proposed transmountain diversion by tunnel from the Uinta Basin to the Bonneville Basin, fearing possible water shortages although this diversion has only third priority. It is particularly important that project features in the Uinta Basin be initiated at the earliest possible time to make certain that a full water supply is available to the white water users. Such an accelerated program would allay their fears.

STEPUP PLAN TO BRING GREEN RIVER WATER INTO THE UINTA BASIN

The fears of the white water users would be completely allayed, I am sure, if they could be certain that water would be diverted from the Green River into the Uinta Basin at a much earlier date than now planned. This would probably involve bringing water from the Flaming Gorge Reservoir south into the basin. Originally it was thought that water would be pumped from the Echo Park Reservoir, but Flaming Gorge was substituted because certain interests blocked construction of the Echo Park Dam.

In my opinion, water diversion from the Green River must have high priority, higher than that which the Bureau of Reclamation has hitherto been able to give it. The funds which I have recommended should enable the Bureau to give the necessary study and attention which is required by this proposal.

In making these recommendations, I am not in any way critical of the Bureau. My purpose is to give the Bureau the additional tools and resources which will enable it to expand its efforts to increase Utah's water supply and enable our people to drink at our last great waterhole, the Colorado and Green Rivers.

THE DIXIE PROJECT

At the present time, I have a bill pending before the Senate Interior Committee, S. 14, which would authorize construction of the Dixie project in Washington County, Utah. In addition to providing a critically needed water supply in Utah's Dixie, Washington County, it would also furnish 8,000 acre-feet of water to Cedar City in Iron County.

The Bureau of Reclamation has now completed its studies and the proposed report of the Secretary was sent last week to the affected States and Federal agencies for review and comment. The Flood Control Act gives these States and agencies 90 days for the review, but I am hopeful that this can be done much faster. It is my further hope that S. 14 will be authorized by Congress this year. However, there is no money included in the President's budget to start construction. Thus, we shall lose at least a full year's time even if my bill passes unless money is added.

I, therefore, urge that $1 million be included in the public works appropriation bill for the Dixie project, conditional upon congressional authorization. This same procedure was adopted by President Eisenhower in connection with the upper Colorado River storage project in his budgets submitted in both January of 1955 and 1956, even though the project was not authorized until April of 1956. Because of his foresight, construction was started immediately and delay was avoided.

On October 3, 1961, I asked the Secretary of Interior to include $1 million for the Dixie project in the President's budget, but he refused to do so. This was a great disappointment to the local people, particularly since he also refused my recommendation that Interior build a saline water treatment plant at LaVerkin Springs, which would have reduced the cost of the Dixie project by $2 million.

Both the Washington County and the Cedar City areas know what a drought means. Likewise, they know that a ceiling is placed upon their future and their economic growth unless they get the long hoped for water from the Dixie project. It would permit irrigation of 20,100 acres of farmland and provide a 5,000-acre-foot municipal water supply to the city of St. George. I have already mentioned the vital 8,000 acre-feet that would go to Cedar City.

If the Bureau of Reclamation experts feel, after carefully studying my proposals, that all of them can be accomplished with less money than the full $6,303,000, I shall be happy to support the decrease. It should be noted that the crops which will be grown on the farm lands involved are not in surplus. Likewise it must be emphasized that the money for which I have asked will be repaid. It is a loan and in the case of the municipal and industrial water features will be repaid with interest.

These recommendations are so important that I felt compelled to call them to the attention of the Congress and to the President. In making my recommendations, I have not attempted to list them in order of priority. They are all critically needed projects. I sincerely hope that Congress will approve all of my recommendations. The future of Utah hangs in the balance.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, it is my understanding that the Senator from Mississippi has yielded to the Senator from Iowa on the same basis on which he had yielded to other Senators. I therefore ask that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

ESKIMO SCOUTS

Mr. BARTLETT. Mr. President, military preparedness requires that American forces be trained to fight under every conceivable handicap of climate and terrain. In the past I have, from time to time, addressed the Senate on the strategic importance of Alaska in the preparation of American forces for combat in the coldest reaches of the arctic and subarctic north. I know that my colleagues in the Senate will want to read an account of recent military maneuvers in Alaska which demonstrated the potential effectiveness of arctic trained units in the eventuality of a ground action under extreme climatic conditions.

The account describes the "Great Bear" exercise recently concluded in Alaska under the direction of Maj. Gen. J. H. Michaelis, commanding general of the U.S. Army, Alaska. From the very beginning of the action it was apparent that the opposing armies, composed of American and Canadian forces, were without effective defense against small guerrilla trained units described by the Pioneer, a service newspaper at Fort Richardson, as "the invisible force." These small units were composed of members of the 2d Scout Battalion, 297th Infantry, Alaska National Guard. With them were troops of the 7th Special Forces, who had for some weeks trained with the Eskimo units of Alaska to learn the secrets of arctic survival.

The "Great Bear" exercise was declared a draw after the two opposing battle groups had fought over 160 miles of Alaska terrain. I suggest, however, that the result would have been different had the Alaska National Guard not been divided equally between the opposing forces and had instead been made available to one side only.

Mr. President, I ask unanimous consent that the article which appeared in the Pioneer, to which I have made reference and entitled "Eskimo Scouts,

Special Forces, Team Up To Be Maneuver's Silent Enemy," be printed in the RECORD following these remarks.

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

ESKIMO SCOUTS, SPECIAL FORCES, TEAM UP TO BE MANEUVER'S SILENT ENEMY

Opposing forces in this combat exercise in central Alaska face many enemies: each other in the practice war they were conducting, the 160 miles of wilderness that separated them when the maneuver began, and a climate in which temperatures drop below minus 60° and winds snarl through at more than 50 miles an hour.

But possibly the hardest enemy of all for them to deal with was a small group of invisible men.

The men are real enough. They are hard and tough and skilled in the arts of subarctic soldiering. They are invisible because neither friendly forces nor aggressors have any idea where they are. They may strike from any angle, at any time.

Lone men or small units, already apprehensive because of their insignificance in this wild, cold land, are their favorite target.

The invisible force is made up of Eskimos. Roaming the maneuver area are two small detachments from the 2d Scout Battalion, 297th Infantry, Alaska National Guard. With them are troopers of the U.S. 7th Special Forces, who have been training with the scouts in their home villages since January.

In the maneuver area these groups are working as guerrilla bands. One band is supporting the friendly forces, another the aggressor. Both groups are deep in the maneuver area, working close to their enemy's forward lines.

They began to show their effectiveness almost at once. The maneuver was less than 2 days old when one of the guerrilla leaders reported he was overlooking his enemy's main supply route and had chopped off four big tracked cargo carriers loaded with food and ammunition for advancing infantry.

It was the first combat action of the maneuver.

For the Eskimo scouts the maneuver began in late January when Special Forces teams flew into Bethel, Alaska. Here some of the Special Forces men went to work with the headquarters elements of the 2d Scout Battalion. Others of the Fort Bragg troops flew in short-field Army airplanes to villages on the western coast of Alaska, and one team traveled down the ice of the Kuskokwim River to the village where they would train with the National Guardsmen.

Most western and northern Alaska villages have scout detachments, and most of the men of military age belong.

The Special Forces teams are made up of parachute-trained volunteers, each man expert in one of the fields of weapons, explosives, communications, or field medicine. All are skilled in the arts of unconventional warfare.

The scouts and the troopers trained together until just before Exercise Great Bear kicked off on February 12. Then they were flown to Fort Greely, rapidly transferred to waiting helicopters, and skimmed the treetops into areas deep in the maneuver zone. From then on they were on their own.

On the surface, their job in the maneuver is simple. They seek out and report military intelligence. They interdict supply routes, and make raids against enemy installations. In short, they carry out guerrilla warfare, taking all the advantage they can of their enemy.

But in the wild and frigid maneuver zone of Exercise Great Bear their job is perilous, even though this is only practice combat. The scouts and their Special Forces comrades must keep out of sight of foot troops, protect themselves against aerial observation, prepare their own food, and stay warm.

The Eskimo scouts have never been used in such numbers in an Alaskan maneuver before, and this is the first time they have been used in an unconventional role.

Maj. Gen. J. H. Michaelis, USARAL CG, and maneuver director, said of them, "there are no men in the world more capable of fulfilling the mission we have given them. These men know the country, and can live and move in it with full confidence. They have proven time and again that they are excellent soldiers and proud, loyal citizens."

FRENCH-ALGERIAN CEASE-FIRE

Mr. KEATING. Mr. President, I think the Senate and the people of the United States should today extend to President de Gaulle and to the French nation our heartiest congratulations upon the cease-fire and our prayers and hopes that from this point forward the peoples of France and of Algeria can move forward together in their search for internal peace and economic progress.

It appears that after such a long and bitter period of time, peace in Algeria may be in sight. This is the first time since 1939, 23 years ago, that the French Army has not been engaged in fighting a war. For the majority of the French people, whatever their views on Algeria may be, the cease-fire is a blessing, a period of respite, on which a firm basis of peace must be built, for the security of the entire free world.

There is one development which gives me deep concern. Premier Khrushchev's premature recognition of the provisional Algerian government is calculated to make the task of organizing peace more difficult. It is calculated to incite rightist French still further and encourage leftist Algerians to look to Moscow. It is frankly an effort to bring about a continuing civil war that would benefit only the Communists. The Secret Army terrorist organization can be expected to seize the pretext of Khrushchev's action for further massacres, but loyal Frenchmen and responsible Algerians must unite to stop this murder and mayhem, and establish an ordered peace.

In reaching this momentous accord, President de Gaulle has, one can rightly say, it seems to me, looked neither to the right nor to the left. He has never lost sight of the forest for the trees—and some of the trees which stand both to the right and to the left of Algerian independence are formidable indeed.

So I feel it is entirely appropriate that a word be said in the Senate in recognition of this great achievement.

MISSING: PRESIDENT'S MESSAGE ON TRANSPORTATION

Mr. KEATING. Mr. President, in the first 6 months of his administration, President Kennedy sent twice as many messages to the Congress as did President Eisenhower during the same period in 1953. The pace has been generally steady since then.

I should like to invite attention today to a vital area in which we have been expecting a Presidential message for a long time. I refer to transportation. There has been a great deal of talk about the administration's broad new transportation program, but the message on transportation is among the missing.

The transportation industry in the United States vitally needs a shot in the arm. For one thing, the condition of railroads in the northeast is alarming. I have joined with a number of northeastern Senators and with my colleague from New York urging Presidential action in particular on the New York, New Haven & Hartford Railroad. There are problems affecting our maritime industry which also need immediate attention. This is an area in which fresh thinking and innovations are long overdue. Our airlines are faced with many new challenges. Furthermore, the coordination of our several major modes of transportation, so that they all fit together in an orderly way, is an area in which the Federal Government must show greater initiative. The commuter transportation systems of our great urban areas must be considered in close conjunction with this overall transportation picture.

Mr. President, commerce among the States is clearly an area for affirmative Federal action. We have been admonished by this administration to take action in many areas, some of which are not as clearly the responsibility of the Federal Government. This is an area in which the Federal Government unquestionably has full authority.

There are a number of practical steps which I believe must be taken promptly to relieve our Nation's major transportation problems. For one thing, I favor the repeal of the 10 percent Federal excise tax on passenger fares, which I am glad to see the administration has supported. I also believe that a Cabinet-level department should be created to coordinate our transportation policies. These and other similar recommendations must be given a higher priority. Above all, I strongly urge that the President take immediate action to spell out his transportation program so that the Congress can get down to work on it.

As we all know, while it is perfectly true that the Congress can act, it is not likely the Congress will get down to business until it knows more about the position to be taken by the administration.

RESOLUTIONS OF LAND O'LAKES CREAMERIES, INC.

Mr. McCARTHY. Mr. President, the Land O'Lakes Creameries, Inc., a cooperative organization in the Midwest, has been holding meetings, out of which has come a statement of objectives and fundamentals in the form of a number of resolutions regarding many questions which relate to the farm program in the United States. I ask unanimous consent that the resolutions and observations which relate to national legislation may be printed in the RECORD at this point.

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

RESOLUTIONS OF THE LAND O'LAKES CREAMERIES, INC.

1. FUNDAMENTALS AND OBJECTIVES

Gross income to farmers in the United States approximates $38 billion per year. Net income only about $11 billion. Out of every $3 of gross income, more than $2 are paid out to nonfarm persons in the same year. Farm income expands the tax base from which money for payment of price supports is derived.

Falling prices at the farm level have checked inflation. Goods and services purchased by farmers are usually at inflated prices. Production incentives at nonfarm segments of the national economy have not been applied in such a manner as to produce increasing supplies at lower prices. In addition:

1. Exports of farm surpluses have (a) improved the standard of living of persons in other nations, (b) provided a market for surplus farm products, (c) contributed more than $5 billion toward balancing international payments in 1961, and (d) helped check inflation.

2. Farmers have reduced the labor requirement to produce food thus releasing labor for production of other goods and services which contribute to national growth and a higher national standard of living. In nations lacking this supply of food, living standards and national progress have been retarded.

3. The prime necessity for national welfare and growth is food. Farming requires large commitments of capital per man. The efficient farmer, therefore, should reasonably expect, at the least, economic rewards comparable with other efficient users of labor and capital.

4. Restricted production does not contribute to low-cost food either for domestic supply or for export.

5. Excessively high price supports restrict markets and attract nonfarm capital in competition with farm families. Excessively low prices make nonfarm suppliers of essential goods and services the principal beneficiaries of farm operations.

We believe:

(a) The farm family in which the farmer contributes most of the planning, management, capital, and labor is the most efficient producer of food.

(b) Since food surpluses stabilize price levels and assure wide distribution, a price support program with exportable surpluses is justified.

(c) Price supports should be managed to support the efficient farmer. Prices should not encourage invasion of the industry by outside capital for productive purposes, or be so low as to make the efficient farmer powerless to control his own business.

(d) The food-for-peace program, carried to a successful conclusion, must inevitably develop foreign markets for both agricultural and industrial products, and therefore should be supported.

(e) The addition to the national tax base contributed by the farm price support program through the gross national product is sufficient to offset the budget outlays for the price-support program.

2. TAXATION OF COOPERATIVES

For many years Congress has struggled with the question of how to tax net earnings of cooperatives. Representatives of cooperatives have consistently urged the enactment of legislation which would carry out the intent of Congress embodied in the 1951 amendment of the Internal Revenue Code to tax as income to patrons the net earnings of cooperatives distributed as patronage refunds and not to tax these earnings to the cooperatives.

We believe that net earnings of farmer cooperatives should be taxed once by the United States and then only to patrons at the full face amount of the patronage distribution at the time it is received by the patrons regardless of the form thereof: *Provided, however,* That net earnings on purchases of personal living or family items should not be taxed either to the cooperative or to the patron; and

We believe that subjecting the net earnings of farmer cooperatives to full corporate tax rates unless they are distributed to patrons in cash or its equivalent would seriously impair the ability of farmer cooperatives to render to their patrons the services which are so necessary to their welfare; and

We believe that legislation such as that which has been proposed in the Committee on Ways and Means of the House of Representatives would be unfair and clearly punitive taxation of cooperatives: Now, therefore, be it

Resolved, That this association vigorously opposes the enactment of such legislation or substantially similar legislation and urges members of the Committee on Ways and Means, and Minnesota, Wisconsin, North Dakota, and South Dakota Representatives in Congress and our own directors and members to use every proper effort to defeat such legislation and to support legislation which will in a fair and equitable manner give effect to the 1951 intent of Congress by taxing to patrons of cooperatives all patronage distributions regardless of the form in which made.

3. MARKETING AGREEMENTS, FEDERAL ORDERS, AND SANITARY STANDARDS FOR GRADE A MILK

We favor Federal orders for the control of conditions under which milk is produced and marketed for fluid consumption. These orders have brought a degree of stability to marketing within the industry. But regulations should not be localized to the extent which would exclude any efficient producer of milk who has satisfactorily met the quality requirements and is willing, with other producers, to accept responsibility for providing adequate market supplies. Unfair limitation of free movement of milk is not in the best interest of producers or consumers.

The sanitary code of the U.S. Public Health Service provides for pure and wholesome milk. More rigid standards are penalties both to producers and consumers. Producers who supply milk complying with the U.S. Public Health Service sanitary code for grade A milk should not be excluded from participation in any fluid market within the United States or prevented from shipping such milk in interstate commerce.

We recommend the principles above to the Secretary of Agriculture in administering Federal orders.

4. IMPORTS OF FARM PRODUCTS

We have previously and continuously pointed out that one source of farm surplus and excessive price support program cost lies in the administration of section 22 of the Agricultural Adjustment Act under which import quotas are established. Decisions under this section have often been inconsistent. Import quotas have been relaxed with the result that the quantity of surplus as well as the cost of price support was increased.

The decision that an imported product impairs, or is likely to impair, any farm price support program should be the decision of the Secretary of Agriculture alone. Based on that decision, import quotas should be mandatory and should be applied to the extent necessary to relieve the impairment.

A farm program based on production quotas, compliance deposits, deficiency payments, and with surpluses increased by imports is inconsistent. It is inconsistent to permit importation of food products and expect farmers to compete if the prices administered under farm programs encourage importation.

Import quotas will be necessary, and these import quotas may not be administered in the manner used in the administration of import quotas in the past which have encouraged and permitted subterfuge in manufacturing and importing competitive farm products.

We particularly call the attention of the Secretary of Agriculture and the President to imports of Colby cheese in 1961 and 1962.

5. QUALITY STANDARDS FOR IMPORTED DAIRY PRODUCTS

Standards of composition and purity for imported dairy products are often lacking. Imported food products, therefore, may be produced in foreign countries under conditions which would not be tolerated within the United States. This is neither equitable nor justifiable. Inferior quality of imported products may prevent the development of competitive products within the United States under the more costly sanitary standards imposed on domestic producers. The appropriate U.S. Government agencies should insist that competition should be equitable on the basis of standards of purity and composition of products.

We recommend that the Secretary of Agriculture promulgate standards of sanitation, composition and purity for all products of milk, and that such standards be applied to imported products on the same basis as for domestic products both by the Customs Bureau in the Treasury Department and by the Pure Food and Drug Administration of the Department of Health, Education, and Welfare.

* * * * *

7. IMITATION DAIRY PRODUCTS

Food products made from vegetable fats may be valuable and useful. When such products are marketed in such a manner that the color, plasticity, and package are designed for the single purpose of taking advantage of the demand for other well-established food products, we consider such products to be deceptive and such activities are unfair and objectionable marketing practices. We are opposed to the marketing of oleomargarine when manufactured and packaged for the sole purpose of making use of the yellow color and other characteristics customarily associated with butter. This practice is even more objectionable when the natural plasticity or consistency of the product is changed to simulate butter. No advantage is derived from these practices except by manufacturers and merchandisers of yellow margarine. There is no advantage at all to the producers of soybeans and cottonseed, which products are in surplus and priced only on the basis of price programs for the oilseeds, not on the use of the oil. We request the management of Land O'Lakes Creameries to make copies of this resolution available to the members of the legislature of the States of Minnesota, Wisconsin, North Dakota, and South Dakota and to the Secretary of Agriculture and the Members of the House and Senate of the Congress of the United States.

8. INTERNATIONAL RELATIONSHIPS

Our foreign policy should provide for expansion of foreign markets for goods including the products of agriculture. But large populations lack the means to pay for goods purchased in international trade. To rectify this, Public Laws 480 and 665 made it possible to assist by accepting foreign currencies and by other means. This type of

program has helped to develop some self-sustaining economies.

Our foreign market for farm products is now estimated as equivalent to the output of about 60 million acres of harvested cropland, about one-third of which were exported under programs conducted through the authority of Public Laws 480 and 665. Exports of farm products in 1961 exceeded $5 billion. Agriculture has thereby contributed heavily to the creation of trade balances abroad which reduce the drain on our national gold supply.

National economic development in many countries requires provision of schools, buildings, roads, and machinery to increase output of goods. This can be accomplished only with great difficult except in the presence of an adequate food supply. We recommend, therefore, that Public Laws 480 and 665 be vigorously pressed to secure international peace and international equality and international prosperity, with enlarged foreign markets for goods and services.

* * * * *

11. AGRICULTURAL EXEMPTIONS IN INTERSTATE COMMERCE

Under the Motor Carrier Act of 1935 are three exemptions important to farmers in the procurement of supplies and marketing of their farm products. Farm vehicles owned and controlled by farmers in the transportation of agricultural commodities are exempt from regulation. Motor vehicles used in carrying property consisting of livestock, fish, or agricultural commodities are also partially exempt if such motor vehicles are not used for any other property or passengers for compensation. In addition, motor vehicles controlled and operated by a cooperative organization are partially exempt.

These exemptions make it possible for farmers to manage their own business without filing rates and routes with the Interstate Commerce Commission. It makes them considerably more efficient in the management of their own business and in the marketing of their products.

These exemptions have become established through many court hearings and other litigation with reference to the meaning of the act. At the present, however, there is a movement to redefine these exemptions in such a way that the benefits will be lost. We are opposed to such actions whether on the part of the Interstate Commerce Commission or the Congress.

Private carriers, not now participating in these exemptions, should be permitted to obtain return-trip hauls of exempt products. It is uneconomic and wasteful to impose restrictions on private carriers, preventing them from competing in this business, and such restrictions are not in the public interest.

We favor the regulatory exemptions at present contained in section 203(b)(4a)(5) and (6) of the Interstate Commerce Act for farmers' cooperatives and farm product haulers.

We oppose Federal registration of licensing of exempt or private carriers. This serves no essential purpose and constitutes an opening wedge for more complete regulation. We oppose rate filing by exempt haulers as impractical, costly, and impossible to enforce.

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14. STANDARDIZING EGG WEIGHTS IN THE UNITED STATES

The egg weights for the various grades are different in different States. Eggs, however, are produced in almost every State and must move across State boundaries and be marketed in other States, often with egg weights different from the State in which the eggs were produced. This causes confusion and difficulty in the marketing of eggs.

It is desirable that the several States should adopt standard weights for egg grades which are uniform. We recommend that the commissioner of agriculture of the State of Minnesota undertake reciprocal relations with similar officers in other States, to revise and standardize the weights of eggs sold under the various grades. If uniformity is reached, marketing will be simplified as between producers in one State and consumers in other States to the great benefit of both producers and consumers.

We recommend also that the commissioner of agriculture for the State of Minnesota consult with the appropriate authorities of the U.S. Department of Agriculture in the attempt to get uniform egg grades acceptable for both State and national egg marketing programs.

15. DAIRY PRICE SUPPORTS, 1962–63

At this date, March 9, 1962, announcement of the dairy price support program for the year ahead has not been made. Purchasers of the products of milk anticipate lower prices and markets are weakening. Producers are in urgent need of information upon which to base their plans for the year ahead. Experience in 1959 and 1960 shows that 77 percent of parity for milk leads to unstable production, confusion in primary markets, and higher prices to consumers.

We urge the Secretary of Agriculture to reach a decision quickly with reference to the dairy program for the remainder of 1962. Prices should be announced promptly which will reduce uncertainty in the industry, relieve the effects of demoralizing rumors, and assure farmers that prices will justify plans to convert surplus feed grains into milk in 1962.

U.S. PROBLEMS IN COMPETITION WITH WESTERN EUROPE

Mr. SCOTT. Mr. President, a recent editorial in the Saturday Evening Post presents some interesting points of view on the U.S. problem in competition with the increasing productive strength of Western Europe.

I ask unanimous consent to have the editorial printed in the RECORD at this point as a part of my remarks.

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

OUR FRIENDS ARE OUR COMPETITORS TOO

Recently one of our correspondents went skiing in Switzerland. He had a pair of American ski boots which, although unworn, were 8 years old. Since they no longer fitted, he bought a new pair. Unwilling to carry the old ones home, he tried to give them away. There were no takers anywhere, not even among the school kids. "They're not the latest model," explained a Swiss villager. "Everybody who skis these days has the very latest kind."

As he toured the rest of Europe, the American found that "the very latest kind" appeared to be an apt slogan for the life Europeans are presently enjoying. Our Western allies, fantastically prosperous and up to date, often make us look backward by comparison.

It seems hard to find an old factory—and this is not altogether due to American generosity after World War II. The architecture is ultramodern, the equipment up to the minute. Apartments, shops, schools, sports stadiums, office buildings, and supermarkets are of the latest design. Passenger and commuter trains are new and attractive, run frequently—and on time. Late-model autos and buses, many of them consuming gas that costs 85 cents a gallon, are clogging new highways, which are beautifully landscaped. In short, the American found Europe riding a boom that has continued merrily for more than a decade. During that same period the United States has suffered three setbacks. And in spite of our standard of living, which is still far and away the world's highest, we have never been able to solve our chronic unemployment problem. Some areas in the United States have been in a state of depression since World War II.

Except for parts of southern Italy, Greece, and possibly the Iberian Peninsula, Western Europe has reported virtually no unemployment. Switzerland, her industries humming profitably, has had to import 400,000 Italians and 50,000 Spaniards, a number equivalent to almost 10 percent of her population. Lately Italy has clamped down on this export of workers. She needs them herself.

As our man packed his new Swiss ski boots and headed for home, he realized he'd heard no talk about 5-hour workdays, compulsory retirement at 65 or other measures that reduce total production. With little or no unemployment in Europe, no recessions, few depressed areas, little obsolete equipment and a booming economy, he wondered what was wrong with America. If our allies could do it, why couldn't we? Are they smarter than we are? Are they working harder?

The answer is simple. They do have newer factories, they are working harder and they are competing harder. While we make ourselves less and less competitive through high wages and prices, they are knocking the spots off us in friendly rivalry for the markets of Asia, Africa, and Latin America. European nations, prostrate from war not long ago, now export between 15 and 52 percent of their total output. We export 5.

Because of our essential economic and military aid programs and our troops stationed overseas, we spend $3 billion or $4 billion more abroad than we take in. The drain on our gold continues. Consequently, we must export more goods to correct this imbalance and maintain our position as a first-class nation. That means we must also import more under lowered tariffs, as we pointed out on this page in the February 10 issue. But many people abroad prefer European products to those made in America.

Why? There are various reasons:

1. Foreigners says U.S. goods are often inferior. They insist they don't stand up. Hard-headed Europeans don't want to waste money replacing products which they feel shouldn't wear out, although they will buy an article if it offers something really new and improved. In short, they're still insisting on high standards and value.

2. To an extent Europeans have been able to turn out top-quality goods more cheaply by putting a greater share of their gross national product back into new plants and equipment. This makes production more efficient and therefore more competitive. West Germany is now investing 23 percent of its output per year in modernizing its plants, the Netherlands 24 percent, France 18. We are putting up only 14 percent. The United Kingdom, which lags behind the Continent, is down to 16 percent.

3. European governments have been more favorable to business expansion than ours. They offer faster tax writeoffs for new investment, low-interest government loans, no capital-gains taxes, and even preferential rates for utilities.

4. In the matter of personal taxes, Europeans have greater business incentive. No country has income taxes as high as ours. West Germany's top is 53 percent, France's 73, Italy's 58, and Belgium's 65. Ours soars to 91 percent.

5. Perhaps our greatest handicap has been the heavy wage-price spiral of the last decade. In general, European wages are still far below ours—an enormous help when you're competing for exports. Shortsighted labor leaders, unable to see beyond the next paycheck, have pushed wages higher and

higher. With each boost, prices for products must rise accordingly. This chokes off demand for our goods and helps our foreign competitors even more in the race for markets.

Far from being afraid of high productivity, Europe welcomes it. During the last few years the output per person in the six nations of the Common Market, for example, has gained 4 percent a year. Ours has run less than 1 percent. And while we grant workers shorter and shorter weeks, decreasing the ratio of our production compared to Europe's, raising the cost of our products and pricing ourselves further out of the world market, our alert competitors abroad prepare to widen the Common Market and make their production greater and more efficient.

At the moment, with only six nations joined in the Market, Western Europe has racked up an annual export trade of $50 billion. Ours is only $20 billion. And as more and more nations join the tariff-free Market, let us remember that their competitive position becomes even more favorable.

In the race to beat Russia and communism, we Americans tend to forget that we are also competing with the 270 million aggressive, well-organized and supremely skillful people who are our own Western allies. Our $20 billion export trade is nothing to be ashamed of. Nevertheless, we've got to do a lot better if we want to maintain our preeminent position in the free world. Unless we get cracking—Congress, labor leaders, management, factory workers and the rest of us—the Yankee trader is going to cut a steadily diminishing figure in the world marketplace. And Americans will have to go on using their outmoded ski boots, as well as a lot of other outworn things, for some time to come.

REPORT TO SHAREHOLDERS OF SCOTT PAPER CO.

Mr. SCOTT. Mr. President, the message of Mr. Thomas McCabe, Sr., in the 1961 annual report of the Scott Paper Co. contains an excellent analysis of the new situation confronting the United States by the growth of the European Common Market.

Mr. McCabe draws upon his experience as a distinguished public servant during his service as Chairman of the Federal Reserve Board, in other governmental service, and as one of America's most thoughtful and enlightened industrialists.

I ask unanimous consent to have the report printed in the RECORD at this point as a part of my remarks.

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

REPORT TO SHAREHOLDERS—PRESIDENT THOMAS B. MCCABE URGES AMERICAN TRADING UNION WITH EUROPEAN COMMON MARKET—ASKS FOR BIPARTISAN SUPPORT OF U.S. TRADE EXPANSION ACT—HOLDS THAT MORE LIBERAL TAX POLICIES WOULD SPUR INVESTMENT IN PLANT AND EQUIPMENT AND HELP MAKE AMERICAN BUSINESS COMPETITIVE ABROAD

Intensive activity characterized 1961 in Scott Paper Co., in the Nation, and in the world.

Scott achieved another record year, with earnings and sales reaching new highs. That performance, especially gratifying in the light of general economic conditions early in the year, stemmed from the special efforts of all Scott employees, who worked together with spirit and efficiency. Accomplishments in manufacturing were particularly noteworthy.

Scott's operations in 1961 are covered in the following review of the year. However, it might be well to point out that the results reflect some of the measures that were taken last spring, when it became clear that if the company were to meet its objectives, rebudgeting for the last 7 months of the year would be essential. Careful scrutiny was applied throughout the business, and economies were effected by revising programs and directing constant vigilance toward accomplishing goals at lower costs.

The company further increased its investments abroad. Since it now has substantial interests in foreign enterprises, some comments on world conditions seem pertinent. Also, world trade and international finance are subjects of particular interest to me because of my years of service in lend-lease during World War II, as Foreign Liquidation Commissioner following that conflict and, finally, as Chairman of the Board of Governors of the Federal Reserve System.

For America and the world, 1961 was a troubled period even though the recession ended in the United States and despite the continuation of brisk business in other countries. In north and central Africa and in southeast Asia, open warfare persisted. In our own hemisphere, the abortive attempt to oust Castro from power in Cuba marred the record. Elsewhere, sparring between the Communists and the free world continued with weapons and words. Eut against that grim backdrop constructive forces were at work.

ATLANTIC COMMUNITY ORGANIZED

In the free world, strong systems of economic cooperation, which stemmed from Marshall plan days, were extended in 1961.

Late in the fall of 1961 the Atlantic Economic Community, known formally as the Organization for Economic Cooperation and Development, was formed on the initiative of the United States. It comprises 20 nations west of the Iron Curtain, including the United States and Canada. Japan, a member of the OECD's Development Assistance Committee, shows an interest in joining the parent organization.

OECD's objectives center around economic cooperation, trade expansion, monetary stability, and joint help to the underdeveloped world. And, in addition to OECD's practical contributions, it constitutes an important political symbol, a clear indication of the increasing economic interdependence of North Atlantic nations. Former Secretary of State Christian A. Herter recently said, "In a world deeply split by ideological differences a closely knit Atlantic Community seems our only hope for eventually establishing world order."

OUTLOOK FOR THE COMMON MARKET

One important development is the strong probability that the European Economic Community, called the Common Market or Inner Six will be enlarged from its present membership of Belgium, France, West Germany, Italy, Luxembourg and the Netherlands. Already, the nations in the European Free Trade Association (Outer Seven) are trying to work out various kinds of relationships with the Common Market. Britain, the leading EFTA country, is actively seeking full membership; the outcome of those negotiations will influence similar applications of Denmark, Norway, and Portugal, as well as Ireland, not a member of EFTA. Austria, Sweden, and Switzerland will try to become associated with the Common Market, but in a way short of full membership. Hence this free trade area could grow from 170 million people to about 270 million.

It is quite understandable that the Common Market should attract new members; the short 4-year life of that galvanic institution has demonstrated how highly profitable business opportunities in its customs union can be. Since the inception of the Common Market, trade among members has increased about 66 percent with gross national product up nearly 19 percent; the rate of growth in gross national product has been 2½ times that of the United States. Mutual tariff reductions, which have now reached 40 percent, and elimination of quantitative restrictions on industrial goods, were important catalysts in establishing that record.

The signing of a common agricultural policy in January 1962 made it possible for the Common Market to move into its second 4-year stage, which will lead almost inexorably to the abolition of all duties between members by 1969 at the latest. Thus a hard core of economic strength is being built in Europe, and a market of unprecedented breadth and opportunity is developing. But whether the tariff wall between the Common Market and other nations will permit Americans to export to that prosperous market will depend importantly on America's foreign trade policy. The United States should unquestionably develop a trading partnership with the Common Market, otherwise tariffs may bar the entry of American products.

President Kennedy has recommended to the Congress a trade expansion act that would make it possible for the United States to trade freely with the Common Market. Extensive hearings will be held, and the proposal will undoubtedly be amended, but in the main the measure deserves strong bipartisan support.

BALANCE-OF-PAYMENTS PROBLEM

American foreign trade policy must be made sufficiently flexible to deal with the rapidly developing pattern of international commerce. Otherwise, exports from the United States will inevitably decrease at a time when an increase is essential. America's presently unfavorable balance-of-payments position is quite serious and unless corrected will result in further reductions of gold reserves and a consequent weakening of the dollar. Improvement of the situation requires that the inflow of funds from abroad at least equal payments from the United States to other nations for things such as goods and services, foreign aid and oversea investments. To that end, other countries, especially those we have been assisting so liberally with financial aid, should reduce their trade barriers at least to the extent of America's tariff cuts since World War II. An important advance in that direction was made recently when the Common Market and the United States agreed to reduce tariffs on a substantial number of products. However, much remains to be done.

In the progress toward unfettered trade some American businesses will be hurt—no one can deny that. As a result, certain workers will be displaced and will have to be retrained, but labor will benefit in the long run because many more American jobs hinge on expansion of this Nation's exports than would be imperiled by free trade. However, in order to avoid undue hardship, the ultimate goal must be accomplished by evolution rather than revolution. Tariffs should be reduced gradually with provision for flexibility to meet unforeseen contingencies. It will also be highly desirable for the Federal Government to provide financial help during the period of readjustment to ease the impact upon the workers and investors in certain industries.

Regardless of tariff reductions, American companies will unquestionably continue to build plants abroad. Experience indicates that over a period of years ventures of that sort result in an inflow of funds greater than the amounts invested in foreign countries. Such operations can establish strong international ties and promote greater unification of the free world.

PRICE, WAGE STABILITY URGED

At the year end, prospects for 1962 in the Nation and in the company appear to be favorable. However, if the general prosperity is to be maintained, it is essential that all steps be taken to prevent inflation and a consequent loss of faith in the dollar here and abroad. Business management and labor must demonstrate a high degree of economic statesmanship in recognizing the vital importance of stability in prices and wages.

The Federal Government must exercise fiscal restraint. Since increases in defense spending would seem to be inevitable, proposed Government expenditures in other areas should be given more critical and thorough appraisals. Unremitting war should be waged on the waste and inefficiency which seem to accompany big government; otherwise sound fiscal operations are impossible.

Congress should take a realistic attitude toward taxes. If depreciation allowances were liberalized and corporate taxes objectively reappraised and modified to stimulate investment, the American economy would be revitalized. Business could quickly modernize and expand its plants and facilities for improved efficiency and competitive strength. With increased commercial activity and higher corporate earnings, the total taxes paid to the Government would be greater than they are now.

Stability of wages and prices and constructive Federal fiscal and tax policies will assure the soundness of the dollar. The competitive position of American business in world markets will be improved and the stature of this country tremendously enhanced in the eyes of the free countries of the world.

Sincerely,

THOMAS B. MCCABE,
President.

FEBRUARY 7, 1962.

ALL-AMERICAN SIOUX CITY

Mr. MILLER. Mr. President, last Wednesday my hometown, Sioux City, Iowa, was named 1 of 11 "All-America" cities by the National Municipal League and Look magazine. The selection of this midwestern city of some 90,000 people is based on a record of substantial community betterment resulting from widespread community action on the part of the citizens of Sioux City, both as individuals and as members of action groups operating under intelligent and dedicated civic leaders.

Ten other cities of varying sizes throughout the United States share in the honors. They are: Anacortes, Wash.; Falls Church, Va.; Galveston, Tex.; Hartford, Conn.; Independence, Mo.; Lynwood, Calif.; Milton-Freewater, Oreg.; Rockville, Md.; Salisbury, N.C.; and Wichita, Kans.

It should be pointed out that Sioux City's achievement came on its second try for an All-America City Award, having been 1 of the 22 finalists and a runner-up in the 1959 contest.

Appropriate editorials on Sioux City's recognition appeared in the March 15 edition of the Sioux City Journal and the March 16 edition of the Des Moines Register. Two news stories appeared in the Sioux City Journal on March 15—one including the congratulatory message received from the President of the United States and the other covering numerous other congratulatory messages received from throughout the United States; and another of March 16 relating the impressive ceremonial accompanying the presentation of the all-America flag to the city. I ask unanimous consent that these editorials and news stories be printed in the RECORD.

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

[From the Sioux City Journal, Mar. 15, 1962]

ALL-AMERICA SIOUX CITY

The selection of Sioux City as 1 of 11 all-America cities across the Nation is gratifying; the honor is a great one and all Sioux Cityans may be very proud of their community.

Selection is based on a record of substantial community betterment that results from widespread community action in the face of formidable difficulties. In general terms the Sioux City story was written from 1953 to 1961—and the end has by no means come.

This story began, in terms of the presentation, in 1953 with a new form of city government that "ended corruption and incompetency in the city hall and gave us a vision of a better community." It continued in 1955 with a 10-week series of citywide group meetings in which 617 citizens participated, and where the problems of the city were realistically identified and solutions proposed. Seven such problems were pinpointed: Flood control, adequate schools, expanded industry, better transportation, business district improvement, better health and sanitary facilities and development of new civic pride. The story continued with action; all these goals have been realized or the way to their completion is provided.

The strength of the Sioux City story, we think, is to be found in its emphasis upon the continuing interest of the people of Sioux City, both as individuals and as members of action groups. The city's presentation calls this "the persistence of city groups," which describes well the solid core of determination behind the projects completed. There is nothing complacent about the community, either; in addition to the very considerable number of accomplishments already in the book, at least 11 more "things to be done" are listed, with work already being done on them. Again, people's action is the reason for continuing "all-America" performance.

The presentation was excellent; the record made in Sioux City was good enough to win one of the coveted awards. But between the facts of the record and the assembling and presenting of those facts were many hours of time and effort by many dedicated people. To give credit to each individual is impossible; the community can offer only its general thanks. Special commendation is deserved, however, by the chairman of the Sioux City committee, Mrs. Robert B. Howe, and the committee members who, in the final analysis, had the principal responsibility, and whose fine work had much to do with the award this city has received.

[From the Des Moines (Iowa) Register, Mar. 16, 1962]

SALUTE TO SIOUX CITY

Iowa gets most of its nonathletic all-America ratings in the field of agriculture. The State is first in this type of farm production or second in that. This is fine and all Iowans want to keep right on winning that kind of honors.

When an Iowa city gets a top rating it is a more unusual pleasure. This has happened with the selection of Sioux City as 1 of the 11 all-America cities in a civic achievement contest sponsored by the National Municipal League and Look magazine.

The "new community spirit of determination and optimism" for which the award was made began in Sioux City, as it has in many cities, with the adoption of the council-manager form of government in 1953.

This was followed in 1956 with the formation of 27 voluntary discussion groups containing 617 Sioux Cityans to analyze and study city problems.

The Floyd River, source of countless destructive floods, is being relocated at a cost of $18 million, 42 percent locally financed. Construction has begun on a $7,500,000 interceptor sewer and sewage treatment plant. A $4,200,000 urban renewal program is under way.

New industries have been attracted, highway and river transportation facilities have been improved, new schools, churches, and cultural centers have been acquired. Welfare centers have been provided for the ailing, the young and the old. Cultural opportunities have been supplied in a modernized art center and the formation of new musical organizations.

Sioux City certainly should be congratulated on this honor and so should the State of Iowa. In recent years the responsibilities of the cities of Iowa have been increasing. Many of them have not been well prepared to discharge these responsibilities. It is important to the State as a whole that the excellent example of Sioux City be observed and emulated.

[From the Sioux City (Iowa) Journal, Mar. 15, 1962]

HONOR BRINGS CITY A FLOOD OF MESSAGES

Congratulations continued to pour in Wednesday night on Sioux City's selection as an all-America city.

Mayor Merle A. Haynes said Wednesday night: "Representing citizens of South Sioux City, I should like to extend congratulations to our friendly neighbor, Sioux City, for receiving the award of all-America city. We know united effort on the part of your leaders and citizens made this award possible. Our two cities have worked together on many projects for the benefit of both and we know our friendly relationship will continue."

Sioux City's Senator JACK MILLER telegraphed his congratulations from Washington.

A message from the Senator read: "The good news of the recognition of my hometown of Sioux City for its outstanding achievement is most welcome. I extend my most sincere congratulations to the community leaders and indeed to all residents of Sioux City whose hard work and cooperation made this possible."

"The great honor of being designated as one of the all-America cities of these United States has come about through the combined efforts of all of our fine Sioux Cityans," Mayor George Young said. "This energetic and friendly city is indeed proud of this great day of achievement."

From Congressman CHARLES B. HOEVEN, Eighth District of Iowa, "The people of Sioux City are indeed to be warmly congratulated on receiving one of the all-American city awards for 1962, jointly announced by the National Municipal league in cooperation with Look magazine.

"All Sioux City may be justly proud of this achievement which is granted not merely for good government or efficient municipal administration but is based on energetic and purposeful citizen effort.

"The award goes to those connected with the program of civic improvement which sets a high example for others to follow. The fact that Sioux City has been designated as an all-America city by experts in community and government affairs has a bright forecast for its future.

"All citizens of a community have common goals but likewise have common problems. Civic improvements can come only with the

inspiration of local residents to participate in civic affairs and city betterment.

"Sioux City's selection as an all-America city demonstrates that you not only have the ability to recognize and analyze community problems but also have the energy to work toward effective solutions.

"As Sioux City's Representative in Congress, I am particularly proud that you have reached this national recognition which is so well earned and richly deserved. My sincere and hearty congratulations to the all-America city."

Archie Gubbrud, Governor of South Dakota said: "Hearty congratulations to our neighboring city of Sioux City upon receiving the All-America City Award for 1962. This honor is indicative of the progressive forward program which Sioux City has been projecting and neighboring South Dakotans are pleased that your efforts have received national recognition."

Others send messages:

Senator CARL CURTIS, of Nebraska: "May I take this opportunity to extend my congratulations to Sioux City on being chosen all-America city for 1962. The citizens of Sioux City can be justly proud of the outstanding achievements that have been made in city improvement and advancement. This is a well-deserved honor."

Gov. Frank B. Morrison, of Nebraska: "Congratulations upon Sioux City receiving recognition as an all-America city for 1962. As Governor of the State of Nebraska we are proud of this recognition given to our neighbor. Please convey to your citizens our congratulations and best wishes."

Senator FRANCIS CASE, of South Dakota: "Residents of Sioux City can be justly proud of the accomplishment their city attained in being selected as an all-America city for 1962. My hearty congratulations to you on this fine achievement."

Senator ROMAN L. HRUSKA, of Nebraska: "Warm congratulations to Sioux City on being named all-America city for 1962. This is richly deserved recognition of Sioux City's progressive, modern leadership. We Nebraskans are proud to have such distinguished neighbors across the river."

Congressman BEN REIFEL, First District of South Dakota: "Warmest congratulations on our neighboring city's achievement in winning the All-America City Award. We in South Dakota know that civil effort and determination is necessary to qualify for this honor since our own city of Yankton earned similar distinction."

Senator KARL E. MUNDT, of South Dakota: "I want to extend my heartiest congratulation in honor of Sioux City winning the coveted All-America City Award for 1962, a remarkable achievement which is an everlasting credit to the people and public officials and to both public and private community-minded groups and organizations. From your sister State of South Dakota, I know I reflect the feeling of pleasure of our citizens in your being named as the award-winning city. Best wishes for continued success and my kindest regards."

Rodney Smith, president of the South Sioux City Chamber of Commerce: "Congratulations on being awarded all-America city. We are proud to be your neighbor city."

Congressman RALPH BEERMANN, of Nebraska, had this to say: "May I extend my sincerest congratulations to Sioux City upon the occasion of its being selected all-America city for 1962. I know the award is made on the basis of civic improvements in addition to other qualifications, and in this case I want to say the award is certainly merited.

"I can recall some outstanding improvements that Sioux City has added recently. Among them are its wonderful riverfront and Gordon Drive; the new system of Federal highway interchanges that drop motorists within two blocks of downtown businesses and only a step from sufficient parking; and your current project, straightening the Floyd River and the Perry Creek extension.

"Just as recently as this last Christmas season I can remember the downtown merchants exhibiting the most tasteful set of street decorations that I have ever seen. All of this has been possible, of course, because of a rebirth of the public service idea among business and professional groups in the metropolitan area and by your well-integrated civic and service organizations which have given this motivation and direction. All in all, I want to conclude by saying, 'Well done, Sioux City. Your new citation as the all-America city for 1962 is certainly merited.'"

William F. Nutt, president of the chamber of commerce, expressed the pleasure of the entire chamber. "This award indicates to us that our city projects a desirable and impressive community image when measured against the rigid standards of the National Municipal League and Look magazine," he said. "The citizens of Sioux City should be proud of this award inasmuch as one of the major considerations of the all-America city jury is citizen action and participation in government and city improvement."

"Sioux City is fortunate, indeed, to be populated with people who recognize good government and good community facilities, people who are determined to have a first-class community and people who are determined to put their shoulder to the wheel to attain their all-America objectives. We will merit this award only if we recognize this as the beginning of a great future yet to be earned by vigilance and continued effort," Mr. Nutt concluded.

The distinction was credited to "vigorous citizen action which has accomplished miracles in Sioux City" by Mrs. Robert B. Howe, chairman of the all-America city committee which prepared and presented the city's case for the award. "In the last 8 years, many critical problems have been faced and solved through responsible citizenship.

"A new progressive attitude has inspired thousands of persons and dozens of independent groups to work devotedly and persistently toward the betterment of our city on all fronts," Mrs. Howe said. "It is the wide scope of successful civic undertakings of which Sioux Cityans can be justifiably proud. We can see outstanding progress in all areas of our community life. Here in Sioux City, where such a vital and resolute spirit exists, there can be no doubt that future success is assured."

City Manager Conny Bodine called the award "a landmark of past accomplishments by a large number of individuals and citizens in our town. It is also a good omen of achievement to come. It is now nationally recognized that, among American cities, Sioux City has shown outstanding zeal and good sense in meeting the modern challenge of these fast-changing times."

"The good news of the recognition of my hometown of Sioux City, of its outstanding achievement, is most welcome," Senator MILLER said in his telegram. "I extend my most sincere congratulations to the many community leaders and, indeed, to all residents of Sioux City whose hard work and cooperation made this possible."

Woodbury County Sheriff Whitey Rosenberger: "It's a wonderful tribute to all the hard work that has gone into city betterment."

[From the Sioux City (Iowa) Journal, Mar. 16, 1962]

ALL-AMERICA PENNANT FLIES ATOP CITY HALL—BLUE, WHITE EMBLEM PROCLAIMS HONORS AT IMPRESSIVE RITES

(By Robert Gunsolley)

Sioux City Thursday began basking in the glory of national recognition as one of 11 U.S. cities which have done the most to improve community life and facilities.

A festival atmosphere prevailed despite the bone-chilling late winter cold as Sioux City's new all-America city flag—white letters on a bright blue field—was hoisted proudly over city hall.

The flag raising was preceded by a 20-minute program in which city council members, past and present, hailed the All-America City Award as a tribute to the citizen effort responsible for the accomplishments that made it possible.

Mayor George Young received the flag from Mrs. Robert B. (Marjorie) Howe, chairman of the all-America city committee which collected the facts of the city's progress during the last 9 years and gathered them into a dramatic civic success story presented to the all-America city jury in Miami Beach, Fla., last December.

The flag was taken to the flagpole on the roof of city hall and was raised beneath the American flag to climax the ceremony as the East High School band played the national anthem.

PROUD DAY

"This is a proud day for us," Mayor Young declared as he received the flag. "This flag, the badge of our success, is the result of work, planning, and cooperation of all the citizens of our city." The mayor then read the telegram of congratulations received Wednesday from President Kennedy.

Former city councilman Fred Davenport, who served as master of ceremonies and introduced Mrs. Howe, had special praise for the all-America city committee for its good sales job at Miami Beach.

In her response, Mrs. Howe said her committee was only one of many organizations that had been responsible for the progress for which Sioux City has been honored. She introduced each member of her committee, including some that were not present, Oscar F. Broyer, Donald D. Sullivan, and Bromleigh Lamb. City Manager Conny Bodine also was introduced as a committee member.

"Sioux City," Mrs. Howe said, "has received national recognition for responsible citizenship of the kind that names its goals and then works hard to achieve them."

The first day of Sioux City's year of glory started when the all-American city committee, accompanied by wives and husbands, went to the municipal airport to meet Braniff flight 336 that brought the flag to Sioux City. On the nose of the plane was a sign proclaiming Sioux City as an all-American city for 1962.

City, county, and State officials as well as the all-American city committee were seated on the platform as Mr. Davenport introduced a representative of each of the city councils which has served during the 9-year period of progress for which the city was honored.

The past councils were represented by Fred Stilwill, former Mayor W. W. Wilson, and Fred T. Kelly, while Stanley Greigg spoke on behalf of the present council. Other past and present council members also were on the platform.

In introducing the speakers, Mr. Davenport noted that Sioux City has come far from "the atmosphere of dismay and disillusionment that once prevailed here." He cited the establishment of council-manager government in 1953 and the 1955 Sioux City study to diagnose the city's ills as among the major steps responsible for the progress that has been achieved.

RECOGNIZES PROGRESS

The All-America City Award, Mr. Stilwill said, recognizes not only the economic and business progress of the city, but also the things that have been done to make the city a good place in which to live. He gave credit to Sioux City's "honest, sound, and efficient" city government. "This is not the end of the trail," Mr. Stilwill said, "but the beginning of an even brighter day for Sioux City."

"Sioux City wants to go forward," Mr. Wilson said, and gave as an example the successful $2,900,000 school bond election last month. He said he was proud of his part in helping to get the city's two biggest projects underway, the Floyd River flood control project and the sewage treatment system.

Mr. Kelly said two relative newcomers to the city played a big role in Sioux City's achievements. One of these he identified as a composite representing all of the municipal employees. The other one he paid special tribute to was Mr. Bodine. "These two implemented as practically no one else could, the hopes and dreams of progressive citizens."

OUR RESPONSIBILITIES

"This outstanding award brings to light our sober responsibilities," Mr. Greigg said. "To receive such an honor is a marked distinction, but we must be alert. Only will we continue to be deserving of this honor if we approach present and future problems in the same spirit that brought about this award. The vast reservoir of able and imaginative people in our community has scarcely been tapped and yet these people must come forward and give of their time, energy, and talent if we are to cope with these greater and compelling problems."

[From the Sioux City (Iowa) Journal-Tribune, Mar. 15, 1962]

RATE SIOUX CITY AS ALL-AMERICA—PRESIDENT KENNEDY SENDS HIS HEARTY CONGRATULATIONS—AWARD BASED ON PROGRESS ACHIEVED BY EFFECTIVE CITIZENS ACTION

President Kennedy telegraphed congratulations to Sioux City Wednesday for its selection as an all-America city.

In a telegram received by Mayor George W. Young, the President said: "Warmest congratulations to Sioux City, Iowa, as recipient of an All-America City Award sponsored by the National Municipal League and Look magazine. This recognizes the value of strong citizen action at the local community level. Your city has earned this award through citizen initiative and perseverance. I am sure that Sioux City and the other cities which have been selected this year will set patterns for community action throughout the Nation."

Sioux City was selected as a 1962 all-America city along with 10 other communities throughout the United States, it was announced Wednesday.

The coveted award is based on important community progress achieved by effective citizens action. Selection was by a special jury which last December heard 22 finalist cities present their cases for all-America selection during the National Conference on Government in Miami Beach, Fla.

Sioux City gained its victory in its second try for an All-America City Award. It was one of the 22 finalists and a runnerup in the 1959 contest. Previous winners in this area include Yankton, S. Dak., in 1957 and Omaha in 1958.

The all-America city flag will be raised over city hall here during a ceremony at 10 a.m. today. The flag was to be brought to Sioux City by plane earlier today.

An integral part in Sioux City's successful presentation in Miami Beach was testimony concerning a new community spirit of determination and optimism during the last 9 years which replaced what spokesmen for the city termed a previous attitude of defeatism.

Sioux City's case was prepared by a 14-member all-America city committee formed last August and headed by Mrs. Robert B. Howe as chairman.

Mrs. Howe led a delegation of 12 committee members and other officials who went to Miami Beach in December to present the case to a jury of 12 nationally prominent persons, headed by George H. Gallup as foreman. Mr. Gallup is chairman of the National Municipal League and director of the American Institute of Public Opinion. One of 80 contestants in this year's competition, Sioux City submitted its written entry last September, was notified in October that it was one of the 22 finalists.

In its report on 9 years of community progress, the Sioux City delegation at Miami Beach cited the adoption of the council-manager form of government here in 1953 as the event that sparked the new community spirit.

The new form of government, adopted by a referendum election, came "hard on the heels of a shocking scandal at city hall, including the indictment and conviction of three councilmen," Mrs. Howe told the jurors.

The new spirit was further strengthened in 1956 by a unique and original experiment in adult education called the Sioux City study, the all-America city jury was told.

In that project, a total of 617 Sioux Cityans, divided into 27 separate discussion groups, met in 10 weekly sessions throughout the city to pinpoint and discuss the problems of the community.

Identification of problems by these citizens caused a chain reaction of concrete achievements by dozens of independent groups working to solve the problems, it was reported.

The major achievements were outlined in an oral presentation by Mrs. Howe and two other Sioux Cityans, Dr. J. Richard Palmer, president of Morningside College, and Warren Kane, former president of chamber of commerce here.

Mr. Kane cited progress made on three costly, simultaneous projects, Floyd River flood control, urban renewal and a sewage disposal plant.

After a series of 62 floods in 90 years, Sioux City was severely crippled by the 1953 Floyd River flood, which took 14 lives and caused $23 million in damages in an area where firms employing 50 percent of the city's work force are situated, Mr. Kane reported.

"To prevent forever another rampage by the Floyd, the river's channel into the Missouri is now being relocated at a cost of $18 million, 42 percent locally financed," he said.

"A citizen flood control committee performed a vital role in this Federal-city project. A citizen housing relocation committee, the industrial development council and the chamber of commerce have facilitated the relocation of 82 families, 15 industries and 7 railroads affected.

"Concurrent with that relocation is Sioux City's $4,200,000 urban renewal program now underway in a large blighted housing area. This project and an up-to-date housing code have been promoted by a citizen urban renewal advisory committee and the housing subcommittee of the council of community services.

"Construction began in June 1961, on a $7,500,000 sewage treatement plant and interceptor sewer project to help end Missouri River pollution. One such project would be a major undertaking. Few cities are attempting all three at the same time."

In 1954, Mr. Kane said, the Cudahy packing plant, employing 1,700 persons, permanently closed its doors and 34 smaller Sioux City businesses folded.

FORM COUNCIL

"That year, 15 businessmen formed the industrial development council to promote job opportunities and industrial sites. The 90-acre Tri-View industrial district was purchased and developed to provide desirable sites at reasonable cost. In the 7 years since then, 55 new or expanded industries have located in Sioux City, including 5 new, independent, locally owned packingplants whose combined volume is greater than that of the big plant we lost.

"As a result of citizen committees working with State and local bodies, all major highways entering Sioux City have been modernized to meet present-day traffic demands. Much work has been done on river transportation with the projection of a 6-foot channel for barge line service on the Missouri River by 1963.

"Installation of 605 modern mercury-vapor lights downtown, the inauguation of one-way traffic on eight major streets and a gigantic 'out-of-the-mud' paving program—all resulting from vigorous citizen promotion—have given Sioux City a new look."

Dr. Palmer outlined achievements in the field of health. "In 1952," he said, "the worst polio epidemic in the country took 53 lives and caused 923 cases in Sioux City hospitals, of which 21 deaths, and 278 cases were Sioux City residents. To meet the need of those left crippled, citizens voluntarily contributed $238,000 to build the Siouxland Rehabilitation Center, today serving all types of physically handicapped. It treated 681 patients last year.

"The New Hope Center for trainable backward children was established in 1955. Operated by the Siouxland Association for Retarded Children, this undertaking is supported entirely by public subscription and now cares for 32 children.

"Sioux City's newest venture in the field of health is a national pilot-program, Half-Way House. This is a residential home for the rehabilitation of the mentally ill who are in the half-way stage between the institution and the return to normal community life."

Sioux City's new community pride manifested itself in many other achievements, according to Dr. Palmer. Cultural achievements, he said, include formation of a nationally recognized, 60-member youth symphony orchestra; the Sioux City children's choir; the civic ballet company; acquisition of a new, larger home for the public museum; a modernized civic art center, and an annual United Nations folk festival.

Sioux City's internationally famous Shrine White Horse mounted patrol raised $25,000 in public subscription to appear at this season's East-West football game and the Tournament of Roses Parade in California.

Dr. Palmer summarized other achievements. "We have a youth employment service; five golden age clubs; and expanded Little League baseball program, and a new public golf course and recreation area now under construction.

"Thirty-nine State Department visitors from 22 foreign countries have been honored guests in our city under the auspices of the Mayor's Committee for International Visitors.

"The unique Peace Corps in reverse at Morningside College sponsors 17 African students and their families, who began a 3-year accelerated baccalaureate program last fall.

PASS BOND ISSUE

"Due to concentrated citizen effort, a $2,200,000 school bond issue was overwhelmingly passed after three previous defeats." (The presentation was made before this February's successful election for another $2,900,000 school bond issue.)

"Citizen subscription has made possible more than a score of new church buildings, five new college buildings, a new $1,300,000 YMCA, and the new Sunrise Manor home for the aged."

The all-America city committee was composed of Mrs. Howe, City Manager Conny Bodine, Oscar F. Broyer, Warren S. Kane, Bromleigh S. Lamb, Wiley E. Mayne, Adam Nashleanas, William F. Nutt, John F. Schmidt, Mrs. D. Carleton Shull, E. Harland Soper, Donald D. Sullivan, Elmer S. Swenson and T. M. Whicher.

Others in the Miami Beach delegation included Robert Sweany, manager of the chamber of commerce, and Fred Kelly, then city councilman. Those in the delegation not involved in the direct presentation were available to answer questions asked by the jury.

PROTECTING THE CONSUMER INTEREST

Mr. MILLER. Mr. President, on March 14, the President sent a message to the Congress on protecting the consumer interest, recommending strengthening of existing laws and asking for new legislative authority over food and drugs, packaging, manufacture of all-channel TV sets, monopolistic practices, and credit. The new legislation asked for is far reaching. Improvement in present laws is no doubt required, and new developments can be expected to pose new problems over which the Federal Government has a legitimate interest. However, as in the case of credit information, where a State such as my own—Iowa—has already taken action, it would appear unnecessary for the Federal Government to superimpose more laws and regulations upon already overburdened private business.

In this morning's Washington Post, there appeared a well-thought-through editorial on the antitrust phases of the President's recommendations, wisely pointing out that the cause of competition and of the consumer—and, I might add, private business—will be better served by better enforcement of present laws instead of further multiplying the laws through new legislation.

Also, Mr. President, in this morning's edition of the Wall Street Journal, the lead editorial points out how dangerous it is to rely upon the Federal Government for the answer to all of the problems relating to the consumer interest. Also in this morning's Wall Street Journal there appeared an article entitled "FTC Considers Giving Firms Advance Rulings Legally Binding Agency." The article points out one good way in which enforcement under present laws can be improved to protect consumer interests and also to give private businessmen more information which is necessary for them to have to comply with present laws.

I ask unanimous consent that the Washington Post editorial, the Wall Street Journal editorial and the Wall Street Journal article to which I have referred be printed in the RECORD at this point.

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

[From the Washington Post, Mar. 19, 1962]

NEW ANTITRUST POWERS

The consumer has a vital interest in antitrust enforcement, but it is far from certain that the new powers proposed in the President's consumer message will do him much good. The proposal requiring companies planning a merger to notify the Government in advance has the merit, at least, of making sure that the Government learns what is going on. The present method of searching the newspapers and scanning trade information is haphazard and undignified. But whether advance notification will greatly strengthen the Government's hand is uncertain. The enforcement agencies would not find it easy to build up much of a case during the necessarily brief time between notification and merger. If the parties involved want to get advice on whether their merger will be well received by the authorities, as the President's message suggests, they can obtain it today. Nevertheless, the proposal deserves to be weighed carefully.

The proposal to empower the Federal Trade Commission to issue temporary cease-and-desist orders against unfair competitive practices is of dubious merit. It would allow the Commission to impose upon an enterprise possibly substantial and costly modifications in practices before these practices had been thoroughly examined. After the proper procedures of the Commission had been fully complied with, including a hearing before an examiner, the order might have to be withdrawn. The temporary order is a device that must be used with caution. It should be available for cases involving public health and safety. But it would seem preferable to obtain the order from a court, instead of letting the Federal Trade Commission act as prosecutor and judge.

Ready availability of injunctions, moreover, reduces pressure upon the Commission to push definitive examination of the case to a speedy conclusion. The procedures of the Federal Trade Commission have not been expeditious at best. If the Commission could initiate these procedures with a cease-and-desist order, instead of ending up with one, temptation to procrastinate would mount. The regulatory process would be exposed to further attrition. The cause of competition and of the consumer will be better served by energetic use of existing powers than by multiplication of laws of uncertain effect.

[From the Wall Street Journal, Mar. 19, 1962]

A SMALL CHEER FOR THE CONSUMER

We certainly felt like cheering when we saw President Kennedy come out the other day for that most forgotten of men, the consumer.

As he so rightly said, consumers include us all. "They are the largest economic group in the economy, affecting and affected by almost every public and private economic decision. Two-thirds of all spending in the economy is by consumers. But they are the only important group in the economy who are not effectively organized, whose views are often not heard. The Federal Government has a special obligation to be alert to the consumer's needs and to advance the consumer's interests."

Yet, as we read on through the message, a growing sense of disappointment came over us. Somehow the remarks and the recommendations to Congress just didn't live up to the glowing promise of that opening plug.

Sure, some of the ideas sound fine. Everyone will welcome any further Federal cooperation with other groups to help make air and road travel safer.

And maybe all of us consumers need, as the President says we do, still more protection from our own productive drug industry. It is interesting to note, though, that U.S. drugs must already be among the most highly regulated in the world. In many other places you can buy without prescription drugs that require them here, and we haven't heard such foreigners complaining about health hazards. This situation might possibly have something to do with the high cost of American prescription drugs which the President noted, and with the high cost of medical care generally which his administration is so concerned about.

Then, when the President talks about helping the consumer by making it ever easier for anyone to buy a house, no matter what his financial condition, one can't help but wonder: Is that protecting the consumer or encouraging him to be foolish?

Also, when Mr. Kennedy indicates he wants to make it tougher for business firms to merge, we aren't sure that is necessarily a boon to consumers. Mergers can, after all, make business more competitive and efficient, to the consumer's advantage in price and quality. Anyway, you'd think the laws and regulations in this area are already oppressive enough.

And so on. But the glaring parts of the President's message are its omissions.

Surely all of us consumers, as consumers, are especially interested in prices, and they certainly are affected by what the President calls "public decisions" as well as private decisions.

The Federal farm program, which is so costly to the consumer as a taxpayer, also has been keeping prices high at the grocery store. The special monopoly powers of unions, sanctified in Federal law, help make possible the unreasonable wage increases and featherbedding that have boosted prices so much over the years.

Another large and obvious factor in prices is the inflation which the Federal Government has given us off and on for some decades now. Then there are all those taxes, which not only keep price levels lofty but at the same time reduce the consumer's purchasing power. Somehow it seems a message exclusively concerned with improving the lot of the consumer might have mentioned some of these rather basic facts of the consumer's life.

We aren't complaining, you understand. It was nice of the President to take notice of the consumers, and maybe someday he will have more stimulating thoughts about the Federal Government's obligations to all of us.

It's just that if we consumers are going to "organize effectively," as the President puts it, maybe we had better do it outside the Federal Government.

[From the Wall Street Journal, Mar. 19, 1962]

TRADE CORPS' TIPS—FTC CONSIDERS GIVING FIRMS ADVANCED RULINGS LEGALLY BINDING AGENCY—IT WOULD BAR LATER ACTIONS AGAINST AD, PRICING, LABEL POLICIES; MERGERS EXEMPT—MORE CORPORATE REPORTING?

(By William Beecher)

WASHINGTON.—The Federal Trade Commission, after a busy year of internal streamlining, is now turning its attention toward several innovations designed to improve its policing of the marketplace. One is sure to bring shouts of joy from businessmen.

This plan, if adopted, would enable companies to receive from the FTC clear and definite advance rulings on the legality of contemplated advertising, promotional, pricing, and labeling campaigns. Such advance opinions would be legally binding on the Commission, unless the law or the facts changed. Thus, the companies would be protected from subsequent attack by the antitrusters.

At present, the most a businessman can hope for in the way of an advance ruling from the FTC is an informal opinion from an agency attorney that a particular practice seems okay under the law. But this advice is not final. An advertising claim cleared by an FTC lawyer this month may be the target of a Commission complaint next month.

"BUSINESSMAN ENTITLED TO KNOW"

Operating under such uncertainty has rankled businessmen deeply. Now, their complaints seem to have attracted an important ally—the FTC's new Chairman, Rand Dixon. Says he: "This is what the Trade Commission was set up for: To remove as many areas of uncertainty as possible before

resorting to legal action. I think the businessman is entitled to know what the law is."

Details of the program still must be worked out by the FTC staff before it is brought to a vote of the full five-man Commission. This could be several months away, but a poll of Commission members indicates majority support for the idea.

When the new procedure is officially approved, it probably will cover a wide spectrum of the laws and regulations under FTC jurisdiction. Certainly, it seems sure to embrace advertising claims made for products, promotional arrangements between manufacturers and retailers, all sorts of pricing practices, and the labeling of textile and fur products.

However, the antitrust facet that probably won't benefit from the innovation is corporate mergers. Unlike many of the other laws it administers, the FTC shares responsibility in this area with the Justice Department. So, to make antitrust procedure uniform, any revision of the advance clearance technique by FTC would have to be adopted by the Government's other antitrust arm, too.

WAITING ON MERGER IMPACT

No approach has been made to the Justice Department mainly because the FTC is not at all sure it will ever want to tie its hands on corporate mergers by granting advance approval. Informal opinions now are given by both the FTC and the Justice Department at the request of marriage-minded companies. But, as one top FTC official explains, the difficulty in issuing binding opinions on mergers is that frequently only after a consolidatin has occurred is enough information available on which to assess the competitive impact.

"Often you have to wait awhile to see what actually happens," this official explains. "If we went ahead and blessed a merger only to have it result in serious, unanticipated anticompetitive effects, our faces would certainly be red. And more important, the public interest might suffer because we tied our hands in advance."

While the new advance clearance program—despite the exclusion of mergers—undoubtedly will be greeted warmly by the business community, other innovations being considered by the FTC are likely to receive a more mixed reaction. The others:

A requirement that major corporations under the agency's jurisdiction, thought to number upwards of 8,000, file comprehensive annual financial reports. These would detail such data as the number of acquisitions made in the preceding 12 months, the establishment of new corporate divisions and other expansions, sales volume and promotional policies.

PROBE OF JOINT VENTURES

A probing economic study, hinted at a few days ago by Mr. Dixon, of what is suspected to be a growing inclination on the part of American firms to enter into joint business ventures with competitors, both at home and abroad. Generally, such joint operations are set up to provide the huge amounts of capital needed to exploit raw material sources, to underwrite vast research programs, and to minimize the risks involved in moving into new industrial development.

A new technique of issuing industrywide rules against unfair or deceptive practices which the FTC considers prevalent. Such blanket regulations would be drawn up after consultation with the affected industry, and violators would face stern legal action.

While all these innovations would have an important impact on business, the binding advance clearance would be the boldest change.

More than one Commissioner, in privately discussing the contemplated new procedure, emphasized the view that this wiping away of uncertainty was what President Wilson had in mind in 1914 when he urged the creation of the FTC.

"Nothing hampers business like uncertainty," Mr. Wilson said then. "Nothing daunts or discourages it like the necessity to take chances to run the risk of falling under the condemnatior of the law before it can make sure just what the law is."

Commissioners also hark back to the agency's beginnings in talking about the possible plan to require major corporations to file complete financial reports annually. They contend that Congress, in establishing the FTC, wanted the agency to become an expert on the economy with a vast storehouse of information on the workings of industry.

LEGAL, NOT ECONOMIC APPROACH

In practice, however, the FTC has tended to develop information in prosecuting cases against individual firms rather than by gathering and analyzing data from all important sectors of the economy. Thus, the approach has been legal, not economic. An indication: Out of a staff of nearly 1,000, the FTC has only about 30 economists.

Chairman Dixon complains vehemently about the lack of statistical information in Government. He notes that many private outfits compile more and better economic data. "This is a disgrace," he declares, "especially since this agency not only has the right but the duty to get this sort of basic data."

Mr. Dixon is prepared to meet any accusation that such expanded statistic-gathering may be a coverup for ferreting out illegalities. While it is undoubtedly true that the FTC would move against any irregularities uncovered. Mr. Dixon insists that "in my opinion this could not be called witch hunting."

Other Commissioners, while supporting the idea of annual corporate reporting to the FTC, caution that the Commission should be careful not to burden industry with such an immense reporting chore that the public good would be outweighed by the hardships on the corporate community.

In antitrust, the separation of economic from legal considerations is difficult at best. Take the contemplated study of joint corporate ventures, for example. According to present FTC thinking, this would be designed initially as an economic inquiry to provide a broad-gage view of the frequency and reasons for this development.

MORE THAN ACADEMIC INTEREST

But Mr. Dixon implies that the FTC's interest is stirred by more than the academic. He recently likened the formation of a jointly owned enterprise by two large competitors to "the old 'trust' technique in modern dress." The hint was clear: The FTC wants to find out whether corporations use the joint venture, which seldom undergoes antitrust challenge, to avoid legal troubles.

In particular, Mr. Dixon mentioned the growth of joint ventures in the steel, petrochemical, explosives, petroleum and chemical industries. And he said joint ventures in the glass industry have reached a stage of development perhaps unequaled in any other American industry of similar size.

As for industrywide rulemaking, the most active proponent is Commissioner Everett E. MacIntyre. He complains that a case-by-case approach is too time consuming. By calling in representatives of an entire industry and fashioning a set of rules to apply to all, he believes that companies would have a better understanding of the law and would be more likely to comply. Other Commissioners, going even further, suggest that the agency generalize the knowledge developed in particular cases to form rules cutting across industry lines.

These contemplated innovations represent a change of emphasis at the FTC. When the Democrats took over a year ago, their first concern was to break the logjam of pending work. At that time there were 2,519 pending investigations, about an 18-month backlog. Also, the agency's trial machinery was clogged with hundreds of cases that would take an estimated 2 years or more to litigate.

The Commission immediately launched a top-to-bottom reorganization. Out of this a variety of reforms developed. One example: Three enforcement bureaus were set up, and attorneys were given responsibility to stay with cases from beginning to end. Previously, one bureau might investigate a case in the field; its recommendations might bounce back and forth among offices in Washington headquarters; and finally the case would come to rest in the trial bureau. Thus, the attorney who tried the case might have a legal theory quite different from the agent who investigated it; ofttimes, this required a reinvestigation.

NUCLEAR TESTING

Mr. MILLER. Mr. President, in the March 6 issue of the Washington Post there appeared an article by Mr. Walter Lippmann on nuclear testing. Mr. Lippmann made, I believe, a very penetrating analysis of the problems facing the United States, and, indeed, the world, with respect to nuclear test bans and control over nuclear armaments, with regard to which we are presently engaged at Geneva in trying to work out some agreements.

Mr. Lippmann comes to the conclusion that any suitable solution will have to be worked out in the future. Indeed, Mr. Lippmann suggests just about two possible ultimate solutions to this perplexing problem which confronts us in the nuclear arms race. One is that he conceives that sonetime in the future there will be a diplomatic breakthrough, as he calls it, through which we would stabilize Germany and the whole of Europe. However, he does not see that this eventuality is in sight.

The other possibility is that he envisions a workable equality might be brought about if each side were able to construct an invulnerable retaliatory or second strike force, one which would survive any kind of preemptive attack.

For a long time I have been pointing out that the last alternative suggested by Mr. Lippmann is one reason why we have to step up our armament program so that we can provide an invulnerable retaliatory or second strike force.

It may seem somewhat anomalous for us to try to secure disarmament by increased armament, but Mr. Lippmann's alternative points out why this is necessary.

Mr. President, I ask unanimous consent that Mr. Lippmann's article be printed at this point in the RECORD.

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

ON NUCLEAR TESTING

(By Walter Lippmann)

Since the middle fifties we have all supposed, and this included the Soviets, that the easiest and simplest of the steps toward better relations would be a treaty to ban nuclear testing. This is no longer the case. On the contrary, it must now be said that on a test ban the deadlock is complete, and that without some kind of scientific or diplomatic breakthrough the issue is not at present negotiable.

This is a bitter conclusion to have to come to. But the controversy has evolved to the point where a treaty is possible only if one side is willing to concede nuclear superiority to the other and to accept nuclear inferiority for itself. If the Soviet Union would agree to the treaty we are demanding, it would have to accept as permanent, enforced by inspection, the existing American superiority in nuclear power. The Soviet Union would have to give up the attempt to overtake us.

And if we were to accept the kind of treaty the Soviet Union is proposing, we would have to accept the risk that they could prepare in secret to overtake us while we could not prepare to keep ahead of them.

The deadlock has developed over the fact that neither of the two Governments will trust the other with nuclear superiority; neither believes it can be secure unless it has nuclear superiority. There is no prospect of a treaty because each side feels compelled to ask the impossible of the other.

As it is impossible for both sides to be superior, a treaty would be negotiable only if there were an equality which both sides believed was real and lasting. We are a long way from that theoretical situation. The nuclear art is young and new and this development is as yet not only unrealized but not predictable.

At bottom this is why the Soviet Union has not only done its series of tests but is rejecting the very idea of the kind of treaty that we would like to have. Without testing, the Soviet Union cannot expect to overtake the United States, and with testing it might be able to gain a decisive lead over the United States at least for a time.

We, for our part, will not accept the risk of being overtaken, and we are asking for a treaty which will in fact freeze the nuclear art where it is today. We are asking that the Soviet Union should not test while we have the lead, and that it should not be able to prepare to test in the future. The Soviet Union, for its part, is asking us not to test any more and is asking us to allow our scientists and technicians to work without being allowed to test their work by experimentation.

In the nuclear race the stakes are so high that both sides are convinced that they must win the race. There may have been a moment in 1958—we cannot know for sure—when Mr. Khrushchev was strong enough politically to agree to a treaty with some inspection which would in fact accept American nuclear superiority. That moment, if it ever existed, passed and since the spring of 1960, since the U–2 revealed the effectiveness of our knowledge of Soviet bases, the Soviet Government has wanted no treaty and has devoted itself to preparing to overcome our nuclear lead.

The President's decision to resume testing is intended to prevent the Soviet Union from getting the lead, and it is based on the conviction—which is also the Soviet's conviction—that there can be no security without supremacy. While those convictions exist, there can be no nuclear test ban treaty.

Thus the race goes on, and we ask ourselves whether it can ever be brought to an end. To answer that question, we must enter the field of speculation.

If we say that the race will end and there is nuclear equality which both sides can accept, then it may be that this condition would exist if both sides invented and discovered an effective antimissile defense. The prevailing scientific opinion is that this is improbable if not impossible, and it would, of course, be a spectacular breakthrough. A workable equality might also prevail if each side were able to construct an invulnerable retaliatory, or second strike force, one which would survive any kind of preemptive attack.

It is also conceivable that sometime in the future there will be a diplomatic breakthrough which would stabilize Germany and the whole of Europe to the Urals and beyond. Nothing like that is now in sight, but it would be a mistake to say that it is inconceivable. We know from history that ideological and religious wars usually end not in victory and defeat but in stalemate and deflation and disintoxication, and that could happen again.

Mr. STENNIS. Mr. President, under the same conditions, I yield to the Senator from New Mexico [Mr. ANDERSON] and distinguished senior Senator from Minnesota [Mr. HUMPHREY].

HEALTH SECURITY FOR THE AGED

Mr. ANDERSON. Mr. President, each day that the debate over how to finance health security for the aged continues, 3,000 more Americans become 65 years old. That, of course, is the age at which 14¼ million persons would be eligible for benefits under the King-Anderson bill. Each day that action on this proposal is delayed makes the problem all the more critical. Time will not be the great healer in this case.

The New York Times has been a continuing advocate of the social security approach to the financing of health care for the aged. I ask unanimous consent that an editorial entitled "Illness Won't Wait," published in the New York Times of March 16, 1962, be printed at this point in the RECORD.

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

ILLNESS WON'T WAIT

Millions of elderly men and women will share President Kennedy's hope for a congressional vote this year on his proposal for medical care for the aged under the social security system. The one big bar to realization of their hope is the unwillingness of the House Ways and Means Committee to end its blockade of a measure designed to plug a gaping chink in the structure of self-financed social insurance the country erected a quarter-century ago.

Despite the American Medical Association's efforts to invest the Kennedy plan with some tinge of socialized medicine, the program would not interfere in any manner with the individual's free choice of physician, nurse, or hospital. Nor would it give the Government any voice in determining the kind of treatment to be provided. Its sole purpose is to help pay hospital and nursing home bills through established insurance methods without the humiliating requirement of a means test. Since elderly people go to hospitals more often, and stay longer, and have less current income on which to rely, than most of the rest of us, the desirability of such a program should require little argument.

The President's determination to take his case to the people may help get the bill out of committee. Some signs of life from the somnolent Democratic leadership in the House might help even more.

EXPORT TRADE

Mr. HUMPHREY. Mr. President, the other body is now, in committee, giving consideration to the President's foreign trade program, which I consider to be one of the most important items of proposed legislation before Congress. Surely it is a basic part of the program of national security and deserves the prompt consideration of both Houses of Congress.

I noticed in the Minneapolis Morning Tribune of February 28, 1962, an article entitled "State Farm Exports Top $163 Million." The article refers to the exports from the State of Minnesota, particularly agricultural exports. It states that Minnesota farmers supplied the U.S. export market with products worth $163,700,000 in 1960 and 1961. The main products sent overseas were soybeans, corn, and livestock products.

Minnesota ranked ninth in the Nation in the amount of exports.

Mr. President, I ask unanimous consent that the article to which I have referred be printed in its entirety at this point in the RECORD.

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

STATE FARM EXPORTS TOP $163 MILLION

Minnesota's farmers supplied the U.S. export market with products worth $163.7 million in 1960–61.

Main products sent overseas were soybeans, corn and livestock products, according to a survey made by the U.S. Department of Agriculture.

Minnesota ranked ninth in the Nation in amount of exports. The two States with the largest share of agricultural exports were California with $477.5 million and Texas with $446.5 million.

Minnesota received $59,800,000 in agricultural imports from other countries. Much of these are noncompetitive items like coffee, tea, cocoa, spices and bananas.

"Through foreign markets, Minnesota farms and foreign trade are brought closer together," said Luther Pickrel, University of Minnesota extension economist in public affairs.

"Foreign markets give farmers in the State a far better outlet and income than is possible from the home market alone," he added. "But every Minnesota farmer must keep his eyes on events affecting foreign markets because they have a real dollars-and-cents meaning to his income."

Agricultural exports, which make up about one-fourth of all U.S. exports, reached a record of nearly $5 billion in 1960–61. Exports for dollars amounted to $3.2 billion. Of this $1.3 billion in sales received some Government subsidy.

Among the biggest dollar customers for agricultural products were the United Kingdom and the six Common Market countries of Western Europe.

Other upper Midwest States also shared in the export market. North Dakota sent $111.7 million worth of wheat and livestock products; South Dakota farmers supplied $46.4 million worth of wheat, corn and livestock products; Wisconsin exported $64.3 million worth of corn, tobacco and dairy products; and Montana sent $67.9 million in wheat and livestock products.

Mr. HUMPHREY. Mr. President, I call the attention of the Senate to the fact that a Midwestern State which seems quite a long distance from our seaports, where, of course, the export trade flows, is one of the leading States in the Union in terms of export business. Minnesota has a great interest in the adoption and the passage of the President's foreign-trade program. Its interest is not only because of the value of her agricultural commodities which

are exported, but also because of the machine tools, electronic products, chemicals, medical and pharmaceutical supplies, and a host of other commodities which are manufactured, processed, or grown in Minnesota. Of course, I believe every State in the Union can demonstrate this kind of activity.

I have heard many persons say that the United States has priced itself out of the export market. That is the biggest bag of nonsense that has ever been perpetrated upon the public. That is hoax No. 1. A country that exports products valued at more than $20 billion a year has not priced itself out of the export market. No country on the face of the earth can run even a close second to the United States in export business. Our export trade can be expanded by more hard selling on the part of American business. It can be expanded by equipping the President with the Executive authority to negotiate across-the-board tariff reductions. It can be expanded when the people of the United States—the producers, the distributors, the workers, the farmers—become more export minded.

But I wish to set at rest, once for all, the myth that has spread across the land that the United States, in its industrial and agricultural production, has priced itself out of the market. I repeat: A country that does $20 billion worth of business a year in export trade has not priced itself out of the market. The prices of commodities are not related merely to wages; they are related also to the availability of credit; and in the United States, the availability of credit is the greatest in the world. The rates of interest are low. The price of the commodity is related not only to the cost per hour of the worker, but also, more important, to the unit cost of production, the capability of the industrial plant, and the unit cost of the commodity. The price of the commodity is related to the cost of energy; that is, the electrical power, for example, which might be used in the manufacture of a particular product. Fortunately, with its tremendous electrical power production, both by private and public means, the cost of electrical energy in the United States is the lowest in the world.

I suggest that we have many assets in the field of export trade. The trouble is that some persons, in their effort to frighten the American public with respect to wages, have tried to tell the people that we have priced ourselves out of the market. To be sure, on some commodities we may be a high-priced producer. Therefore, what we must do is to find those areas of competition where we can produce quality goods in quantity at the most reasonable price. Again, everyone does not buy cheap. Price is not the only factor. Sometimes people buy quality, and they are generally better off when they do so. One can go downtown and buy a toothbrush for 10 cents, but he cannot brush his teeth with it very well. He may buy a good brush for half a dollar or more. The question is, Is it economy to buy a 10-cent item, or is it economy to buy a $1 item? I think that is a personal judgment as to which the facts will indicate that sometimes a quality item, even at a higher price, is economy.

The purpose of my remarks is to show that the United States is not merely a domestic consumption market. We have a great interest in world trade from the economic point of view if we can compete in those markets—and we are competing.

The United States does more business than any other country in the world in the export field. Furthermore, the expansion of our foreign trade is vital to our national security.

I am happy that the State which I am privileged to represent, in part, in the Senate ranks ninth among the States of the Union in the field of export trade. Minnesota has a great interest in such trade. The St. Lawrence Seaway makes Duluth, Minn., one of the great ports of the Nation. It is one of the largest ports; in fact, it is the second or third largest port in the Nation. This indicates the vital interest which the people of Minnesota and the people of the Midwest as a whole have in the field of export commerce. When our Government equips itself to provide the credit and credit guarantees for the export business which we ought to have, I think we will do even better.

I intended to address the Senate later on the subject of export credit guarantees. I know the Government has such a program underway now through the Export-Import Bank. That program is totally inadequate. It reveals a provincial attitude toward export trade. It reveals what I call international mental retardation in the field of foreign trade. It does not even come close to matching what is being done by our Common Market friends in Western Europe. It has made no headlines. Of course, we are doing something; but if we are really to compete in the world markets—and we can—it will be necessary for us to expand our export trade by 50 percent by moving aggressively into those markets. However, if we expect to do that, we are going to have to have export guarantees worthy of the greatest industrial and financial nation in the world. The export guarantees we have today would not finance a small seed catalog company much less the United States of America. We must have a program related to the financial and industrial business of the country. We have been moving on a cash-and-carry basis. We have been going on the idea that if one buys something, he must pay for it when it is delivered. That is a pretty good idea if one has the cash; but most of the great companies of America have been built on credit. I should hate to think of what would happen to the housing industry of the United States without mortgage guarantees. I should hate to think what would happen to the automobile industry without long-term credit, of the kind of credit which makes available the purchase of large numbers of automobiles. In the United States, a longer term of credit is extended to the purchaser of an automobile than is extended to the purchaser of American exports abroad.

Mr. President, I suggest that it is important that this subject be considered carefully. I hope that the appropriate committees of Congress are doing that. Sometime ago I recommended—and I am asking for action on it—the establishment of a joint committee on export trade. That is the primary business in the United States.

I know that we have a Committee on Finance; that we have a Committee on Commerce; that we have a Committee on Foreign Relations; that all of them are interested in the export trade. But it frequently happens that everybody's business is nobody's business. It becomes monkey business. However, it should become congressional business rather than monkey business. Congress needs a joint committee on export trade, if for no other reason than to keep a watchful eye on the foreign trade program and to keep a watchful eye on developments in the Common Market and the Sino-Soviet bloc economic penetration into the world markets.

I think these matters are of top priority, and should receive continuing cooperation by Congress, rather than to have sporadic consideration given these matters.

I also ask unanimous consent to have printed in the RECORD an editorial entitled "The New Tariff Battle," which was published in the New York Times.

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

THE NEW TARIFF BATTLE

When the foreign ministers of the United States, Britain, and Soviet Russia meet in Geneva Monday an equally decisive battle bearing on the same problem will open in congressional hearings in Washington. This battle will be over President Kennedy's program to liberalize trade as an economic basis for a true Atlantic community and a wider free world community to stand against the Communist challenge.

In preparation for this battle, that is likely to become the greatest tariff debate since Smoot and Hawley, the administration has made two moves to give added impetus to the program. President Kennedy has issued a new appeal, asking support in what he calls one of the most vital issues facing the country. At the same time the White House published the terms of broad tariff-cutting agreements with 24 other countries to show, as the President said, that the advantages of trade liberalization far outweigh any disadvantages.

These agreements, signed in Geneva yesterday after the largest and most complex negotiations in the 28-year history of the Trade Agreements Act, provide for mutual tariff cuts to 20 percent and in some cases up to 26 percent on billions of dollars worth of trade. According to White House calculations, the United States has gained an advantage of 4 to 3. The most important of these agreements was signed with the European Economic Community, or Common Market, not only the fastest growing economic unit in the world but also a solid basis for a political unification that may soon embrace most of free Europe.

In concluding these agreements, started under President Eisenhower, the United States has exhausted all the tariff-cutting powers under the Reciprocal Trade Act that expires this year. But, since the European Economic Community is changing the world's economic and trading patterns, further steps are necessary to expand world trade and to safeguard and expand our own markets abroad. For this reason President

Kennedy urges Congress to give him a bold new instrument of American trade policy.

No doubt the congressional battle will be affected by the immediate impact of the new tariff cuts on some industries and localities, but on balance the argument is in favor of the new program. It is, indeed, necessary to safeguard our own economic health and freedom.

THE GENEVA DISARMAMENT CONFERENCE

Mr. HUMPHREY. Mr. President, I wish to refer at this time to the Geneva Disarmament Conference. This Conference has attracted the attention of the world, and of course, the Conference now has the close attention of the President of the United States, the Secretary of State, and other of our high officials.

Mr. President, I wish to submit for the RECORD a number of documents from the New York Times which are certain to be of intense contemporary and historical interest. Since the CONGRESSIONAL RECORD is a prime repository of historical knowledge, it is only fitting that these documents be recorded in accessible and readable form.

In the addresses of Secretary of State Rusk and Soviet Foreign Minister Gromyko, Mr. President, the world can see the full outlines of the disarmament plans proposed by the two greatest powers in the world. As presented, they do not inspire me, at least, with optimism that a solution to the arms race is at hand. A comparison of the two plans indicates that the United States and the Soviet Union are as far apart as ever on such issues as verification of arms control measures, an internationally controlled nuclear test ban, and the mechanics of supervising disarmament. There has been no progress on force levels, the elimination of missiles and bases, and a permanent United Nations international police force.

Despite this impasse, Mr. Max Frankel of the New York Times—a seasoned and responsible reporter—notes some flexibility in the United States and Soviet positions as regards inspection. This, of course, is the major obstacle to any kind of disarmament agreement, and the least evidence of mutual accommodation is welcome news.

However, let me say that the position of the United States at the Geneva talks relating to the necessity of international inspection must be considered to be an absolute minimum requirement of any disarmament agreement. Any other kind of agreement which might be submitted in the form of a treaty to the Senate would not have a chance of approval by the Senate, because I do not think any Member of the Senate would vote for a disarmament agreement which did not lend itself to some form of objective, impartial verification of the arms control measures, the measures which provide for reduction of arms or for prohibition of nuclear testing.

So the talk about inspection by each nation of its own disarmament steps is only talk, and does not relate to anything which would be acceptable.

Certainly the fact that the disarmament conference has managed to avoid invective and needless propaganda is in itself an encouraging sign. It is far better than the atmosphere of recrimination with which the last disarmament conference, in June 1960, broke up. Then the breakup was clearly the work of the Soviet Union, which in turn was still smarting under the U–2 incident. Today, the irritants are present, but not to such a degree as before. As Secretary Rusk and Lord Home made clear to Mr. Gromyko, the dangerous meddling with the air corridors in Berlin certainly could not bring disarmament or any other kind of agreement any nearer. We can only hope that this lesson has been learned. Another failure to speak a common language on disarmament would be a terrible letdown for the world.

Mr. President, I hold in my hand a brief summary entitled "Arms Plans Compared"; also an article to which I have referred entitled "United States and Soviet Arms Plans Differ on Inspection, Sequence, and Policing"—an article written by Max Frankel and published in the New York Times of March 16; and excerpts from two addresses—one by Secretary of State Rusk, and the other by Mr. Gromyko. I ask unanimous consent that these matters be printed at this point in the RECORD.

There being no objection, the summary, the article, and the excerpts from the addresses were ordered to be printed in the RECORD, as follows:

ARMS PLANS COMPARED

GENEVA, March 15.—Following are the basic differences between the three-stage United States and Soviet disarmament proposals:

VERIFICATION

The United States calls for verification of arms destruction measures and troop cuts in each stage and of Armed Forces and armaments retained. The Soviet Union refuses to permit verification of what is retained.

NUCLEAR TEST BAN

The United States wants an internationally controlled nuclear test ban in the first stage. The Soviet Union proposes an uncontrolled moratorium on underground nuclear explosions until a control system is agreed on, and a ban on other tests checked only by national detection systems.

INTERNATIONAL DISARMAMENT ORGANIZATION

The United States wants one administrator, operating subject to policies set by a multination commission. He would supervise and enforce disarmament agreements. The Russians want a multinational executive council with Communist, nonaligned and Western representatives empowered to establish facts and take decisions by a two-thirds majority. Under the Soviet plan, action on the "facts" could be taken only by the veto-bound United Nations Security Council.

FORCE LEVELS

The American plan calls for United States and Soviet Armed Forces to be limited in the first stage to 2,100,000 men and all other military significant states reduced to appropriate levels not exceeding 2,100,000. The Soviet plan provides for reducing United States and Soviet forces to 1,700,000 in the first stage and other nations' forces to fixed levels. Both plans call for further troop reductions to a final point where each nation would retain only enough forces to maintain internal order.

DELIVERY VEHICLES

The U.S. plan provides for the discard of 30 percent of each nation's nuclear delivery vehicles (rockets etc.) in the first stage. The Russians want to abolish all delivery vehicles and bases from which they would operate in the first stage.

FISSIONABLE MATERIALS

The United States calls for a complete cutoff of production of fissionable materials for weapons purposes in the first stage. The Soviet Union favors the cessation of nuclear weapons manufacture and the elimination of nuclear stockpiles in the second stage.

INTERNATIONAL FORCE

The U.S. plan calls for establishment of a permanent international peace force within the United Nations in the second stage. The Soviet plan does not provide for an international force, but proposes earmarking national police units for United Nations Security Council use in stage 3.

[From the New York Times, Mar. 16, 1962]

UNITED STATES AND SOVIET ARMS PLANS DIFFER ON INSPECTION, SEQUENCE, AND POLICING

(By Max Frankel)

GENEVA, March 15.—In the official U.S. view the 17-nation Disarmament Conference is off to a properly sedate beginning without name calling or imputing of motives, and the work, therefore, can proceed.

There are dozens of differences between the Soviet and Western plans for general and complete disarmament, which were submitted today. Three major differences stand out.

Secretary of State Dean Rusk repeated the Western view that disarmament is possible only if it is accompanied by the establishment of reliable procedures for the peaceful settlement of disputes and by the formation of a United Nations peace force to cope with breaches of the peace.

Foreign Minister Andrei A. Gromyko, on the other hand, restated the Communist world's refusal to surrender powers of judgment and action to independent international agencies.

GROMYKO DEMANDS TROIKA

He foresaw little need of police action in a disarmed world. In any case, he said, the Soviet Union would consent only to an international force that was formed when needed from national units, subject to the veto of the major powers in the United Nations Security Council and commanded by a general staff in which an East-West-neutral troika would have to agree on every move.

The U.S. plan would have disarmament proceed slowly for a testing of inspection procedures and the building of confidence.

Throughout a 9- to 12-year process, each side would retain a nuclear striking force. In the first stage, which alone would last 3 years, Mr. Rusk offered a partial discard of delivery vehicles without mentioning foreign bases as such.

The Soviet plan still envisions total disarmament in three stages totaling only 4 years. Mr. Gromyko denounced partial measures. In his proposed first stage anything capable of carrying or firing nuclear weapons would be destroyed and all military bases on foreign soils dismantled, with all troops recalled to their home territories.

FULL INSPECTION DEMANDED

The United States continued to insist not only on verification of specific disarmament measures but also upon inspection of the forces and weapons retained at any stage.

Mr. Rusk explained that such inspection would be designed to corroborate action only on those steps already called for by the treaty, not military installations in general. Anything less, he warned, might make any nation, large or small, the victim of the perfidy of others.

The Soviet plan, more plainly than ever before, insisted that during the disarming process there could be no inspection of forces

or weapons still retained. Mr. Gromyko said controls could be comprehensive and unrestricted only after total disarmament had been achieved.

The inspection issue has been the major obstacle to any kind of disarmament arrangement, and it was in this area that the two sides made faintly conciliatory moves today.

SAMPLING SYSTEM STUDIED

U.S. officials explained, for instance, that they were prepared to consider a 30-percent reduction of delivery vehicles without insisting on immediate inspection of the remaining 70 percent. They said they would take a chance on an unverified inventory at the start, as long as a thorough check of retained delivery vehicles and their production could be achieved at a later stage.

More importantly, Mr. Rusk indicated the United States was now ready for a formal discussion of spot-check inspection systems.

In deference to Soviet nervousness about inspectors running loose on Soviet soil, U.S. mathematicians and probability theorists have been working on sampling techniques that could be applied in limited regions of a country to test the accuracy of its claimed military inventories.

This research, using the techniques of bank auditors and public opinion surveys, has apparently borne fruit and Americans here think it may lead to a breakthrough. Soviet scientists have been intrigued by the idea, but their Government has not.

The Russians argued their views on inspection at length today. Mr. Gromyko's main point was that the nations had no accurate inspection today, so why demand it before disarmament was concluded.

MAJORITY RULE ACCEPTABLE

However, the Soviet diplomat offered some movement. While demanding that the inspection teams consist of representatives of the Western, Communist, and neutral countries, he said the Soviet Union was willing to have them work by majority rule instead of unanimity rule as long as factfinding was their duty.

An assessment of the facts and punishment for violations, he said, would have to be subject to the veto in the Security Council.

Thus the inspection question stood tonight as no greater obstacle than those of balancing disarmament at every stage and simultaneously creating a sense of world law and order for a disarmed world.

Mr. Rusk emphasized the last as the most important, in recognition of the Western view that without laws, courts, and policemen only fools would lay down their weapons.

[From the New York Times, Mar. 16, 1962]

EXCERPTS FROM ADDRESSES BY GROMYKO AND RUSK AT GENEVA ARMS CONFERENCE

ADDRESS BY RUSK

All of us will agree, I am sure, that this conference faces one of the most perplexing and urgent tasks on the agenda of man. In this endeavor, we welcome our association with delegates from countries which have not previously been intimately involved with earlier negotiations on disarmament.

The dreary history of such negotiations shows that we need their help and fresh points of view. The presence of these delegations reminds us, too, that arms races are not the exclusive concern of the great powers.

We are not here dealing solely with a single struggle in which a few large states are engaged, with the rest of the world as spectators. Every state has a contribution to make in establishing the conditions for general disarmament in its own way. Every state has a responsibility to strive for a reduction of tension, and of armaments, in its own neighborhood.

This means that each of us will bear personal responsibility for what we do here. Every speech and every act must move us toward our common objective. At the same time, every one of us brings to the search for disarmament a separate fund of experience relevant to our problem. The United States, for example, has established a major new agency of government to mobilize its skills and resources to seek out and study every useful approach to arms reduction.

What is needed is immediate reduction and eventual elimination of all the national armaments and armed forces required for making war. What is required most urgently is to stop the nuclear arms race.

Moment is critical

All of us recognize that this moment is critical. We are here because we share the conviction that the arms race is dangerous and that every tool of statecraft must be used to end it.

As the President stated on March 2, the United States is convinced that "in the long run, the only real security in this age of nuclear peril rests not in armaments but in disarmament."

Modern weapons have a quality new to history. A single thermonuclear weapon today can carry the explosive power of all weapons of the last war. In the last war they were delivered at 300 miles per hour; today they travel at almost 300 miles per minute. Economic costs skyrocket through sophistication of design and by accelerating rates of obsolescence.

Our objective, therefore, is clear enough. We must eliminate the instruments of destruction. We must create the conditions for a secure and peaceful world. In so doing, we can turn the momentum of science exclusively to peaceful purposes, and we can lift the burden of the arms race and thus increase our capacity to raise living standards everywhere.

A group of experts meeting at the United Nations has just issued an impressive report on the economic and social consequences of disarmament which should stimulate us in our work. The experts, drawn from countries with the most diverse political systems, were unanimously of the opinion that the problems of transition connected with disarmament could be solved to the benefit of all countries and that disarmament would lead to the improvement of world economic and social conditions.

They characterized the achievement of general and complete disarmament as an unqualified blessing to all mankind.

Vast unfinished work

This is the spirit in which we in the United States would deal with the economic readjustments required if we should achieve broad and deep cuts in the level of armaments. The United States is a nation with vast unfinished business.

Disarmament would permit us to get on with the job of building a better America and, through expanded economic development activities, of building a better world.

The great promise of man's capacity should not be frustrated by his inability to deal with war and implements of war. Man is an inventive being; surely we can turn our hands and minds at long last to the task of the political invention we need to repeal the law of the jungle. How can we move to such disarmament?

The fact that the story of the postwar period has forced increased defense efforts upon us is a most grievous disappointment. This disappointment teaches us that reduction of tensions must go hand in hand with real progress in disarmament. We must, I believe, simultaneously work at both.

On the one hand, it is idle to expect that we can move very far down the road toward disarmament if those who claim to want it do not seek, as well, to relax tensions and create conditions of trust. Confidence cannot be built on a footing of threats, polemics and disturbed relations.

On the other hand, by reducing and finally eliminating means of military intimidation, we might render our political crises less acutely dangerous and provide greater scope for their settlement by peaceful means.

I would be less than candid if I did not point out the harmful effect which deliberately stimulated crises can have on our work here. In the joint statement of agreed principles for disarmament negotiations published on September 20, 1961, the United States and Soviet Union affirmed that "to facilitate the attainment of general and complete disarmament in a peaceful world it is important that all states abide by existing international agreements, refrain from any actions which might aggravate international tensions, and that they seek settlement of all disputes by peaceful means."

Shadow cast by crises

Yet we are confronted by crises which inevitably cast their shadows into this meeting room.

The same can be said for the failure of our efforts, so hopefully begun, to conclude an effective agreement for ending nuclear weapon tests.

There is an obvious lesson to be drawn from these considerations. The lesson is that general and complete disarmament must be accompanied by the establishment of reliable procedures for the peaceful settlement of disputes and effective arrangements for the maintenance of peace in accordance with the principles of the United Nations Charter.

For the rule and spirit of law must prevail if the world is to be disarmed. As we make progress in this conference, we shall have to lay increasing stress on this point.

A disarmed world must be a law-abiding world in which a United Nations peace force can cope with international breaches of the peace.

Fortunately there is one sign which can give us hope that this conference will in good time lay the foundation stones for a world without war.

For the first time, a disarmament conference is beginning its activities within an agreed framework—the joint statement of agreed principles—which all our governments have welcomed, along with every other member of the United Nations. The United States considers the joint statement as its point of departure.

The U.S. program for general and complete disarmament in a peaceful world, introduced in the United Nations on September 25, 1961, was presented to give life to the agreed principles. It is comprehensive in its scope and in its description of the subjects suitable for action in the first and subsequent stage of the disarmament process. It is framed so as to avoid impairment of the security of any state. It aims at balanced and verified disarmament in successive stages.

Plan not immutable

It is not immutable, however. It is designed to serve as a basis for negotiation.

This conference also has before it another plan, presented by the Soviet Union. A comparison of the two plans will show some areas of agreement. We believe it is the task of the conference to search for broader areas of accord leading to specific steps which all can take with confidence.

At this meeting the United States wishes to put forward some suggestions and proposals regarding the course of our future activity. First as to objective and procedure; then as to a program of work for the conference.

We believe that the ultimate objective should be the working out in detail of a treaty or treaties putting into effect an agreed program for general and complete disarmament in a peaceful world.

To bring this about we propose that all of our delegations agree to continue our ef-

forts at this conference without interruptions, other than those we all agree to be desirable or necessary for our task, until a total program for general and complete disarmament has been achieved.

As for precedures, we propose that we find means of achieving maximum informality and flexibility. We do not believe that the best way to make progress is to concentrate our time and efforts in protracted or sterile debate.

Reduced schedule sought

Accordingly, the United States will propose that as soon as ample opportunity has been allowed for opening statements, the schedule of plenary meetings be reduced, so that issues and problems can be explored in informal meetings and in subcommittees more likely to produce agreement.

Let me turn now to proposals regarding the work for the conference.

The first proposal is that the conference work out and agree on an outline program of general and complete disarmament which can be included in the report due to the United Nations Disarmament Commission by June 1.

The United States believes that, to fulfill this first objective, the initial aim of the conference should be to consolidate and expand the areas of agreement and to reconcile the differences between the United States and Soviet disarmament plans.

As a first step toward filling in the details of such a program, the United States makes the following proposals:

I

We propose that a cut of 30 percent in nuclear delivery vehicles and major conventional armaments be included in the first stage of the disarmament program. We propose that strategic delivery vehicles be reduced not only in numbers but also in destructive capability.

We estimate that, given faithful cooperation, this reduction might be carried out in 3 years. Similar reductions can, we believe, be achieved in each of the later stages.

It is recognized, however, that, in the words of the agreed principles, "all measures of general and complete disarmament should be balanced so that at no stage of the implementation of the treaty could any state or group of states gain military advantage and that security is insured equally for all."

But agreement on such a reduction and the measures to carry it out would be a significant step forward. It would reverse the upward spiral of the arms race, replacing increases with decreases, and men could begin to gain freedom from the fear of mass destruction from such weapons.

II

The United States has proposed that early in the first stage further production of any fissionable material for nuclear weapons be stopped. We propose now that thereafter the United States and the U.S.S.R. each agree to transfer in the first stage 50,000 kilograms of weapons grade U^{235} to nonweapons purposes.

Such a move would cut at the heart of nuclear weapons production. The initial transfers should be followed by additional transfers in the subsequent stages of the disarmament program. Resources now devoted to military programs could then be employed for purposes of peace.

III

The United States proposes that the disarmament program also include early action on specific worldwide measures which will reduce the risk of war by accident, miscalculation, failure of communications or surprise attack. These are measures which can be worked out rapidly. They are bound to increase confidence. They will reduce the likelihood of war.

We will be prepared to present concrete proposals for action in the following areas:

(a) Advance notification of military movements, such as major transfers of forces, exercises and maneuvers, flights of aircraft, as well as firing of missiles.

(b) Establishment of observation posts at major ports, railway centers, motor highways, river crossings, and air bases to report on concentrations and movements of military forces.

(c) Establishment of aerial inspection areas and the use of mobile inspection teams to improve protection against surprise attack.

(d) Establishment of an international commission on measures to reduce the risk of war charged with the task of examining objectively the technical problems involved.

IV

The United States proposes that the participants in this conference undertake an urgent search for mutually acceptable methods of guaranteeing the fulfillment of obligations for arms reduction. We shall look with sympathy on any approach which shows promise of leading to progress without sacrificing safety.

We must not be diverted from this search by shop-worn efforts to equate verification with espionage. Such an abortive attempt misses the vital point in verification procedures. No government, large or small, could be expected to enter into disarmament arrangements under which their peoples might become victims of the perfidy of others.

In other affairs, accounting and auditing systems are customarily installed so that the question of confidence need not arise. Confidence grows out of knowledge; suspicion and fear are rooted in ignorance. This has been true since the beginning of time.

Let me make this point clear: The United States does not ask for inspection for inspection's sake. Inspection is for no purpose other than assurance that commitments are fulfilled. The United States will do what is necessary to assure others that it has fulfilled its commitments; we would find it difficult to understand why others cannot do the same.

Joint explorations

We are prepared jointly to explore various means through which this could be done. It might be possible in certain instances to use sampling techniques in which verification could take place in some predetermined fashion, perhaps in specific geographic areas, thus subjecting any violator of a disarmament agreement to a restraining risk of exposure, without maintaining constant surveillance everywhere.

The four proposals I have just described are new and realistic examples of the specific measures which we contemplated in the first stage of the U.S. plan of September 25. We can recall that that plan had other specific proposals:

That the Soviet Union and the United States reduce their force levels by many hundreds of thousands of men to a total of 2,100,000 for each.

That steps be taken to prevent states owning nuclear weapons from relinquishing control of such weapons to any nation not owning them.

That weapons capable of producing mass destruction should not be placed in orbit or stationed in outer space.

Finally we call for early action on a matter that should yield priority to none—the cessation of nuclear weapons tests. Here we stand at a turning point.

If a treaty cannot be signed, and signed quickly, to do away with nuclear weapon testing with appropriate arrangements for detection and verification, there will be further tests and the spiral of competition will continue upward.

But if we can reach such an agreement this development can be stopped, and stopped forever. This is why the United States and the United Kingdom have invited the Soviet Union to resume negotiations to ban all nuclear weapons tests under effective international controls.

I had expected that a number of delegates might express here their regrets that the U.S.S.R. and the United States had resumed nuclear testing. But I had supposed that there was one delegation—that of the Soviet Union—which could not have found it possible to criticize the United States for doing so.

The representative of the U.S.S.R. has spoken of the possible effect of U.S. weapons testing on this conference. The statement of agreed principles and this conference were born amid the echoing roars of more than 40 Soviet nuclear explosions. A 50-megaton bomb does not make the noise of a cooing dove.

The Soviet Union has spoken of its readiness to accept inspection of disarmament, though not of armament. We hope that they will agree that the total permanent elimination of nuclear testing is disarmament and that they will accept effective international controls within their own formula.

Let us not permit this conference, like its predecessors, to become frozen in deadlock at the start of its deliberations. Surely it need not do so. The obstacles to disarmament agreements—the forces tending to divide us into rival aggregations of power—might at long last begin to yield to the overriding and shared interest in survival, which alone can unite us for peace.

ADDRESS BY GROMYKO

Long before the rap of the chairman's gavel opened the meeting of our committee, the Soviet Government undertook efforts to guarantee the fruitful nature of the disarmament talks. It is precisely solicitude for the fruitful outcome of the talks that prompted the appeal of the head of government of the U.S.S.R., N. S. Khrushchev, to the leading statesmen of the member states of the 18-nation committee to start the work of the committee at the highest level with the participation of heads of government or state.

Now everybody recognizes the personal responsibility of the heads of government and state for the success of these talks and the necessity of the direct participation of the top statesmen in the work of the 18-nation Disarmament Committee. Of no less importance is the fact that the activities of the Disarmament Committee now are, so to say, in the focus of world public opinion. Those who like to speak about international control should be pleased: The work of the 18-nation committee will proceed under broad and exacting international control—under the control of the peoples.

To prevent the outbreak of another world war whose flames would devour whole countries—such are the hopes of the people. These hopes are justly connected with general and complete disarmament, which is a matter of common concern for all nations, all states, big and small. Therefore the Soviet Government expresses satisfaction at the fact that, in contrast to the past, this time the disarmament talks are attended not only by the states affiliated with the opposing military groups.

Favorable circumstances

The committee is starting its work at a time when there are some favorable circumstances. But they, of course, must not shroud in an optimistic haze the sinister clouds looming on the horizon. No one has the right to close his eyes to the fact that a rather sensitive blow has been dealt to the negotiations even before they started.

Everyone understands, of course, that the point in question is the decision of the U.S. Government to hold, beginning with the

second half of this April, a series of nuclear tests in the atmosphere. And no matter what arguments are adduced in their justification, the U.S. Government will be unable to shrug off responsibility for the consequences of this decision.

As already stated by the Soviet Government, if the United States and its allies add yet another series of nuclear tests to those they have already held to perfect their nuclear arms, the Soviet Union will be faced with the necessity to hold such tests of new types of its nuclear weapons as would be required in these conditions to strengthen its security and to safeguard peace.

The Soviet Government is still convinced that there is every necessary condition to end once and for all the tests of nuclear arms, if the United States, Britain, and also France show a sincere desire to do so, and will not steer toward the whipping up of the nuclear arms race. A decision to end nuclear tests both in the framework of general and complete disarmament and on the basis of a separate agreement, as proposed by the U.S.S.R. on November 28, 1961, is acceptable to the Soviet Union.

The duty of the governments, who turn an attentive ear to the voice of the peoples and strive to satisfy their aspirations, is to prevent the 18-nation committee from sharing the inglorious lot of its predecessors.

What should be the result of the committee's work to enable the governments participating in this committee to say with clear conscience that they have successfully coped with the task entrusted to them? Everyone who does not want to act against his conscience will give only one answer to this question: This work must lead to the conclusion of a treaty on general and complete disarmament.

Soviet offers draft

Guided by the desire to render these talks concrete and businesslike from the very outset, the Soviet Government submits for the committee's consideration a draft treaty on general and complete disarmament under strict international control.

As distinct from former drafts ever considered under the United Nations' roof, this document is a draft treaty that, article after article, item after item, sets forth the program for general and complete disarmament in a precise language of binding formulas. This document covers the entire process of disarmament from beginning to end.

Our draft treaty is based on the principles of general and complete disarmament agreed between the U.S.S.R. and United States and approved by the 16th session of the United Nations General Assembly.

At the same time it takes account of many remarks and wishes of other countries voiced by them in the past while discussing the proposed program of general and complete disarmament.

The draft treaty determines the measures fulfillment of which secures in a comparatively short period the liquidation of all the military machine of states—from rockets to rifles, from armies and divisions to the general staffs.

It envisages three clearly defined stages, each of which is full of concrete commitments of states as regards disarmament and control. The task of the stages is to secure consecutiveness and continuousness in the implementation of the entire program of disarmament and at the same time to create conditions for the transition of the economy of states to peaceful rails.

A look into future

The Soviet draft favorably differs from the other proposals in which, through declaring in general form the agreement to implement general and complete disarmament by stages, the plans of disarmament themselves, however, actually amount only to the remuneration of some, in their majority very vague, measures of the first stage. As to the measures of the other states, at best they are a hazy blueprint which no one can decipher, including the authors themselves.

The carrying out of first-stage measures, made up to the corresponding articles of the Soviet draft treaty, will practically do away with the danger of an attack inarms.

Imagine that we are not at the beginning of the 18 nations' committee work, but on the eve of the disarmament treaty going into force. Then all means of delivering nuclear weapons will have had disappeared from the face of the earth in less than 2 years, meaning that the weapon itself would be actually eliminated. There would be no combat missiles and missile planes, the launching grounds, racks and pads will have been destroyed.

The only rocket to soar up will be heralds of science. War planes, capable of carrying atomic and hydrogen bombs, would no longer buzz in the skies. They will have been demolished, too. It will have been safe on the seas also: the surface craft capable of carrying nuclear arms, as well as the submarines, will have been scrapped.

Only dots on the maps, compiled by general staffs before the conclusion of the general and complete disarmament treaty, will have remained from the foreign war bases now scattered in the territories of scores of countries, countries would be posted only at home and not in foreign territories, as is the case now with many countries. Moreover, the numerical strength of these forces will have been cut considerably, the Soviet and United States armed forces, for instance, having not more than 1,700,000 officers and men each.

The fulfillment of the measures of the second stage of disarmament, set out in the draft treaty, will secure the prohibition of nuclear and other types of weapons of mass destruction, with the liquidation of all stockpiles of them and ending their production. The threat of the breaking out of a thermonuclear war will be fully eliminated. The further substantial curtailment of armed forces of states will decrease the possibility of military conflicts in general.

Cut to 1 million men

I would like to draw attention to the fact that we propose at this stage to cut down the armed forces of the U.S.S.R. and the United States to 1 million men. This figure was named by the United States itself, and that is why the reaching of agreement must not cause difficulties.

After the completion of the liquidation of all armed forces and armaments and the military apparatus, that is in the third stage, as is envisaged by articles 31 to 38 of the draft treaty, war will be practically excluded from the life of human society.

The disarmament measures in the Soviet draft are so distributed by stages that the states will be in the same position as regards security both throughout the process of general and complete disarmament and after its completion, and no one will get any advantages.

Considered from this viewpoint, the other proposals known to the committee obviously suffer from a one-sided approach. How, for instance, can destruction of the means of nuclear delivery be divorced of the liquidation of military bases on foreign territories and the withdrawal of foreign troops from them? Or do some people believe that it would be disarmament to follow the method of "you destroy your rockets and we will retain our military bases along your frontiers?"

No, the efforts to infringe the interests of one side and obtain unilateral military advantages at its expense is a vicious method. It will not do anything good. The Soviet Union stands for reasonable negotiations, for honest disarmament, for honest—if one may say so—partnership in settling questions of disarmament.

The Soviet Union wants to have proper guarantees that the disarmament commitments agreed upon are strictly fulfilled, that there are no loopholes in them for forging weapons of aggression in secret when the process of general and complete disarmament has already begun. Our country is not going to take anybody on trust, least of all the states which have established exclusive military alinements, which follow a policy of building up their armament, and which have built military bases close to the Soviet Union. Nor do we ask anybody to take us on trust either. The Soviet Union is a convinced advocate of strict control over disarmament.

Reliable control

In considering the Soviet draft, it is easy to notice that the Soviet proposals combine disarmament measures at every stage with reliable international control over their implementation. The head of the Soviet Government, Nikita Khrushchev, has explained more than once that the Soviet Union is prepared to accept any proposals for control over disarmament which the Western powers may put forward, provided they accept the Soviet proposals for general and complete disarmament. It is precisely on this that solution of the questions of control is based in the draft of the treaty submitted by the Soviet Government.

Nobody would deny, I think, that the best means of insuring peace and security of states is disarmament itself. When there are no armies, no weapons, no one will in effect be able to start war, to use force in international relations, or threaten to use force.

In the course of past negotiations, some states suggested that it would be desirable to have additional measures to insure security while general and complete disarmament is in progress. This is not at variance with our position. Our draft treaty provides for specific measures to insure peace and national security both in the course of general and complete disarmament and upon its completion, including establishment of international armed forces. It is clear that establishment of institutions to maintain national security can and should be done within the framework of the United Nations.

While regarding agreement on general and complete disarmament to be the committee's main task, the Soviet Government would consider it useful, at the same time, to carry out now—without awaiting for the conclusion of talks on general and complete disarmament—a number of measures which would help ease international tension, strengthen the trust in the relations between states and establish conditions more favorable for disarmament.

The Soviet Union's proposals for such measures were put forward in the Soviet Government's memorandum submitted to the United Nations General Assembly on September 26, 1961. It can be noted with satisfaction that the ideas expressed in these proposals are winning increasing support.

Not just marking time

Every year, every month lost for disarmament are not just marking time at talks but a lightning fast sliding to the red line separating peace from the blast of the rocket nuclear war.

It would be a crime against mankind, against the conscience of peoples, for the governments to follow those small—but exerting great influence on the policy of a number of countries—groups for which the arms race is just a profitable business. But how miserable appear these narrow interests when compared with what is staked by continuing the arms race.

The production of armaments has now been turned into some sort of a cycle, con-

stantly accelerating its speed, and greedily swallowing up even greater branches of industry, science, and technology.

During the war sorrowful lists of those killed at the front were published. But no one publishes lists of victims of the cold war and victims of the arms race. But they are immeasurable. What computing machines will be able to calculate how many people would have been saved from hunger and diseases if only a part of the funds squandered on armaments would be spent for improving the conditions of life in those countries which, not through a fault of their own, have fallen back many decades if not ages from the modern level of technology, education, and medicine?

Allow me, in conclusion, to express the hope that the committee members, on studying attentively and without bias the draft treaty proposed today by the Soviet Government, will find it necessary to use this treaty as a basis for the committee's work. The Soviet Government, as it has already stated, is ready to make everything in its power to secure the success of the talks and to see that the expectations of the peoples, related to the work of the 18-nation committee, would be justified.

Mr. HUMPHREY. Mr. President, I also ask unanimous consent to have printed in the RECORD a reaction statement which I released in regard to these two addresses.

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

HUMPHREY URGES U.S. OFFER OF SPACE YEAR PROPOSAL AT GENEVA DISARMAMENT MEETING

Senator HUBERT H. HUMPHREY, Democrat, of Minnesota, today suggested that the United States offer an additional proposal with the disarmament plan submitted by Secretary of State Dean Rusk today in Geneva.

HUMPHREY, chairman of the Senate Disarmament Subcommittee, proposed the designation of 1963 as an International Space Cooperation Year.

The Senate majority whip praised as "constructive and imaginative" Rusk's proposals for major reductions of United States and U.S.S.R. long-range missiles and for a cutoff in production of fissionable materials for weapons. But he added: "Our representatives at the disarmament conference in Geneva should call for another basic and major step—a firm and written agreement for international cooperation for peaceful exploration of outer space.

"The nations represented at Geneva can, at least, assure the world that outer space will be a laboratory of peaceful research and scientific exploration, rather than a battlefield filled with the hideous weapons of mass destruction.

"Today's arms race on earth and exploration race in outer space are separated—but only narrowly. If those two races are combined, the consequences for mankind could be disastrous.

"The current disarmament conference at Geneva can take the first step to assure that outer space will be out of bounds for the arms race. That step is an agreement to establish 1963 as an International Space Cooperation Year."

HUMPHREY said that such an agreement should aim toward permament demilitarization of outer space.

"We should strive for a firm commitment by every nation to prohibit the orbiting of any nuclear bomb bearing satellite," he added. "We should seek to forbid any space project involving weapons of destruction or aggression."

The Senator cited as a successful precedent to his proposal the International Geophysical Year in 1958, which led to the Antarctica Treaty forbidding military projects or testing and guaranteeing freedom of scientific investigation and exploration on that continent.

HUMPHREY also repeated his proposal for the establishment of an International Space Peace Agency under the auspices of the United Nations. Such an agency, he suggested, could implement an agreement for a 1963 space year and provide the framework for additional agreements on outer space.

COOPERATION ON EXPLORATION OF OUTER SPACE

Mr. HUMPHREY. Mr. President, there has been considerable talk about cooperation between the United States and the Soviet Union on the exploration of outer space and certain other developments relating to the peaceful use and development of outer space. I think all of us were heartened by the letter sent by President Kennedy to Mr. Khrushchev, outlining the program of the United States as a beginning program for cooperation on an international basis—in this instance, with the Soviet Union—for scientific exploration and developments in outer space. I ask unanimous consent that President Kennedy's letter to Premier Khrushchev be printed at this point in the RECORD.

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

[From the Washington Post, Mar. 18, 1962]

TEXT OF KENNEDY SPACE LETTER TO KHRUSHCHEV

DEAR MR. CHAIRMAN: On February 21 last I wrote you that I was instructing appropriate officers of this Government to prepare concrete proposals for immediate projects of common action in the exploration of space. I now present such proposals to you.

The exploration of space is a broad and varied activity and the possibilities for cooperation are many. In suggesting the possible first steps which are set out below, I do not intend to limit our mutual consideration of desirable cooperative activities. On the contrary, I will welcome your concrete suggestions along these or other lines.

1. Perhaps we could render no greater service to mankind through our space programs than by the joint establishment of an early operational weather satellite system. Such a system would be designed to provide global weather data for prompt use by any nation. To initiate this service, I propose that the United States and the Soviet Union each launch a satellite to photograph cloud cover and provide other agreed meteorological services for all nations. The two satellites would be placed in near-polar orbits in planes approximately perpendicular to each other, thus providing regular coverage of all areas. This immensely valuable data would then be disseminated through normal international meteorological channels and would make a significant contribution to the research and service programs now under study by the World Meteorological Organization in response to Resolution 1721 (XVI) adopted by the United Nations General Assembly on December 20, 1962.

2. It would be of great interest to those responsible for the conduct of our respective space programs if they could obtain operational tracking services from each other's territories. Accordingly, I propose that each of our countries establish and operate a radio tracking station to provide tracking services to the other, utilizing equipment which we would each provide to the other. Thus, the United States would provide the technical equipment for a tracking station to be established in the Soviet Union and to be operated by Soviet technicians. The United States would in turn establish and operate a radio tracking station utilizing Soviet equipment. Each country would train the other's technicians in the operation of its equipment, would utilize the station located on its territory to provide tracking services to the other, and would afford such access as may be necessary to accommodate modifications and maintenance of equipment from time to time.

3. In the field of the earth sciences, the precise character of the earth's magnetic field is central to many scientific problems. I propose, therefore, that we cooperate in mapping the earth's magnetic field in space by utilizing two satellites, one in a near-earth orbit and the second in a more distant orbit. The United States would launch one of these satellites while the Soviet Union would launch the other. The data would be exchanged throughout the world scientific community, and opportunities for correlation of supporting data obtained on the ground would be arranged.

4. In the field of experimental communications by satellite, the United States has already undertaken arrangements to test and demonstrate the feasibility of intercontinental transmissions. A number of countries are constructing equipment suitable for participation in such testing. I would welcome the Soviet Union's joining in this cooperative effort which will be a step toward meeting the objective, contained in United Nations General Assembly Resolution 1721 (XVI), that communications by means of satellites should be available to the nations of the world as soon as practicable on a global and nondiscriminatory basis. I note also that Secretary Rusk has broached the subject of cooperation in this field with Minister Gromyko and that Mr. Gromyko has expressed some interest. Our technical representatives might now discuss specific possibilities in this field.

5. Given our common interest in manned space flights and in insuring man's ability to survive in space and return safely, I propose that we pool our efforts and exchange our knowledge in the field of space medicine, where future research can be pursued in cooperation with scientists from various countries.

Beyond these specific projects we are prepared now to discuss broader cooperation in the still more challenging projects which must be undertaken in the exploration of outer space. The tasks are so challenging, the costs so great, and the risks to the brave men who engage in space exploration so grave, that we must in all good conscience try every possibility of sharing these tasks and costs and of minimizing these risks. Leaders of the U.S. space program have developed detailed plans for an orderly sequence of manned and unmanned flights for exploration of space and the planets. Out of discussion of these plans, and of your own, for undertaking the tasks of this decade would undoubtedly emerge possibilities for substantive scientific and technical cooperation in manned and unmanned space investigations. Some possibilities are not yet precisely identifiable, but should become clear as the space programs of our two countries proceed. In the case of others it may be possible to start planning together now. For example, we might cooperate in unmanned exploration of the lunar surface, or we might commence now the mutual definition of steps to be taken in sequence for an exhaustive scientific investigation of the planet Mars or Venus, including consideration of the possible utility of manned flight in such programs. When a proper sequence for experiments has been determined, we might share responsibility for all the necessary projects. All data would be made freely available.

I believe it is both appropriate and desirable that we take full cognizance of the scientific and other contributions which other states the world over might be able to make in such programs. As agreements are reached between us on any parts of these or similar programs, I propose that we report them to the United Nations Committee on the Peaceful Uses of Outer Space. The Committee offers within the framework of its mandate as set forth in General Assembly Resolutions 1472 (XIV) and 1721 (XVI).

I am designating technical representatives who will be prepared to meet and discuss with your representatives our ideas and yours in a spirit of practical cooperation. In order to accomplish this at an early date, I suggest that the representatives of our two countries who will be coming to New York to take part in the United Nations Outer Space Committee meet privately to discuss the proposals set forth in this letter.

Sincerely,

JOHN KENNEDY.

Mr. HUMPHREY. Mr. President, I note that in 1956 the Subcommittee on Disarmament—at that time a special subcommittee by congressional resolution—had advocated this type of exploration on a multilateral, international basis, within the framework of the United Nations, if possible.

It has been my privilege from time to time to address myself to this subject, when it was at the pioneering stage.

It is gratifying to see now that the proposals which were made by a congressional subcommittee, and which subsequently were supported by the United States at the United Nations, and now mentioned with some favor by the Soviet Premier, are being given new life and new purpose by the President of the United States. It is most gratifying to see these developments. I really believe that in this area we can have some mutual cooperation; and it is my sincere suggestion to the U.S. delegates at the Geneva Conference that since there is an impasse on the major items of disarmament—items which we have discussed for years, but little or no progress has been made—it might be well to reach into the field of outer space and attempt to reach an agreement there, before various nations preempt whole areas of it and have a vested interest in the occupancy of those areas. We set the standard for such cooperation by means of the Treaty on Antarctica; and, as a result, Antarctica is protected, so that the interests of the various nations there are protected, but also in order that further exploration and study may be made there without prejudicing the rights of any country. I believe that in that way we have established a pattern which can be applied to the field of outer space; and I suggest to our delegates at Geneva that, rather than become bogged down on these currently insoluble problems relating to the reduction of arms and the prohibition of nuclear tests, while it may be necessary to continue conferences on those matters, we should move to new ground or, let us say, into outer space; and the officials of our Government at Geneva should seek now to implement the resolution of the United Nations on the exploration of outer space under United Nations auspices; and the United States and the Soviet Union and other countries can now join hands, under treaty agreement, for the exploration and development of outer space as a laboratory, rather than a battlefield—as an exercise of peaceful development, rather than as another expansion of the arms race.

I hope that Secretary Rusk, as our country's chief spokesman at the Conference, will pursue the proposal made by President Kennedy, rather than consider it as only a letter sent to Premier Khrushchev. Let us make this our No. 1 objective at the Geneva Conference, and let us see whether the Soviet Union is willing to follow the suggestions of its own premier. If it is not, then I submit that the possibilities of any success at the Conference are highly remote.

Furthermore, we need to be on guard to make sure that the Soviet Union does not stall these deliberations—as the Soviet Union might very well do—in the fields of nuclear testing and arms reduction. The Soviet Union might seek to stall them in order to limit the effectiveness of the steps proposed by our own country in terms of its own national security; and one area where there are no built-in prejudices and where there are not the problems incident to verification is the area of outer space.

If the Soviet Union has any interest whatever in reducing the tension and lessening the arms race, and if the Soviet Union wishes to give any demonstration of good faith, that demonstration can be made at Geneva in the coming month, by at least partial acceptance by the Soviet Union of President Kennedy's proposals to the Soviet Union, as made over the last weekend.

So, Mr. President, I have asked that these items be printed in the RECORD.

Mr. STENNIS. Mr. President, I ask unanimous consent that, under the same conditions, I may yield to the Senator from Alaska.

The PRESIDING OFFICER (Mr. METCALF in the chair). Without objection, the Senator from Mississippi yields to the Senator from Alaska with the same understanding.

PRESIDENT DE GAULLE'S TRIUMPH

Mr. GRUENING. Mr. President, the heartening news of the hour is the cease-fire in Algeria. It is a triumph for President de Gaulle. It is a triumph for his vision, his courage, his determination, his statesmanship.

Few leaders have faced a problem so complex, so thorny, so involved in apparently irreconcilable conflicting interests, so beset with obstacles, which at times must have seemed insuperable. Seldom has a leader encountered the bitterness, the vituperation, the denunciation—all aggravated by treason and savage violence—that President de Gaulle has had to endure. He rose above all this to carry out a determination and attain an objective which I am confident history will record as one of the great achievements of our time.

The pathway ahead is still rocky, arduous, beset with pitfalls and ambushes. But it is to be hoped, despite the cruelly divisive and intransigent elements which have left little undone to thwart De Gaulle's basic goals of peace and self-determination, that the devastating war in Algeria is at an end and that the shocking campaign of murder recently launched by some European diehards will also subside. The war and that campaign have cost an estimated 160,000 lives of Frenchmen and Algerians, including many wholly innocent and nonparticipating victims. The personal tragedies, the bereft families, predicate deep wounds, long enduring scars, and inevitable hatreds which will require a long healing process of good will, rebuilding efforts, and time to obliterate. If peace is now established, De Gaulle's policies that brought it about and are now contemplated will speed and assist that needed therapy.

In the overall picture, it is gratifying to note that France is effectively ending its role as a colonial power. After the unfortunate developments in what was French Indo-China, France has adopted a policy of amicable release of its other former colonies, just as has the United Kingdom. It should spell a warmer and closer relationship to which the elements of freedom and equality contribute—a warmer and better mutuality than would ever be possible even under the most benevolent colonial rule. Let us hope that the newly liberated colonies appreciate their great heritage of French culture, civilization, training, and language, as well as the continuing ties with this great nation, which has given them a legacy of inestimable worth.

Morocco and Tunisia, formerly French protectorates, became independent 6 years ago; Guinea 2 years later. Madagascar has become the Malagasy Republic. Togo, Camaroon, French West, and Equatorial Africa were given independence 2 years ago. Only French Somaliland, French Guiana, and a few small areas such as Martinique, Guadalupe, St. Pierre Miquelon, as well as other scattered islands, remain to be granted, no doubt under the principle of self-determination, a maximum of local self-government. Despite the heavy cost, it is a heartening picture.

All this carries out President de Gaulle's shining vision of grandeur for France—grandeur not in the extent of terrain under the tricolor, not in the strength of its armies, but grandeur in its materialization, by deeds, of the immortal French devise of "Liberté, Equalité, Fraternité." One cannot but hail with unqualified admiration that great leader, that superlative statesman, that outstanding Frenchman, that protagonist of peace and liberty, that historic world figure—Charles de Gaulle. His star first began to shine in the blackest darkness of France's night—the invasion and occupation of the French Republic—when his actions were imperishably voiced in the ringing declaration:

France has lost a battle but France has not lost the war.

Now, his star is immutably fixed and eternally bright in the firmament of time.

I ask unanimous consent that editorials from today's Washington Post, New York Times, Washington Star, and

Washington News, representing diverse views on the Franco-Algerian agreement, be printed at this point in my remarks.

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

[From the Washington Post, Mar. 19, 1962]

FINALE IN ALGERIA

The cease-fire that takes place at high noon in Algeria today is a triumph for President de Gaulle who has staked so much on his ability to negotiate an honorable settlement of an impossible problem. But it is more than that. It is a triumph for the good sense of the great majority of Frenchmen and Algerian Moslems who have long ago accepted the fact than an independent Algeria closely linked to France is the only way out of a terrible impasse.

The peace that President de Gaulle is asking his countrymen to support is based on the hope of continued collaboration between Algeria and France. Economic necessity dictates continued cooperation. But more than that, the history of the two peoples is replete with instances of fraternity. The terms of the settlement reflect that long history of mutual collaboration.

In his speech yesterday, President de Gaulle appealed to the 1 million Europeans who live in Algeria to stay on and cooperate with the new state when it is formed. Time will tell whether this is possible. Obviously, the Secret Army Organization will do all in its power to frustrate the cease-fire. The barbarous assassination of seven Moslem druggists on Saturday and of three French and three Moslem teachers on Thursday offers a foretaste of what can be expected.

But the OAS has lost its war. The very excesses of its thugs have acted to create a solidarity between the Algerian Moslems and the French. Every act of terror has made clearer the threat the OAS poses not only to the Moslems in Algeria but to the republican institutions of France. By an irony of history, the OAS has served as a catalyst to the negotiations that led to today's cease-fire.

If there is extended violence, the outcome may well be determined by what the French Army does. Yet the circumstances in Algeria are far different than in Indochina, where there also was a 7-year war. There was no Dienbienphu in Algeria; there should be no sense of dishonor about a peace among brave men. The Algerian settlement, as President de Gaulle asserted, was a good-sense solution won over the frenzy of some, the blindness of others, and the agitations of many. The French and Algerians deserve every support in carrying out the terms of the settlement.

[From the New York Times, Mar. 19, 1962]

THE NEWS FROM EVIAN

A tired but still indomitable old man went before the people of France yesterday to announce that a peace treaty had been signed with the Algerian insurgents. So came to an end a long and tragic war, in which both sides had taken and lost thousands of lives, in which there had been much cruelty on both sides and which had destroyed the Fourth French Republic. The Fifth French Republic yesterday spoke valiantly and soberly in the person of Gen. Charles de Gaulle.

In Algeria itself a group of underground conspirators repudiated the DeGaulle government. These men, headed by a former French general officer, represented at most 10 percent of the population of Algeria, 2 percent of the combined populations of Algeria and France. They had been arguing their case, in Algeria and on the mainland, with shocking acts of violence. The Moslem insurgents had also committed shocking acts of violence, but they were finished with that yesterday: they had made peace; so far as they and the legitimate Government of France were concerned the war was over.

The Fifth Republic could fall, as other French Republics have fallen before it. It cannot be brought down, however, by transplanted Europeans whose majority is not even of French ancestry; it cannot be overthrown by the Algerian colons; it would pass into ruin only if there were what we can only call a Fascist majority in France itself.

There is no evidence that such a majority exists. The French in their great moments—and this may be one of them—return to the great ideals of their revolution, to liberty, equality, and brotherhood. They overthrew the fascism of Pétain when they had strength—and help—to do it. They went a certain distance toward the dismal slavery of communism—but never wholeheartedly, and the whole way.

The European extremists in Algeria were ready 4 years ago, and have shown themselves ready since, to bring civil war into France in order to reinforce their own interests. But the time for this is gone. They are creatures of a past age.

General de Gaulle has promised what seems like justice to the native Algerians. He has promised protection to the colons and cooperation in the use and defense of Algerian resources.

The recent Moslem rebels, the French Army in Algeria and the mainland French will doubtless know how to deal with those who will not now cease their wanton killing.

[From the Washington Star, Mar. 19, 1962]

ENDING AN AGONY

After more than 7 years of bloody warfare, France and the rebel Algerian National Liberation Front have at last achieved a cease-fire that puts an end to their mutual agony. As both sides have cautioned, however, this does not mean that peace is fully at hand. On the contrary, the prospect of continuing torment still looms large.

This is so because of those traitorous elements described by President de Gaulle as criminal adventurers. They are the diehard European extremists in Algeria and their sympathizers in France. Their chief weapon—as deadly as it is vile—is the terroristic Secret Army Organization led by former Gen. Raoul Salan, who has vowed to fight to the finish against the new peace accord and to carry on the struggle against the Algerian rebellion until its complete annihilation. These words are not to be taken lightly; they come from a source that has already demonstrated a terrible capacity for violence and killings of the most atrocious kind.

It is with this evil force in mind that President de Gaulle has called upon all true Frenchmen and all sane European "colons" to give full support to the cease-fire and the steps that are to be taken in the months ahead to establish Algeria as an independent nation closely associated with France. Similarly, Algeria's French delegate, Gen. Jean Morin, exhorting the Moslems to show patience and prudence, has called upon the colons to recognize the accord as a solution of reality, and he has warned them against a catastrophe of senseless resistance. Meanwhile, General de Gaulle, who has conducted himself with a kind of indomitable grandeur in bringing about the Algerian settlement, has made clear that he will use whatever armed force may be necessary to deal with the treason and menace of Salan's secret army.

In these circumstances, even though acts of terrorism are likely to continue for weeks to come, there is reason to hope that such crimes will prove to be only the last desperate paroxysms of the secret army's death throes. In any event, General de Gaulle can be counted upon to act swiftly and decisively, and he has the full support of the overwhelmingly majority of the French and Algerian peoples. In that sense, Salan has long since lost his barbarous war.

[From the Washington Daily News, Mar. 19, 1962]

THE FRENCH-ALGERIAN AGREEMENT

On paper, the French-Algerian agreement to end the bloody 7-year war is a practical and even mutually generous accord. It promises to let France rid itself of a nagging moral burden and a drain of men and money, and be free to devote its energies to the strengthening of France, the Western European community, and the free world. It provides also for the birth of a new nation of 9 million people who, freed from colonial domination, could get on with the work of building a national state and apply new vigor to the tasks of economic and social progress that are so oppressive.

Finally, the French-Algerian agreement charts a path of cooperation between the two countries that could be a model for relations between former mother countries and their ex-colonies, and standing refutation of the charge made by Communists and doctrinaire new nationists that Western colonialism has no other motive than exploitation.

Unhappily, however, the signing of the cease-fire yesterday in Evian will not bring peace to Algeria, or even to France. The killings will continue. The third party to Algeria's triangular war, the outlawed Secret Army Organization (SAO), will try harder than ever before to wreck the peace that the cease-fire can only promise but not necessarily produce.

The possibility cannot be discounted that ex-General Raoul Salan and his organization of deserter officers, "ultrapatriots" and professional killers can make shreds of the French-Algerian agreement, plunge Algeria into a second war, or even topple the French Republic itself.

The 3,000 or 4,000 members of the SAO present a formidable force in themselves, skilled as they are in methods of war, and inflamed as they are with anger for the man whom they say has betrayed France, General de Gaulle.

But success or failure of the SAO will depend on the degree to which they can keep the sympathy of, and demand sacrifices from, the Europeans who now lend support; on whether many French Army officers will desert their duty and join the ranks of the SAO; and on whether the SAO by increased assaults on Algerian Moslem civilians can provoke the Moslem populace into murderous retaliation that would produce civil war.

But the chances of the SAO are diminished by the evidence in the cease-fire agreement that the French Government and the Algerian Provincial government, now that they have stopped battling one another, will now both turn on the SAO.

Significantly the Algerian negotiators at Evian won what they wanted on this score. The job of maintaining public order will be that of the provisional executive to be set up near Algiers. It will be controlled by the GPRA (Provisional Government of the Algerian Republic) and will be composed of 60,000 Moslem troops. The French Army will remain in Algeria temporarily to backstop the Moslem troops in the last resort.

Both Algerian rebel leaders and the French negotiators are confident that the agreement will work. That, while the whole world watches, now remains to be seen.

Mr. STENNIS. Mr. President, under the same conditions, I ask unanimous consent that I may yield to the Senator from Connecticut [Mr. BUSH].

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

ITEM VETO POWER—THE B–70 FIGHT

Mr. BUSH. Mr. President, in this morning's Washington Post is an article by Roscoe Drummond entitled "The B–70 Fight—Argument for Item Veto Power." I shall ask that at the conclusion of my remarks this article may be printed in the RECORD.

Mr. President, I wish to comment on two matters in connection with the article. First, I want to say that last week I read Secretary McNamara's statement with great interest and with admiration. I thought he made an excellent case for the position which he has taken in connection with the B–70 issue, and my strong inclination is to support the Secretary in connection with the so-called fight on the B–70 if it comes before the Armed Services Committee of the Senate.

I think we are most fortunate, at this very critical time, in having as Secretary of Defense a man of the capacity, quality, and great ability of Secretary McNamara. If we believe we must have civilian control over our military—and certainly, when we are spending $52 billion a year on defense, I think we should—I find it very comforting to be able to look at the Pentagon and realize that in the Secretary's office we have a man who has shown the capacity to deal with the enormous problems of defense.

The article, however, speaks of the item veto. If there were an item veto, it would give the administration an opportunity to use it. The Roscoe Drummond article mentioned the item veto joint resolution which was introduced last year by the Senator from New York [Mr. KEATING]. That measure called for a constitutional amendment to provide for an item veto. His proposal was introduced on January 13, 1961.

On January 5, 1961, I submitted on behalf of myself and the Senator from Virginia [Mr. BYRD] and the Senator from Delaware [Mr. WILLIAMS] an item veto measure in the form of a concurrent resolution.

The difference between my measure and the other resolution is that my proposal calls for a change in the rules of Congress, which would provide for an item veto without going through the long and laborious process of a constitutional amendment.

I believe so strongly in the item veto principle that I am glad it has been brought up in connection with this very important issue.

In each Congress, since I have been a Member, I have introduced an item veto measure. I am very happy about the fact that the distinguished senior Senator from Virginia, who has been interested in this problem for many years, believes that the approach to this matter as contained in Senate Concurrent Resolution 2, in which he has joined me as a sponsor, is a sound and legal approach and will avoid the long process of a constitutional amendment.

I hope Senators will give some consideration to this matter and that Congress will do something about the question of item veto. Everybody says, "It is a good idea," but nothing seems to be done about it. I hope we can get some consideration of these two resolutions for an item veto and let the Senate decide which approach it desires to take.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the Roscoe Drummond article to which I previously referred; Senate Concurrent Resolution 2, submitted by me for myself and the Senator from Virginia [Mr. BYRD] and the Senator from Delaware [Mr. WILLIAMS]; and Senate Joint Resolution 31, introduced by the Senator from New York [Mr. KEATING].

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

[From the Washington Post, Mar. 19, 1962]

THE B–70 FIGHT—ARGUMENT FOR ITEM VETO POWER

Fortunately there is no easy or automatic solution to the loggerheads deadlock between the House Armed Services Committee and Secretary of Defense Robert McNamara over whether to spend more money on the improved B–70 bombers.

The Congressmen unanimously say they intend to compel the Pentagon to spend $320 million to speed the production of the new style B–70's which they see as the plane of the future.

President Kennedy and Secretary McNamara say they are not going to be compelled to spend this money, even if appropriated, because they believe the new B–70 is the plane of the past, and will be obsolete by the time it is combat ready in 1967.

I say it is fortunate that there is no easy answer to this dilemma because it is part of the genius of our system of divided governmental powers that, when a stalemate is reached, neither side can easily steamroller the other, and an accommodation has to be made.

The constitutional issue is unresolved. Many Presidents, including Mr. Truman, General Eisenhower, and now Mr. Kennedy, have refused to spend money appropriated by Congress. But now the Armed Services Committee votes to appropriate an extra $320 million for the B–70's; it proposes to "direct" the President to spend it. The intention is to leave the administration no choice.

There is no doubt that Congress has exclusive power "to make the laws"—within constitutional limits—which the President must "execute." But there is a difference between a law and an appropriation. The Constitution empowers Congress "to provide and maintain" the Armed Forces of the country. It does not stipulate that Congress shall exclusively determine what the Armed Forces should be provided with—what kind of bombers, what kind of shoes, what kind of missiles, etc.

Congress can put a ceiling on what can be spent. There is no evident way for it to compel the President to spend to the ceiling.

Even if the President cannot be forced by law to spend more money on the B–70's, he can be influenced by the size of the vote behind the appropriation and by the power of congressional advocacy.

It is at this point I venture a suggestion. It seems to me that the deadlock over spending an increased B–70 appropriation presents a sound argument and an ideal time for Congress to give the President the "item veto."

This is a power which the Governors of most of the big States with large budgets already possess. It is a power which all modern Presidents have asked Congress to give them in the interest of prudent Government financing. It enables a President to veto specific items in an appropriation bill without vetoing the whole bill.

I submit that with respect to the controversial B–70 appropriation the item veto, which is a constructive tool of good government in its own right, would strengthen the hand of Congress.

Congress cannot force the President to spend the B–70 money. It can influence the President to spend it by the power of its own advocacy. To increase its influence it must mobilize and focus its maximum majority visibly and decisively upon the B–70 appropriation.

What better way of doing that than to empower the President to veto this B–70 item and then passing it over his veto by a two-thirds majority?

If Congress cannot muster such a majority, it cannot win the argument. If it will give the President the item veto, in line with a bill introduced by Senator KENNETH KEATING of New York, it will provide itself with the best possible means of dramatizing the B–70 issue.

Over the years the item veto would save more money than Congress is asking the President to spend on the B–70's.

S. CON. RES. 2

Resolved by the Senate (the House of Representatives concurring), That effective on the first day of the second regular session of the Eighty-seventh Congress, the joint rule of the Senate and of the House of Representatives contained in section 138 of the Legislative Reorganization Act of 1946 is amended by adding at the end thereof the following new subsection:

"(c) No bill or joint resolution making appropriations or authorizing the borrowing of money directly from the Treasury shall be reported to or considered in either House unless it contains a section which shall read as follows: (1) in the case of any bill (or joint resolution) making an appropriation or (2) in the case of any bill (or joint resolution) authorizing the borrowing of money directly from the Treasury:

"(1) SEC. . When this bill (or joint resolution) shall have been presented to the President as required by section 7 of article I of the Constitution, the President shall have power to disapprove any amount or any provision, whether or not related to an amount, which is contained herein, in the same manner as he may, under said section 7, disapprove as a whole any bill so presented to him. The provisions of said section 7 which relate to reconsideration shall also apply to any amount or provision or part thereof so disapproved to the same extent as they apply to a bill that has been disapproved in its entirety.

"(2) SEC. . When this bill (or joint resolution) shall have been presented to the President as required by section 7 of article I of the Constitution, the President shall have power to disapprove any authorization for borrowing money directly from the Treasury, which is contained herein, in the same manner as he may, under said section 7, disapprove as a whole any bill so presented to him. The provisions of said section 7 which relate to reconsideration shall also apply to any authorization or part thereof so disapproved to the same extent as they apply to a bill that has been disapproved in its entirety."

S.J. RES. 31

Joint resolution proposing an amendment to the Constitution of the United States relative to disapproval of items in general appropriation bills

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Consti-

tution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. The President shall have the power to disapprove any item or items of any general appropriation bill which shall have passed the House of Representatives and the Senate and have been presented to him for his approval, in the same manner and subject to the same limitations as he may, under section 7 of article I of this Constitution, disapprove as a whole any bill which shall have been presented to him.

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress."

UNITED NATIONS BONDS

Mr. STENNIS. Mr. President, under the same conditions heretofore expressed, I ask unanimous consent that I may yield to the Senator from Vermont.

The PRESIDING OFFICER. Under the same conditions, without objection, it is so ordered.

Mr. AIKEN. Mr. President, in section 5, page 3, of the New York Herald Tribune for Sunday, March 18, 1962, is an article written by Donald I. Rogers entitled "What's Wrong With Capitalism's Methods in Selling U.N. Bonds?"

Mr. Rogers clearly points out that, in its proposed method of selling bonds, the United Nations would completely abandon the capitalistic method of issuing bonds for the support of a government and would adopt the Communist system of financing government, even though the Soviet-bloc countries, which have refused to pay their special assessments to the United Nations, have no intention of purchasing any of the bonds.

Mr. President, I commend Mr. Rogers not only for the accuracy of his reporting, but also for his courage in writing the article, and I ask unanimous consent to have the article printed in the body of the RECORD.

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

WHAT'S WRONG WITH CAPITALISM'S METHODS IN SELLING U.N. BONDS?

(By Donald I. Rogers)

Before the Senate is stampeded into approving President Kennedy's proposal to buy $100 million worth of 25-year United Nations bonds at 2 percent, it should consider the fact that the whole proposition may be illegal. It should also consider the possibility that both President Kennedy and Columnist Walter Lippmann may be wrong, or at best, poorly advised.

It takes courage to challenge Walter Lippmann, the distinguished dean of our columnists, who has charged that opposition to the President's bond plan is caused by "personal disgruntlement * * * crude partisanship * * * [and] old-fashioned isolationist hostility to the U.N. as such."

The U.S. Government would be buying these bonds, which means, of course, that the taxpayers of America would be buying them. This makes them, in every sense of the word, a "public issue," as the issuance of any other authority bonds are public issues.

They are necessary, the United Nations says, because some U.N. members refuse to pay their "special" assessments to the organization which are necessitated by the "special" operations in the Congo and the Middle East.

These bonds would be issued to the U.S. Government minus any of the normal prerequisites demanded by law in the issuance of any other bonds. There would be no legal opinion, for instance, such as is required by the Banking Act. There would be no negotiations. There would be no bidding on the interest rate.

The 2 percent rate President Kennedy wants the bonds to bear is the exact current rate Communist countries have affixed to their public authority bonds.

Yet it is the Communist countries, among others, which refuse to pay the special assessments and which will refuse to participate in the bond issue that is made necessary by their refusal to pay the assessments.

The U.S. Government just recently tossed out its own 3½ percent bonds because of the low yield, although they had 10 years to run. It reentered the market with U.S. Government bonds selling up to 4 percent.

As of Friday, 25-year U.S. Government bonds had a rate of 4.1 percent, in the open, free auction market.

Here, then, is the U.S. Government borrowing money at 4.1 percent and using it to buy United Nations bonds at the Communist fixed rate of 2 percent, if the President's will prevails.

This, Walter Lippmann says is necessary if the U.N. is to survive and if the United States is not to lose face before the rest of the world.

A clearer view may be needed.

In the first place, the United Nations does not need the money from the bond issue in a hurry. It has $100 million coming in at the present time, $53 million of it from the United States. So there is no need for the stampede, no excuse for the tremendous pressure the White House has exerted on the Senate in this matter.

Any bond issued by the U.S. Government must bear a legal opinion, attesting to all of the risks involved. It is then subject to negotiation, in which the seller of the bonds spells out how much he expects to get from the issue and the buyer gives a rough idea of how much he will expect in interest yield. Then it is thrown open for public bidding.

A legal opinion on the U.N. bonds might shed some light on whether the U.N. charter entitles the organization to borrow money. This has never been cleared up to the satisfaction of the investing community and since this involves all American taxpayers, perhaps the public has a right to know.

Mr. Lippmann is concerned about the American image as viewed by other countries in this trumped-up crisis.

Is this not the leading capitalistic nation of the world? Why then could not the United States require that U.N. bonds be issued in the same manner that our own Government's bonds are issued, and that they be submitted to the normal scrutinies and pressures of the auction market so that there will be an interest rate commensurate with the risk?

If it's good enough for U.S. Government bonds, the system should be good enough for United Nations bonds.

Then we could stand four-square to the world and proclaim that as a capitalistic nation this is the way we prefer to do business and if other peace-loving nations agree, they can participate in the venture.

If it fails—and only if it fails—then could we resort to the under-the-counter purchasing of the bonds that President Kennedy recommends.

There is time to do this before the U.N. becomes desperate for money, and then, contrary to Mr. Lippmann's opinion, the whole world will know positively where the United States stands on the question of capitalism versus statism.

A-BOMB TESTS AND THE BERLIN QUESTION—STATEMENT BY SENATOR CASE OF SOUTH DAKOTA

Mr. STENNIS. Mr. President, under the same conditions heretofore expressed, I ask unanimous consent that I may now yield to the Senator from South Dakota [Mr. MUNDT].

The PRESIDING OFFICER. Under the same conditions, without objection, it is so ordered.

Mr. MUNDT. Mr. President, I ask unanimous consent that a statement written by my colleague from South Dakota [Mr. CASE], who is temporarily hospitalized, may be printed in the RECORD. The statement embodies some observations my colleague had intended to offer on the floor of the Senate today, relative to two pending international questions.

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

STATEMENT BY SENATOR CASE OF SOUTH DAKOTA

TWO SUGGESTIONS

This is a time in the history of mankind when one with any sense of responsibility wants to contribute to a solution of epochal problems however minutely. And, among the distinguished students of foreign affairs who are my colleagues in this body, only a desire to help could overcome normal reticence to assume that one could add anything to problems already threshed threadbare.

Two problems plague the world's peace today—a workable approach to A-bomb testing and a livable program for the questions residual from World War II in eastern Europe, centering on Berlin.

Certain past connections with these two problems and a sincere desire to help prompt me to offer a suggestion on each.

ON A-BOMB TESTS

First, with respect to the A-bomb tests: I suggest that the technicians devise and propose a ban supported by "effective controls" or checks rather than so-called inspections—and that the term "effective controls" be used.

This suggestion comes out of the experience of sitting across the table from delegates of the Soviet Union in meetings of the Inter-Parliamentary Union at Rio de Janeiro in 1958, at Nice, France, and Warsaw, Poland, in 1959, and at Tokyo in 1960.

I do not know a word of Russian—but I am convinced that translators interpret the English word "inspection" to mean "espionage." Whether the word "inspection" was used, one could see the hackles rise on the necks of the Russian delegates but that did not happen in my experience when I used the term "effective controls."

In fact the Soviet delegates generally insisted that was what they intended and desired—a ban on testing policed by proper controls to insure there was no cheating.

Atmospheric blasts, of course, are readily subject to appraisal and the breaking of an agreed ban would be evident to the world but the problems presumably arise from underground tests. Granting a certain number of peremptory challenges related to the historical average of natural earthquakes has been, I think, the basis of discussions, but in this day of sensitive electronic gear, it should not be impossible to devise a monitored recording station in each country which would at least record earth tremors and refer those of uncertain origin to an international team for checking.

It was helpful in my working on draft resolutions for the Inter-Parliamentary Union

meetings to remind those at the table that the United Kingdom and the United States did not seek any act of assurance for effective control which we would not concede to the Soviets.

So I venture to suggest that the technicians in this critical period of human history attempt to find a formula for effective controls which will not be confused with the snooping that is espionage.

ON ACCESS TO BERLIN

Second, with respect to the residual problems from World War II in east central Europe, centering on Berlin:

I venture to suggest that the three established and recognized air access routes for the West be exchanged for one three-way route of air, highway, and rail or canal.

Again, my interest in the German situation stems from service on the so-called Herter committee in the fall of 1947 as chairman of its Subcommittee on Germany and Austria and the preparation and writing of the recommendations on Germany at that time.

Without bogging down on details, the world knows that our right to get to Berlin by three air corridors was recognized in the famous airlift but that land and water routes have constantly been challenged and are nowhere firmly guaranteed.

Why not, therefore, exchange two of the recognized air routes for two guaranteed land or land and water routes beneath the third air corridor? It could be highway and rail or highway and canal, depending upon which of the three air corridors was agreed upon for the access.

Of course, any thin corridor is militarily indefensible, whether 3 miles wide or 10 miles wide, but if worst comes to worst and war ensues, there will be no corridors anywhere except where force creates and maintains them.

This suggestion of trading three air routes for one air-land-water route is within the fixed and stated positions of the United States, Great Britain and Soviet Russia. We would remain in Berlin and, perhaps what is more important, have a way to get there and back with heavy goods as well as people, military or civilian, as long as there is peace, and this would give a chance for peace to live.

Whenever the Russians withdraw from East Germany and hand full reins of government to East Germany, the West will have no more to say about it than the West permitted the Russians to say when we encouraged the three Western Zones to form the Federal Republic now established at Bonn.

It seems to me, therefore, that before the Russians write and sign the inevitable treaty with East Germany, we should firm up one air, highway, and rail-or-water route which could insure a viable West Berlin.

I think we may safely leave to the natural competitive instincts of the East Germans, then, the making of suitable arrangements to open other routes for ordinary, commercial, and industrial traffic. Eventually, I believe, the Germans will reunite in their own way. It may not be exactly as before but the people of Saxony and Bavaria, of Hesse and Hannover, of Wurtemburg and Thuringia, and the other provinces have too many ties of blood and language to remain completely apart even though brick walls and barbed wire may temporarily intervene.

ONE STEP LEADS TO ANOTHER

These suggestions are not cure-alls. Other issues exist now and others will arise in the relations of East and West. Heaven is not reached by a single bound but the world moves round by round into the promised land. The sacrifices of two world wars and many ancillary conflicts merit an easing of today's tensions.

I venture these thoughts in the hope that they may light some candle, however dimly, in the dismal darkness which seems to pervade current negotiations.

The destiny of man in the providence of God is not the destruction of His universe. It is the privileged responsibility of everyone to hope and to work for a brighter day for all mankind.

Mr. MANSFIELD subsequently said: Mr. President, I have read most carefully the statement issued by the distinguished junior Senator from South Dakota [Mr. CASE], relative to atomic bomb tests and access to Berlin. The Senator from South Dakota was kind enough to provide me with an advance copy before it was released on the Senate floor.

Mr. President, it seems to me that in that statement the able Senator from South Dakota has demonstrated once again his ability to put the interest of the Nation above partisan consideration. He has drawn from his wide experience in foreign policy questions and his deep insights, and has produced a constructive contribution to our consideration of two of the most complex, difficult, and dangerous problems confronting the Nation and the world.

I compliment the able Senator and thank him for this excellent contribution. I do not know to what degree his suggestions can be effectively implemented, but I do know that in making them he has performed a distinctive service to the Nation and to the general consideration of these most vital questions of international relations.

TRIBUTE TO CARLOS ROMULO

Mr. MUNDT. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial written by Mr. W. Earl Hall of the Mason City Globe-Gazette of Mason City, Iowa. Mr. Hall pays a very deserved tribute to Carlos Romulo, the retiring Ambassador from the Philippines to the United States.

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

ROMULO HAS PROVED A VALUED FRIEND

Carlos Romulo, retiring Filipino Ambassador to United States, has proved a marvelously effective supporter of our country so far as the uncommitted peoples of the world are concerned. He is scheduled to preside over the University of the Philippines.

In a recent appearance on TV and radio with South Dakota's Senator KARL MUNDT, General Romulo painted an impressive picture of the American course in world affairs as contrasted with the crooked path followed by Russia and world communism.

"Unlike victors in the past," Romulo pointed out in referring to our decisive role in two World Wars, "you refused to annex one single inch of territory."

"Not only that," he added, "you proved to be the most generous victor in the history of all wars. * * * You shared your abundance with friends and foes alike."

"Wherever Soviet Russia provokes a crisis anywhere in the world," Romulo asserted, "it is part and parcel of her strategy to conquer the world."

And America in countering this aggression, he emphasized repeatedly, is a defense of freedom and human dignity in our world, in no sense a manifestation of imperialism.

The Philippines themselves, of course, are the choicest example possible that America seeks no empire. Full independence was promised to the Filipinos; full independence was accorded to the Filipinos. That has been a part of the Romulo story for the past 15 years.

Senator MUNDT voiced a prediction that one day he would salute Carlos Romulo as President of the Philippines. That would indeed be a fitting recognition of his distinguished contribution to his country and to the cause of freedom in our world.

CIGARETTE SMOKING AND LUNG CANCER

Mr. STENNIS. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Oregon [Mrs. NEUBERGER] without losing my right to the floor.

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

Mrs. NEUBERGER. Mr. President, last Friday I introduced Senate Joint Resolution 174, requesting the President to create a Commission on Tobacco and Health and also to initiate a massive public information program on the hazards of cigarette smoking with particular emphasis on the relationship between smoking and lung cancer. This resolution is the outgrowth of the uncontroverted scientific testimony that cigarette smoking causes lung cancer and that deaths from lung cancer are increasing at an alarming rate.

Today I wish to document this testimony.

The Surgeon General of the U.S. Public Health Service, speaking for the U.S. Government in an article appearing in the Journal of the American Medical Association for November 28, 1959, exhaustively reviewed the scientific data on the smoking-cancer relationship and reached the following conclusions:

The Public Health Service believes that the following statements are justified by studies to date:

1. The weight of evidence at present implicates smoking as the principal etiological factor in the increased incidence of lung cancer.

2. Cigarette smoking particularly is associated with an increased chance of developing lung cancer.

3. Stopping cigarette smoking even after long exposure is beneficial.

4. No method of treating tobacco or filtering the smoke has been demonstrated to be effective in materially reducing or eliminating the hazard of lung cancer.

5. The nonsmoker has a lower incidence of lung cancer than the smoker in all controlled studies, whether analyzed in terms of rural areas, urban regions, industrial occupations, or sex.

6. Persons who have never smoked at all—cigarettes, cigars, or pipe—have the best chance of escaping lung cancer.

Unless the use of tobacco can be made safe, the individual person's risk of lung cancer can best be reduced by the elimination of smoking.

The chairman of the Tobacco Industry's Scientific Advisory Board has consistently deplored efforts to discourage cigarette smoking. It has been his position as stated in an article appearing in the December 1957 issue of the Atlantic:

That the existence in tobacco smoke of substances carcinogenic to the lungs of men

has not been and cannot be proved by statistical associations or by painting the skin of mice of certain specific strains with highly concentrated extracts of tobacco smoke. * * *

That the status of research into lung cancer involves many unresolved differences in concepts about possible causation and also about its relative incidence and increased frequency.

Dr. David D. Rutstein, head of the Preventive Medicine Department of the Harvard Medical School, answered the chairman of the Tobacco Industry Advisory Board in the following issue of the Atlantic Monthly.

In an open letter to the chairman he said:

As a professor of preventive medicine, I have been deeply concerned, as I know you have, by the constantly increasing death rate from lung cancer in the United States and in other parts of the world. Over 25,000 people in the United States die from lung cancer each year, and the number is increasing by about 2,000 every year. This disease now kills more men than any other form of cancer.

What is the evidence that cigarette smoking is responsible for most of this increase? Eighteen studies in five countries show either that patients with lung cancer are predominantly cigarette smokers, or that cigarette smokers have more lung cancer than do nonsmokers. All but 1 of these 18 studies show that the more and the longer you smoke cigarettes (but not pipes and cigars), the more likely you are to get lung cancer.

At some future date I expect to quote further from Dr. Rutstein's letter. However, I remind my colleagues that this was in 1957. In March 1962, there has been no evidence brought forth by the tobacco industry or any other scientific group which refutes any of the claims made or statistics set forth in the letter which appeared in the Atlantic Monthly. It is a statement by Dr. Leroy E. Burney, of our own Public Health Service. This was in 1959. In a paper which he presented to the American Medical Association, he stated:

In the United States, the death rate from lung cancer among white men (age adjusted) was 3.8 per 100,000 population in 1930; by 1956 the rate had risen to 31.0 and more than 29,000 persons died of lung cancer in that year.

Projecting these figures to 1962 we find that this is a problem which is really causing great concern to many doctors and public health officials and scientists.

Dr. Burney goes on to say:

Two years ago I made the following statement:

"The Public Health Service feels the weight of the evidence is increasingly pointing in one direction—that excessive smoking is one of the causative factors in lung cancer."

He proceeds to quote from a scientific study. I shall refer to only one or two of them in this résumé from the important article written by Dr. Burney:

Doll and Hill: The Doll and Hill study is a continuing analysis of 40,701 British physicians. Among male physicians 35 years of age and over, in the initial 4½ years of observation, 1,714 deaths have occurred, including 84 from lung cancer. Deaths from lung cancer increased steadily with increasing amounts smoked; for nonsmokers the age adjusted death rate was 7 per 100,000 of this population; for the light smokers, 47; for moderate smokers, 86; and for heavy smokers (more than 25 cigarettes daily), 166. Giving up smoking reduced the susceptibility of a smoker to subsequent development of lung cancer.

There is one study after another in this report which is not based on mere cursory sampling of population, but over long periods, as much as 30 years in one instance, to show the continued evidence.

Therefore one questions why people in the tobacco industry or people who purport to be at the head of some scientific advisory committee continue to question the findings.

Dr. Burney continues:

There can be no doubt that a significant proportion of the increase in lung cancer is real. * * * If we accept as valid the sequence of pathological changes given above, the prevention of lung cancer, to a large extent, becomes possible.

In other words, we still do not know the cause of cancer, whether it be lung cancer or any other kind of cancer, but there is one kind of cancer about which we do know something so far as preventing it is concerned. It seems to me the evidence is very factual and very impressive.

I have also been interested in preventing the harmful effects of pollutants in the air caused by exhaust fumes of big industries in many of our large cities. Dr. Burney goes on to state:

Most investigators agree that air pollutants probably contribute to the elevated lung cancer death rate. Cancer-producing agents are in the air we breathe.

The cancer death rate in the largest cities is twice as high as that in nonurban areas. The case is not yet proved, but the weight of evidence grows heavier as research progresses.

I point out the difference in the attitude of industry, of the automoblie manufacturers, for example, toward the proven facts, as contrasted with the tobacco industry.

Most of the major cities of the Nation have well-established smoke-control programs.

Obviously, they accept the findings of scientists that there are pollutants in the air.

Industry has done much already to institute better methods of combustion and manufacturing processes and to develop means of extracting pollutants of smoke and vapors before they are discharged into the air. Automobile makers now have devices in the laboratory stage that show promise of controlling the exhaust pollutants produced by the new fuels and the modern, high-compression automobile engines.

Again, the automobile manufacturers did not wait for Congress and Government to put upon them some controls; they have voluntarily established what are called blowby devices; and these are to be installed as required on automobiles in California beginning very soon.

But not so with the tobacco industry, which continues to question the results of these scientific explorations and exhibits:

The group of statisticians and epidemiologists reporting that this study recognized "there are areas where more research is necessary" and that "no single cause accounts for all lung cancer." However, they concluded that "the magnitude of the excess lung cancer risk among cigarette smokers is so great that the results cannot be interpreted as arising from an indirect association of cigarette smoking with some other agent or characteristic."

Dr. Rutstein, in his 1957 articles, answers one of the comments of the tobacco industry, who are always saying, "But we just do not know the cause." He asks:

Why do you insist that we find the cause of lung cancer before the public health authorities be permitted to make any effort to control this disease?

One might say that we still do not know the cause of the common cold, but we supply people with handkerchiefs.

THE ALEXANDER HAMILTON NATIONAL MONUMENT — AMENDMENT TO THE CONSTITUTION DEALING WITH POLL TAXES

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD] to proceed to the consideration of the joint resolution (S.J. Res. 29) providing for the establishing of the former dwelling house of Alexander Hamilton as a national monument.

Mr. STENNIS. Mr. President, as a preliminary matter, the yielding by the Senator from Mississippi has been primarily because of the need for and the lack of a regular morning hour. Certainly the Senator from Mississippi did not anticipate so many Senators would request time, though they were very rightful in requesting it. The Senator from Mississippi has a situation which will compel him to attend a meeting at 2:30 this afternoon, so certainly he will not have an opportunity to complete his speech even on the major points. Under those conditions, since so much time has passed, I ask unanimous consent that immediately prior to 2:30 p.m. I may yield to the Senator from South Carolina [Mr. JOHNSTON] so that the Senator from South Carolina may make an address, and that I may succeed the Senator from South Carolina without it counting as an additional speech on the pending motion.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi?

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

Mr. STENNIS. I yield.

Mr. HOLLAND. I would have no objection, provided it is understood that the Senator from South Carolina will be considered as having made a speech.

Mr. STENNIS. I think the Senator from South Carolina would expect that, yes.

Mr. HOLLAND. I have no objection.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

Mr. STENNIS. Mr. President, in resuming my argument, which I was making on the pending motion last Friday afternoon, I wish to make it clear at the beginning that this is a very, very serious

matter to me and to my State. The debate may be long and sharp words may be passed, but I wish to emphasize now that I have the highest of esteem and respect for the sponsors and cosponsors of the proposal. Anything which may be said with reference to them certainly will not impugn their motives or good faith, as responsible Members of this body. Anything which may be said with reference to anyone who makes arguments, including the President of the United States, whose letter has been placed on our desks, certainly will not reflect upon the man or impugn his motives.

I always uphold the dignity of the position of a Senator or of the President of the United States, regardless of how much I may disagree with his conclusions or think that his proposals are not timely.

Mr. President, I think this proposal, at this time, has no particular need. It does not have any need. The country has many, many, many, many other urgent matters of national and international consequences which are being held up and which do need attention.

I came to the floor of the Senate as a Member more than 14 years ago. Soon after I came to the Senate an argument was made on a poll tax bill.

I remember particularly a speech that was made by the Senator from Alabama [Mr. HILL], who also made such a fine, clear and forceful presentation here last week.

I think in its better sense the motion to consider the joint resolution is purely a political move. It is merely a gesture toward something along the line of a so-called civil rights bill. I remember that the proposal now on the floor of the Senate was circulated among Senators earlier in the session last year by some of the Senate attendants. It was signed without any real deliberation. I think the political situation that is developing for the forthcoming election makes at least a debate in order.

However, I think the attempt is merely the opening gun for a debate upon, and, perhaps the effort toward passage, of a series of proposals regarding the franchise. I do not think one can raise his banner and say, "I want to repeal the poll tax by constitutional amendment" without inviting someone else to raise his banner and call upon men to march under his colors to repeal the poll tax by statutory enactment. I do not think those two could keep the issue to themselves. Someone else would raise his banner and say, "I want to pass a statute regarding the educational requirements for exercising the voting privilege"—a subject which, with all deference to the author, I think is clearly unconstitutional.

Only last week the Attorney General appeared before a committee of the House of Representatives and urged the passage of a bill relating to the outlawing of the literacy test, so to speak, by mere statute, when the Constitution of the United States clearly provides, not once, not twice, but three times, that the determination of voting qualifications shall be solely within the power of the respective States.

As the Senator from Alabama brought out last week, it is very clear from reading the debates of the Constitutional Convention on that amendment that there would not have been any Constitution at that time unless the provision to which I refer had been clearly spelled out in the very face of the Constitution itself.

Article I provides:

> And the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

That language was adopted by the Original States. The identical language was used in a constitutional amendment more than 100 years later. After more than 100 years of experience with our form of Government and its constitutional operation, when an amendment was before the Congress and the people of the United States, the identical language was adopted in making Senators of the United States elective.

A few years later the identical language was reappraised, reaffirmed, and again finalized when an additional amendment was passed by Congress and adopted by the States with reference to the privilege of voting by women.

It is not an idle act for us to accept a legislative fiat. The debate has already been opened on the proposal introduced by the majority leader, the Senator from Montana Mr. [MANSFIELD]. In his remarks at the time he moved to consider the measure, the majority leader referred to the joint resolution as an administration measure. Last week it was referred to by the Attorney General as being a part of the administration's program. So I want to make clear that we have not merely a debate upon a constitutional amendment with reference to prohibiting five States from using an innocent regulation—and that is all the poll tax requirement is—but an issue opening up a debate on the entire subject matter, with all of its ramifications. Not only are we considering proposed amendments to the Constitution, but also, by legislative fiat, we would first declare in the joint resolution that we are going to set the Constitution aside, so to speak, and then pass the joint resolution.

Since the adoption of our Constitution, all of our States at one time or another have carried in their constitutions or on their statute books a poll tax or some form of a property qualification for voting. During that time these requirements have been deleted from their constitutions and statute books by the people of some of the States themselves. It is altogether fitting and proper that these actions be taken by the people of the States rather than by the Federal Government.

It was never expected by the Founding Fathers that the Federal Government should whittle away the rights of the people and of the States either by legislative fiat or by constitutional amendment, although the power, of course, to amend the Constitution is written on its face, as it should be. They recognized in that great convention in Philadelphia in 1787 that in constructing the basic document of our American Government they were making major decisions. They had fought through eight long, bloody, desperate years of war to win the independence of the States and of the people from the British Crown. They knew that they represented States that were absolutely independent and free from any other sovereignty on this earth. The sovereignty of the States was full, complete, boundless, and absolute. Whatever portion of that sovereignty they as the delegates to the Constitutional Convention yielded and gave up to the Federal Government, they gave it up carefully, deliberately, painstakingly, and reluctantly.

They carefully wrote into the Constitution section 2 of article I, which provides:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States—

They did not create anything; they clearly reserved—

> and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Mr. President, I repeat that last clause:

> And the electors in each State—

What electors? We are now talking about an election for Members of the House of Representatives, the same House of Representatives that is mentioned in the resolution—

> and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

That can be changed by constitutional amendment, of course, and that is the only way it can be legally changed. However, that is not my point at this moment. My point is that here is a power which was never granted to the Federal Government. It is a State power and a State prerogative to begin with. It was reserved that way in the Constitution when it was written, and it clearly, positively spelled out exactly what the writers of the Constitution meant.

There has not been any real change in that constitutional provision from that day until this, even though we adopted an amendment changing the method of selecting U.S. Senators, and another amendment making women eligible to vote. Those changes did not go to the qualifications, or to the restrictions, or regulations. It involved a recognition of a new group of people as being eligible to vote. It was kept clear and positive and explicit as to where the reserved power and the prerogative power was as to who would be electors. The Congress and the people reached back and adopted identical language for this section that I have read.

So, for two reasons we should not tamper with it. It was a basic prerogative that was preserved and reserved to each State from the beginning.

Certainly by now it has become a binding covenant, a binding principle, that the other States, even though they have changed their own law, will not move

into the other States and say, "Well, you disagree with us. We are going to make you conform to what we have done in our State."

The second point—and I repeat this—which is involved here is that now it is seriously argued—regretfully, of course—and presented to the Senate that we can circumvent this plain, clear, positive basic language in the Constitution by mere legislative fiat, by making certain findings here, as a legislative body, and then outlaw other tests with which we do not agree.

As a matter of naked power, that may be done; but, with all deference, it will never be done constitutionally. It will never be done legally, as the provisions of this basic law so clearly provide.

This provision of the Constitution means that once the qualifications and the status of the voters have been determined by the States, then the voters' right to cast their votes for Congressman or for Senator is a right dependent upon and guaranteed by the Constitution.

Tampering with the right of the States to levy poll taxes can result in revenue losses to the States. The poll tax is a form of revenue collection used in the five Southern States to help operate their public schools. As we know so well, the Federal Government has moved steadily into many tax fields. Today there is little left for the States.

My own State of Mississippi charges a small poll tax, only $2 per year, and no one can be charged more than $4 or 2 years' tax, as a voting prerequisite.

We hear much these days about balancing the Federal budget. I wish we heard more. However, we should not forget that the States also are having budget trouble. Although the revenue derived from the poll tax may seem to some to be small, it is of substantial importance to Mississippi in the support of our public schools. That is the only purpose for which it can be used. It is one of the few taxes which are earmarked from the beginning to be used exclusively for educational purposes.

With all deference to the advocates of this proposal, I believe that when we get right down to the fundamentals of it, it amounts to a serious assault on the reserved powers of the States. That is the practical effect of it. It is probably due in part to the condition of the times.

I know of no sovereign state in the world today which is shown as little consideration as is a State of the United States in connection with such a vital, fundamental function as determining who shall be State electors.

The proposal before the Senate would sweep away this valuable State prerogative. It is ironical to me that the very States which created the United States of America—this Government which has risen in a short time to assume responsibilities and powers in world leadership—should find themselves so forgotten and so trod down and spurned and under attack here. This is an assault upon the States themselves and on their reserved privileges.

I may add with emphasis here that the effect of legislation of this kind, which reaches in and pulls down and casts aside some of the fragments of power that the States still have, in a move to further weaken and take away this small amount of power that is left, is an assault on the sound conservative areas of the United States.

I use the word "conservative" in its better sense, to illustrate a conservatism that believes in responsibilities under our great privileges. It does not think of our Government altogether in terms of rights, but also in terms of responsibilities. It is the kind of conservatism that carries with it the idea of fiscal responsibilities; that carries with it the idea of a reasonably strict interpretation of the basic provisions of the Constitution of the United States; that believes that, unless the conditions are extraordinary, something should be paid upon the national debt, instead of merely blindly saying that we owe it to ourselves and that we are paying ourselves the $9 billion of interest; and that carries with it the idea of a responsibility which says we should not casually keep raising the debt ceiling and going further and further into debt for future generations unless it is for extraordinary and unusual expenses which may happen to occur within a particular year.

We believe they are a responsibility, and a conservatism, to which we simply cannot keep adding by increasing the number of Federal programs and the expense which goes with them, without gradually having a nationalized government and a dependent people. I have never made an attack on the Department of Health, Education, and Welfare, and I do not mean to do so now. However, I learned the other day, during a brief hearing of a subcommittee of the Committee on Appropriations, that that Department of the Government, 7 years ago, had 43,000 employees and a budget of $1,500 million. Now, 7 short years later—and I am giving round figures—the Department has some 80,000 employees and a budget of approximately $5.9 billion. Those 7 intervening years certainly have not been depression years. The cold war is in progress, true; but there has not been a shooting war. Extraordinary, unusual things have not happened. As I understood, there are pending at this session of Congress additional programs which would add, in round figures, $1.5 billion to that budget. Just one item in those pending proposals would add 5,000 employees to that Department. This is simply a graphic illustration of how national programs grow by leaps and bounds, adding to the yearly cost of the Government many billions of dollars.

Furthermore, when we look into the future only a brief span of four more decades, I am told that by the year 2000, at the present rate of population increase, the Nation will have a population of almost 400 million. We must realize that that will mean increased demands upon the services of the Government. The increase in the Federal programs, the increased amount of care which will be sought from the Federal Government for existing programs and the host of proposals which are being added every year, will not only make it far more difficult to have anything that is near sound fiscal policies. In my humble opinion, with the increased number of organizations—and I use that expression in its better meaning—with the increased pressures and demands upon Congress, there will be a serious question of the ability of representative government to function amid such an enormous population with its increased demands.

So I say that any measure, however good its author may consider its motives—any measure which tends to strike at what little remaining power the States have to regulate their affairs—is an assault on the conservative element, the conservative political forces, and the conservative viewpoint of this great Nation. I use that term in its very best sense.

I have not a bit of doubt in my mind that if the so-called voting rights proposal passes, even in the form in which it is presented to the Senate, it will tend to weaken the conservative viewpoint of the Nation, it will prove to be an effective assault on it.

If this proposal ever gets momentum enough to be seriously considered for passage, my humble opinion is that it will be swept aside as the morning dew melts before the rising sun, and this other provision will be substituted, the provision relating to the so-called voting rights and educational qualifications. With all deference, there will be the measure which will become law. Much of the Constitution will be literally swept out of that great document if the Mansfield joint resolution ever passes. With all deference, I think it is a legal monstrosity.

As I have said, in comparing our own States with the new states being created throughout the world, many of the small and weaker states throughout Asia, the Middle East, Africa, and elsewhere are being given more consideration now than are the States of the United States. We are not trying to take any of their powers away.

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

Mr. STENNIS. I yield.

Mr. EASTLAND. Does the Senator believe that the poll tax disfranchises anyone in the State of Mississippi?

Mr. STENNIS. I am glad the Senator has asked me that question. May I answer with a little background? My colleagues and I have lived in Mississippi all our lives in rural counties. We have been out among the people all those years.

Mr. EASTLAND. Two country boys.

Mr. STENNIS. I am certain in my own mind that the poll tax does not disfranchise a single individual in Mississippi. Anyone who is disabled can get a certificate of exemption. Anyone who is 60 years of age or over, as the Senator knows, is exempt anyway.

Mr. EASTLAND. If the poll tax does not disfranchise anyone, what is there behind the drive to pass the joint resolution except to nationalize elections, destroy the powers of the States, and concentrate power and authority in the Federal Government? It could not be

primarily to protect the voting rights of the people, because the poll tax does not disfranchise anyone.

Mr. STENNIS. The Senator has correctly stated the point. As I said in the beginning of my remarks, before the Senator came to the Chamber, I believe this measure and all others which relate to it are politically inspired. It is an election-year activity. There is no emergency. There is no need for such legislation. It has been before Congress during all of the 14 years I have been a Member of the Senate, and more. The whole effect of the proposed laws would be purely to nationalization of elections.

Mr. EASTLAND. Notice has been given, has it not, that an attempt will be made at this session of Congress to pass other measures which would further nationalize the elections of the Nation, destroy the powers of the States, and concentrate authority in one strong Central Government?

Mr. STENNIS. The Senator is correct. The other bills have been mentioned. One will be offered as a substitute to outlaw the poll tax by statutory enactment. Another one, concerning which the Attorney General has spoken, and which the President mentioned in his state of the Union message, relates to literacy requirements. If either of those was passed, the elections would then be entirely a national affair.

I thank the Senator for his timely questions and the observations which he made.

One further point with reference to the way the States of the Nation are being attacked, are being legislated against, and their powers taken away. Congress is not going to take away any of the powers of the new states which have been created throughout the world; we are trying to help them, to strengthen them. We are trying to give them aid. We are attempting to give them all kinds of privileges in the United Nations. We have sent them the Peace Corps, and for a long time we have been sending them technicians.

At the same time, Congress is asked to consider measures which would, in a measure, cut the jugular vein of the States of the United States, so far as the fundamental powers reserved to them in the Constitution are spelled out.

Mr. President, I cannot reconcile the two approaches to these two matters. Even though this proposal, as now written, for a constitutional amendment is a legal method, nevertheless in large degree it cuts a jugular vein and strikes down vital power of the States of these United States. Other States have seen fit to change their law, and we may change ours. Thirty years ago we struck out all such requirements regarding taxes, except this little poll tax. But today I plead that Alabama, Mississippi, and the other States in this group should have the same privilege that the other States have had.

Mr. EASTLAND. Mr. President, will my colleague yield?

The PRESIDING OFFICER (Mr. HICKEY in the chair). Does the Senator from Mississippi yield to his colleague?

Mr. STENNIS. I yield.

Mr. EASTLAND. It might be legal, but certainly it is not in harmony with our system of government, with its dual functions.

Mr. STENNIS. My colleague is entirely correct. I have already discussed that point, and my colleague has summed it up well. Certainly this measure is not at all in keeping with either the letter or the spirit of this reserved, fundamental power.

Mr. President, further in regard to the poll tax as it applies in the United States, let me state that it has been said here on the floor of the Senate that this measure affects only five States; namely, the so-called poll-tax States. But I respectfully submit to the Senate that we shall go far wrong if we consider that this bill affects only the States which now have poll taxes in effect. In reality, it affects 50 States, because it seeks to amend the suffrage clause of the Constitution of the United States.

I respectfully call the attention of the Senate to the fact that this is one of the most important and one of the most touchy subjects to be found in our form of government.

Mr. President, earlier I obtained unanimous consent to be excused at 2:30 from attendance on the Senate floor today, and to have the Senator from South Carolina [Mr. JOHNSTON] then be recognized to speak on this subject, without having that count as a speech by me on the pending motion. I am now advised that he cannot be in the Chamber at that time. Therefore, I ask unanimous consent that at that time the junior Senator from South Carolina [Mr. THURMOND] may then proceed, instead.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STENNIS. I thank the Chair.

Mr. President, as I said a moment ago, I respectfully call the attention of the Senate to the fact that this is one of the most important and one of the most touchy subjects to be found in our form of government.

It is a subject matter with relation to which the framers of nearly all our State constitutions and of our own National Constitution have proceeded with great caution. When they came to consider the subject, almost invariably, instead of vesting the legislative bodies of the government with power to prescribe and control what shall be the qualifications of electors, they dediced that the people, through their organic law, should themselves prescribe those qualifications in their State constitutions.

I desire to make the further point that much more than a matter of States rights is involved. That question is involved, but this issue cannot be dismissed as merely a question of States rights, as such. I think it affects the political integrity of the Nation and the preservation of constitutional government. It is one of the most serious and far-reaching questions ever to come to the floor of the Senate. So it is a sad fact that the question has to be considered in a political atmosphere, with various organized groups—pressure groups, and some other groups with fine intentions, but misinformed—knocking on the door, standing on the steps, we might say, of the major political parties of the Nation, with their demands that this legislation alone be passed at once. I think it is one of the saddest occasions in American history when the Senate of the United States is called upon to pass on this matter under such circumstances.

I do not think it can be dismissed as being merely a matter of civil rights, as such. I know that a great number of us—and, I think, all of us who are opposed to the bill—stand ready and willing at all times to see that the legal civil rights of all persons are not only recognized, but are protected and preserved. I repeat that this is not merely a matter of civil rights, as the term is ordinarily understood. The right to vote is a privilege. It becomes a legal civil right if the person meets the qualifications prescribed by law to become a qualified elector. That is the question. The law respects a person and the law protects him, once he has met the requirements for becoming a qualified elector.

Mr. President, that matter is something which requires specific definition. Specific instructions as to just where that right began are required in the law. All our State constitutions and our Federal Constitution respect that right and protect it.

Mr. President, I ask that we always remember that we are not now considering a political campaign matter. Here, we are dealing with the Constitution of the United States. Let us also remember that we are dealing with one of the most delicate subjects within the Constitution.

I am vigorously opposed to any proposal in the Congress to have the Central Government attempt to prescribe the qualifications for voting. This matter is a State prerogative, and it should remain such. I have repeatedly expressed the view that even though I am opposed to such action in any form, and by any means, alteration of this fundamental States right can be accomplished only by constitutional amendment.

Mr. President, let me say with all due deference to everyone concerned that I believe that basically bound up in this entire matter is the question of the responsibilities of citizenship. I think that for many years we have been gaily going along and, instead of increasing the responsibilities of citizenship in a more complicated society and with more complicated problems to solve, we have been decreasing the responsibility of people—for instance, with reference to their own families and their own parents—and we have decreased the responsibility of the local people with reference to their schools, for instance. I think we have sailed along too easily, when we have taken almost everything for granted and have taken the position that, after all, the Government can and will protect and take care of everything and everyone, and that therefore each one of us does not need to save for the education of his children, but that instead, in some way some provision will be made. I think the impact of all such developments is to create irresponsibility, rather than re-

sponsibility. Whatever curbs and regulations there are—and I would not want many—with reference to voting—and voting is a privilege, not a right, for voting is never a right—the matter of exercising this privilege has become more and more casual and more and more ordinary. That is why I say that instead of removing all these restrictions and guidelines, I think the demand of the time is that we must consider increasing some of the responsibilities and increasing some of the reasonable restrictions.

We are holding hearings now with reference to the need and necessity for further drilling, indoctrinating, and instructing men in the armed services, beyond what they have learned in their homes and schools, whatever training they got in those two places. We are seriously considering the matter of further training them and indoctrinating them in American principles, constitutional principles, and privileges of our form of government, which is what I am trying to emphasize.

We can take care of whatever menace is threatened by the Communists if we can get enough Americanism instilled into the people. The military cannot do it all, either. All this shows that something has been happening to slow down the spirit of responsibility. There has not been a slowing down of benefits coming from our Government in a material way, but it must be that somewhere along the line we have not put enough emphasis on responsibilities. I think the privilege of voting is certainly one of the outstanding responsibilities, and it should be emphasized to our people that it is a privilege, that one must do something to earn it, that he must make some kind of a contribution, perhaps pay a little tax, and register, and must live a little while in an area where he proposes to vote, that there must be some kind of a literacy requirement. I have never gotten away from the idea that a voter should be able to speak the English language.

Instead of building up and emphasizing responsibilities, it seems to me we are taking them away and tearing them down and are saying, "After all, everything is going to be all right. Everybody come in and exercise the privilege of government, and none need carry the responsibilities of government."

This is one reason why there has been burned into my heart and soul the need for some kind of regulation of the voting privilege. I did not have to come to the U.S. Senate to learn that. I have felt it for a long time. As I stated awhile ago, I have spent my life among the people in connection with governmental matters. I do not think there is any quicker way to destroy the fundamental privilege of voting than to make it too easy and too simple and too comprehensive, without any kind of regulations, such as the payment of a $2 poll tax. In some States it is a dollar and a half. In one State it is $1.

The requirement of the payment of a small amount of money of that kind and the requirement of registering are certainly a very, very mild tap on the shoulder, but they carry out the lesson of responsibility.

Mr. President, I was somewhat shocked last week to read in the press that in the last few days the Attorney General of the United States is actually urging the Congress to outlaw the poll tax and curb literacy tests in Federal elections. This incumbent of the highest legal office of the executive department of the Federal Government, this top lawyer of the Department of Justice, would have the Congress attempt this drastic violation of States rights or constitutional provisions by a simple legislative act.

I can understand why anyone, in his enthusiasm, could get interested in the subject matter and feel he was justified in proposing that, but how one in a high position of responsibility, who had an opportunity to study the plain, simple, basic provision of the Constitution—written not just once, not just twice, but three times in the Constitution, reserving those rights to the States—could reach the conclusion, after studying it, and particularly one with a legal mind, is far beyond my ability to grasp. I believe many of these persons are overwhelmed by political considerations.

Mr. President, this view is well and soundly supported by the constitutional law and history of this country and is certainly recognized as fundamental by those who, in conscience, must be and are guided by right rather than the might of political pressure.

Nevertheless, Mr. President, there are substantial indications that effort will be made in the Senate to attempt a presumptuous repeal of the States' poll tax law and to set up other strictly constitutional voting qualifications by mere legislative act of the Congress.

Mr. President, the real true question involved is whether or not a mere majority of the Congress of the United States has the constitutional authority to prescribe what shall be and what shall not be a qualification for voting in Federal elections.

Not in the attitude of seeking controversy, but in all sincerity, I challenge the proponents of this measure to come into court and state the book and page and line of any respectable legal authority they have, from whatever source, to sustain their position. I invite them now and ask them now to bring in the evidence, the legal documentary evidence, from the organic law, or from the courts of our land, which will sustain them on a sound basis. I do not believe they have the power or the resources to do that, and I do not believe they will be able to present respectable authority. On the contrary, there is an abundance of authority for the other side of the question.

Mr. President, this matter has frequently been discussed and I have several times made reference to my impression associated with my visit to the scene of the assembly of the makers of our Constitution.

Several years ago I stood in Independence Hall in Philadelphia. I walked around the Chamber there, remembering that was where the Constitution of the United States was written. I tried to picture in my mind where it was that Benjamin Franklin sat. I tried to picture where James Madison sat. I thought of the presiding officer, George Washington, and I felt that a political halo hovered around that place. I thought of the great document those men penned there—how, while the world scoffed, they wrote that instrument; and how it has become the object of admiration of all the world; and how we have grown. That towering city of millions was little more than a village then; and I thought how we have grown into a great nation, the most powerful in the world.

I thought of the city of Washington, D.C., where meet the political leaders of the world. We control the commerce, we control the finance, we control the shipping lanes. We are actually the capital of the world, and have become such within a short span, only a few years relatively speaking.

Soon after being in that atmosphere of reverence and thankfulness, surrounded in my imagination by these towering patriotic intellects, my thoughts shifted back to the scene of the Senate floor. I picked out in my mind the towering personalities in this Chamber, and compared them in my mind with the patriotic personalities who once stood on the floor of Independence Hall. I can say in all sincerity that they compared favorably in intellect, in intelligence, in attainments, and, more than that, I think they compared well in patriotism.

But, thinking further about the Constitution, it seems to me, Mr. President, with all deference, that, instead of trying to respect a sound Constitution and instead of trying to preserve a sound Constitution, this proposal—with reference to the enactment of a statutory law which would set literacy requirements and other requirements as to voting for Members of the House of Representatives, for Members of the Senate, and for the President—would be, in effect, an undermining, a dissolution, and a destruction of that same Constitution. If such a law should be passed, how could anyone with logic and reason stand on the floor of the Senate and point to any other major provision of the Constitution which could not be undermined? How could one protect the Constitution?

Someone said that we must be practical, and that we must adopt a method that is expedient. Let me quote from the words of George Washington himself. In the Constitutional Convention someone suggested that they must propose an expedient form of government, one which would be adopted and which would be sure to meet the popular approval. Trying to do something that will meet popular approval is not a new thing.

I should like to quote what that great man said. When I use the word "great," I reflect that of all the magnificent objects in the city of Washington, the most magnificent to me is the one that is dedicated to the Father of his Country—the Washington Monument. On the floor of the Constitutional Convention, when someone suggested that we

must be expedient and must write a document that would be popular and be accepted, George Washington's reply was:

It is too probable that no plan that we propose will be adopted. * * * If, to please the people, we offer what we ourselves disapprove, how can we afterward defend our work? Let us raise a standard to which the wise and just can repair. The events then will be in the hands of God.

So now, regardless of expediency of action and regardless of how popular it may be on some fronts, let us here raise the standard to which the wise and the just can repair, and then the outcome will be in the lap of the gods.

Mr. President, the measure provides very briefly that the payment of the poll tax shall not be a prerequisite to voting in elections for President, Vice President, Members of the Senate, and Members of the House of Representatives. The very question has come before other deliberative bodies. We are dealing now with the Constitution. My entire argument will be based upon and centered around the great constitutional questions which arise.

The very subject of dealing with the qualifications of electors came before the Constitutional Convention to which I have referred. The men present passed on it. They included James Madison, Benjamin Franklin, George Washington and others. They decided that in our Government we would have a President and a Vice President. They decided further that we would have a U.S. Senate. They decided that we would have a House of Representatives.

The question then arose as to how the Members of the House of Representatives would be chosen. It was a most vital and important question. The members of the Convention decided that they should be elected by the people. Then the question arose—and the question was one of the most serious of all—who shall be the electors? Who shall be the qualified electors?

Three proposals were made. The first was that the question should be left to Congress to decide as to who would be qualified electors. That is the very thing that the bill which was introduced this year with reference to literacy requirements would do. But that plan was rejected. Incidentally, as I recall, the first plan, providing that the Congress should have this authority, had only one sponsor in the Constitutional Convention. Think of it. There was only one sponsor in the Constitutional Convention for a provision that Congress should be allowed to decide who should be qualified electors. Still if the bill were passed—a statutory enactment with reference to literary qualifications—that would mean the breaking down of a wall of provisions that was erected, and the establishment of a new system declaring who are qualified electors. The same plan that had only one vote in the Constitutional Convention would be adopted now, and that plan would be adopted without being submitted to the States or to the people, but adopted by legislative fiat.

Returning to the Constitutional Convention, the second plan proposed was that there should be written into the Constitution itself a definition of who would be qualified electors to choose the Members of the House of Representatives. At that time the Senate was not considered because, as everyone recalls, Senators were to be selected by the States. The second plan was also rejected.

The third plan proposed was that definitions should be written into the Constitution to the extent of saying:

This matter being so important, so highly controversial, we prescribe the rule that in all Federal elections in each particular State, those who are qualified to vote in the most numerous branch of that particular State legislature shall be qualified to vote for the Members of the House of Representatives.

Those are the words as to what the plan provided. That is exactly what was adopted after a firm consideration and a sound conclusion. That provision was written into the Constitution itself.

To bring out the point more clearly, I read again the exact words of article I, section 2, of the Constitution:

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—

Note the word "shall"—

have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Who could argue or imagine that Congress by legislative act could change the term of the Members of the House of Representatives from 2 years to 3 years, 4 years or 5 years? Congress has absolutely no power to make any such change, because the words used are "chosen every second year by the People of the several States."

Of course, we must have respect for the English language. We must respect clear meaning.

We would wander far afield without compass, guideline, or direction if we wander away from the clear, plain, and basic provisions of the Constitution.

I have not heard anyone suggest that the Congress should have power to prescribe the qualifications of electors in State elections, or that it should have the power to prescribe the qualifications of electors who are to choose the members of the most numerous branch of the individual State legislatures. I emphasize the point that, as I understand, no one claims that there is authority in Congress to prescribe who shall be qualified electors in the various States in choosing the members of the most numerous branch of their State legislatures.

The Constitution of the United States provides that the electors of the U.S. House of Representatives shall be the same as those provided in each State for the election of members of the most numerous branch of the State legislature.

How can we change here by legislative fiat the qualifications of electors for Federal officeholders and not at the same time change it for the electors of the State officeholders, when the plain provisions of the Constitution, clear as a bell, provide that they shall be the same?

If we have no power to change the State list, how do we have that power to change the Federal list of electors, when the Constitution of the United States plainly says that they shall be the same?

With all deference, I do not believe that question will be successfully answered during the course of the debate upon such a bill.

I quote further from the Constitution, section 4, article I, which reads as follows:

The Times, Places and Manner of holding Elections—

Let us get that clear. We are not talking about qualified electors, nor about who shall be qualified electors; we are on another subject entirely.

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to places of chusing Senators.

Mr. President, I anticipate that somewhere in the debate upon the Mansfield bill the argument will be made at great length that under section 4 Congress has the authority, and that it has been established by many precedents, to go into all forms of regulating Federal elections, and therefore the argument will be made that that includes the power to go back to article I and change the qualifications of electors. I submit that this would be a mere argument.

However, the provision of the Constitution which applies, article I, section 8, clause 18, reads as follows:

The Congress shall have Power * * *
To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers * * *.

The foregoing powers. In other words, Mr. President, if there is no power in article I, section 2—which provides that the list of electors shall be the same—to change the qualifications of an elector, then there is no power to be gained from clause 18. It is possible to revert to that portion of the Constitution and say that under it the power of Congress rises higher there than it does under section 2. Just like a stream can rise no higher than its source, clause 18 can rise no higher than is the grant of power, if any, in article I, section 2.

We come back again and again to the proposition that the Constitution of the United States provides that the qualifications shall be the same for electing members of the State legislature as for electing Members of Congress. Congress cannot possibly have any kind of power to prescribe what shall be the qualifications of electors to elect members of the lower branch of the State legislatures. If that be true—and it is undenied, as I understand—how can Congress, under any clause, have the power to say that the Constitution is all wrong, and that we shall establish a list of qualifications for voters for Members of Congress, and that the State legislatures can do what they please under the Constitution with respect to the qualifications of electors of the lower branch of their legislatures? It is proposed that we shall not follow the Constitution with respect to the question of qualifications.

Madam President, I do not see how we can pursue such a course. That is why I say that it is not a question of expediency. It is not a matter of what might be proper under certain circumstances. It is a matter of doing something "to which the wise and the just can repair." Those are George Washington's words, not mine. Then, as he says, affairs will be in the hands of God.

Another provision which has a bearing on this question is amendment 10 to the Constitution. We are still talking about powers:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Certainly that means something, particularly when we try to squeeze out an imaginary power from some of the other clauses of the Constitution, especially when we are pressed because of the expediency of the occasion. We might be inclined to lean over the line a little; but amendment 10 calls us back:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Madam President, with all deference, it is hard to see how language as clear, as positive, and as explicit as that could be so largely ignored in many instances by Congress and by the courts, especially when it is on a plea of being necessary or acting under expediency.

That brings me around to another proposition. It goes with the idea that I was presenting this morning. The trend of legislation, the trend of constitutional amendments is to take away from the States powers and responsibilities, to take away from the State governments responsibilities that are theirs now.

We have taken away from the people responsibilities that properly belong to them and have been bestowing so many of the so-called benefits on the executive branch of the Government that I fear the burden will become so great that it will not be able to carry the load.

I have another observation, Madam President. According to my experience as a public official, particularly in present times, I believe the Federal Government is not nearly as effective in taking care of some of the problems of government as are the States. In some cases where the Federal Government goes in and takes power away from the States, they do not do anything about it.

I am going to mention something that I have never mentioned before, as I recall, on the floor of the Senate. I have noticed with great alarm the increasing lawlessness which has been built up right here in the city of Washington. I do not want to advertise it any more than it has already been advertised. But the lawlessness and the irresponsibility is already well advertised all over the world. If the representatives of other governments in this country tell their governments back home what goes on—and I am sure they do—I wonder what kind of explanations or what kind of reports they send home with reference to the lawlessness that we have right here in the District of Columbia.

I have been a law-enforcement officer for a brief time elsewhere. I know that if we turn people loose, whether it is in Washington or Wisconsin or Mississippi or wherever it is, without some kind of fairly strict law enforcement, things are going to run away and things are going to become intolerable.

We appropriate and spend great sums of money for the Voice of America and the Peace Corps. I do not refer to them critically at all. We spend great sums of money for good will. We send our technicians to foreign countries. We spend billions of dollars for this work. I think the amount has reached more than $100 billion within the last decade; perhaps a little more. Still, on top of that, we see bursting forth this incessant line of increasing violence and criminality right in the Capitol City itself.

Madam President, what kind of report do you suppose an honest ambassador or minister—and I am sure they are all honest—will give to his country with reference to these happenings? My point is that instead of Congress taking more power from the States, we ought to be doing a better job of exercising some of our own direct responsibility.

About 10 months ago, or a little less, there was the disturbances of the freedom riders pouring down into Alabama and Mississippi. Pictures were published in the press showing the police in Jackson, Miss., trying to cope with some of the situations. They were using dogs. Frankly, I did not realize they had dogs. However, I had heard of dogs being used. Upon investigation, I learned that right here in Washington, D.C., the police had been using dogs for some time. I understand the police department is now requesting an increased number of dogs because more are needed.

Madam President, I have before me a news item published in the St. Louis Globe Democrat of March 8, 1962. The headline reads: "Criminals Getting Bold—Dogs To Stand Guard on Capitol Grounds."

This dispatch was special to the Globe Democrat and reads as follows:

WASHINGTON.—Criminals have become so bold and so cruel in the Nation's Capital that police dogs are to be used to protect Members of Congress and congressional staffs entering and leaving the Capitol Grounds.

For years Washington has been a jungle of rapes, murders, holdups, beatings and purse snatchings, but until recently the neighborhood of the Capitol had been regarded as one of the less dangerous areas.

Madam President, my point is that instead of Congress trying to take powers away from the States, we had better start at home to attend more to the problems already on our desks. We had better demonstrate that we understand the present laws and regulations before we seek to change the laws of the States. I continue to read from the article:

In recent months, however, criminals have invaded the neighborhood. Their most recent victim is Representative MARTHA GRIFFITHS (Republican), of Michigan, whose purse was snatched in daylight near the Senate office building.

Thieves have even made their way into congressional offices. Senator MARGARET CHASE SMITH (Republican), of Maine, found when she wanted to see ceremonies for Astronaut John Glenn on her office television set, it had been stolen.

Thefts of typewriters from the Senate Press Gallery also have been reported.

Dogs from the Police Canine Corps were added to the police squads at the request of the Congressional Secretaries Club.

Madam President, think of that. Let me repeat it:

Dogs from the Police Canine Corps were added to the police squads at the request of the Congressional Secretaries Club.

Here we are debating the question of regulating the voting franchises in Mississippi and Alabama, while the activities I have just cited are taking place on Capitol Hill, a place over which Congress has clear jurisdiction. There is nothing in the Constitution which would create an obstacle for Congress in that respect. Yet we seek to tell others what they should do, when we are leaving our own backyard in this dangerous condition.

Women workers at the Capitol—

That means this Capitol—

now may have police escorts to and from their cars upon request.

Madam President, I certainly did not know that. According to this report, young women who work at the Capitol may now have police escorts to and from their cars upon request. I know nothing more about it except that the inference, it seems, is that young women feel unsafe without such assistance, and have been notified that any woman working at the Capitol who feels unsafe in going from her desk to her car or her office may call upon the police, and an escort will be provided. I continue to read:

The dogs were ordered after robbers adopted a new technique—killing their victims to insure against identification instead of beating them or stabbing.

Last Saturday night, a Washington concert musician was bludgeoned to death in a fashionable neighborhood by killers who got only a few dollars from their crime.

Madam President, some things have happened in my State, as I suppose they have happened in other States, of which I am not proud. We always want to improve conditions. But incidents such as those I have just recited do not happen in Mississippi. They never have been happening there. I do not believe there is any kind of threat to any secretary in the Mississippi State Capitol or any other office building or any other place where, regularly, she must consider whether to call for a policeman to escort her to or from her work. I do not believe such a thing is true in any State which the proposed legislation is seeking to reform.

Madam President, I make this prediction: I do not believe Congress will come to grips with this problem in Washington, because running through all of it is the racial question, the so-called civil rights matter.

Think of it: A musician bludgeoned to death; women assaulted and insulted right here on the Capitol grounds, in the Federal Capital, the capital of the world,

as I said a while ago. All these happenings have occurred here.

We are told that the young women who do our office work cannot leave to go home in safety. I do not know of my personal knowledge that any of them has requested an escort, but I know that after Representative GRIFFITHS had her experience, and others whom we have read about on Capitol Hill, whose names I cannot recall just now, had theirs, protection has now been afforded.

Madam President, I do not like to bring such matters as this to the floor of the Senate. Senators have never heard me discuss this subject before. But it is very pertinent to the subject under discussion. As a Member of this body, I am sick and tired of hearing these demands repeated every year, at every session, to pass legislation directed at some other target. Let us start at home and see what can be done.

I have before me an article published in the Washington Post and Times Herald of March 17, 1962. I dislike to advertise these happenings, but they are a part of the picture; they form the background. If accurate reports of Washington are being sent all over the world, then every government around the world is being advised of these conditions. The headline of the article reads: "Violence in the Streets. Woman Is Robbed, Severely Beaten in Series of District of Columbia Assaults, Thefts."

The article reads:

A Northeast Washington woman was beaten and robbed of $150 in cash and five $1,000 savings bonds in one of a series of robberies and assaults yesterday.

Bernice Kelly, 47, of 236 Massachusetts Avenue NE., was struck in the face repeatedly last night until she surrendered her purse at Third and Fourth Streets NE., police said.

Mrs. Kelly, a reservations clerk at Union Station—

That is only a stone's throw from the Capitol—

was admitted to Casualty Hospital in serious condition with a possible concussion, cuts, and bruises.

Alexander M. Simpson, 71, of 1630 R Street NW., told police he was knocked down and robbed yesterday afternoon in the lobby of his apartment building.

Two assailants took his wallet containing $8, he said.

Allan Hustack, 17, listed at 1630 Park Road NW., was severely beaten in front of his home last night by six youths, police said. Hustack was taken to Washington Hospital Center.

Madam President——

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). The Senator from Mississippi.

Mr. STENNIS. Let me say that just a little before dark yesterday evening, my wife said she wished to walk to the corner to mail a letter. But I said to her, "Don't go; you can't take that chance."

I now read further from the article to which I have been referring:

Margie Mae Johnson, 36, listed at 241 35th Street NE., told police her purse was stolen by a youth who struck her on the head with a stick on a parking lot behind a Giant Food Store at 3924 Minnesota Avenue NE. She was treated at District of Columbia General Hospital.

Evidently that lady went there, purchased her groceries, went out to get into her car, and was knocked in the head.

I read further from the article:

Daniel Murray, 28, of 1214 Penn Street NE., said he was knocked to the ground near his home by three men who took his billfold containing $2. He was treated at Casualty Hospital.

Homer D. Colbert, 13, of 600 Kensington Place, said a man punched him in the face and stole his transistor radio as he was standing at South Dakota Avenue and Kennedy Street NE.

Katherine Bateman, 48, of 5221 Fisher Drive, Temple Hills, Md., told police someone took a wallet containing $150 from her purse, which her daughter, Ginger, 13, was holding as they were shopping in a store in the 1100 block of G Street NW.

Ronald Stewart, 13, listed at 1536 D Street SE., said a youth took more than $20 from him in front of 1820 Independence Avenue SE.

Sandra Moss, 22, listed at 3725 12th Street NE,. told police her purse containing $2 was stolen by two youths in the 100 block of Perry Street NW.

Madam President, all that is set forth in just one article in one morning newspaper. I do not know whether the article gives the complete list, but it is part of the picture.

Madam President, I was not in the city of Washington the week before last; but when I returned, there was much talk—on the radio and elsewhere—about a bus driver who was attacked at 11th and U Streets. I now read from a report—as published on March 12 in the Washington Post—on that attack:

"I THOUGHT ONE OR TWO WOULD HELP ME"—HOODLUMS BEAT AND ROB BUS DRIVER AS 30 PASSENGERS WATCH PASSIVELY

(By Gerald Grant)

Half a dozen young toughs beat up and robbed a bus driver at 11th and U Streets NW., early yesterday while about 30 passengers sat idly watching.

D.C. Transit Driver Page M. Powell, 30, of 6920 Parkwood Street, Hyattsville, said no one made a move to help him as the gang pinned him against the window, struck him in the face with their fists, tore off his shirt pocket containing about $30, and snatched away his change carrier.

Nor was there any offer of assistance as the gang ran off leaving him bruised and bleeding, Powell said.

"I don't know why it was," said Powell. "Even though I am of a different race, I thought one or two of them would come to help me."

The youths did not show any weapons. Five of them boarded the bus, a sixth refused to pay his fare, and then six more shoved their way onto the vehicle and started swinging.

The proprietor of a nearby delicatessen called police. A second bus was summoned. When it arrived Powell asked a half dozen passengers if they would give their names as witnesses.

They just shook their heads, Powell said, and got on the second bus. Finally a 17-year-old boy, seeing that no one else responded, stepped down from the second bus and gave his name.

Deputy Police Chief Edgar E. Scott expressed shock at the incident.

"We can't provide law enforcement in this community unless the citizens want it," Scott declared. In this case, he said, it seemed they didn't.

Powell could describe only one of the six assailants, all Negroes. He said the youth was about 16 years old, short and slight, wearing a green army field jacket.

So far as I know, I believe that account covers the matter. Certainly I do not wish to omit anything of importance in that connection, although at this time I do not have time to discuss the more recent developments with reference to that case.

I did hear on the radio an editorial statement in which an attempt was made to point out that the matter was not nearly as bad as it seemed; and it was stated that only 15 persons were on the bus, and that therefore only 15 refused to give their names and addresses or to intervene in any way on behalf of the bus driver.

Madam President, as I have stated, I am not attempting to advertise these things; but they are well known. They are facts of life; but I do not believe Congress will adequately cope with this problem.

I have tried to find whether someone would propose that something be done about these matters. I hold in my hand a report in that connection. A gentleman at the Department of Corrections said, in referring to these matters:

They are merely racial overtones of a cultural nature.

Madam President, I do not see anything cultural in the matters I have been discussing. So that gentleman must have been referring to something else.

It is stated that he also said: that this trait was first known in the early Irish and the Poles of a few generations ago. He spoke further along that line, and concluded by saying:

I fear it will get worse before it gets better.

Madam President, if that is the only remedy we shall have and if that is all that these people will be told about how to cope with this situation, I am sure things will get much worse before they get better.

I deplore this situation. I have been thinking that certainly some steps would be taken to correct it, for that can be done, I know; and I know from experience with these matters that they can be dealt with in a very humane way, but also a very necessary way. But certainly a penalty must be applied to such conduct, and that fact must be well known and well advertised. Some sort of penalty must be imposed, and there must be some kind of responsibility in connection with such matters. But today we are not coping with them. By means of a few instances of this sort, if they continue over the years, we shall be doing more to ruin our reputation in world opinion than we could accomplish by all the good we could do in other ways and all the money we could spend.

The platforms of the two political parties contain high-sounding and resounding words; but in this case it is proposed that by legislative fiat the plain provisions of the Constitution of the United States be abandoned.

Madam President, I have great respect for the press; but in the press it is said that all of this is tied in with the civil rights bill, and that only a few Southern

Senators are talking for the RECORD, so the folks back home will think they are doing a great deal to protect them.

Madam President, there is not a word of truth in all such mush. This matter has gotten down to the very fundamentals of life; but we, as part of the Government, are failing to cope with such problems, even though our duty is plain and our responsibility is great and our power is unlimited. Instead, Madam President, we are talking about taking some little power from a State—some power to regulate the exercise of the voting privilege—for it is not a right—that goes with citizenship in our great Nation.

It does not take any prophet to foresee that this will all be discounted as merely the mouthings of a southern Senator.

I am no wise man, but I believe I have been talking about fundamentals. I have been talking about fundamentals of human nature and fundamentals of government for which there is no substitute.

So my plea is for responsibility to again take a front seat. My plea is for proper penalties; for conduct in human affairs here in the city of Washington, and elsewhere, to be given its proper place.

My plea is to get down to fundamentals and to use the power we already have, unmistakably and clearly, before we try to take some power away from a State of the United States under the guise of civil rights or of liberating someone.

My colleague and I have already expressed ourselves on the floor. In our humble opinion and on our honor, this little old poll tax does not prohibit anyone from voting in our State. It is a reasonable regulation of the use of a privilege, and I want it applied to all the people, whatever the color of their skin, because I know something along this line is essential for sound government.

We have our shortcomings, but what State does not? I tell the Senate right now that this Congress has more things to do than to use up this time and delay important matters in order to pass on this relatively small, and by comparison, insignificant problem, if it is a problem, which is already being handled in a pretty fine way by the States.

Mr. HOLLAND. Madam President, will the Senator yield for a question?

Mr. STENNIS. Yes; I am glad to yield.

Mr. HOLLAND. The Senator has depicted at considerable length, and with accuracy, the troubles in the field of law enforcement in the District of Columbia, the government of which is committed to Congress. Has the learned Senator from Mississippi proposed any laws or statutes by which this situation would be corrected or cleared up?

Mr. STENNIS. No; I have not. I have not made a special study of it. My impression would be that we already have enough laws on the books. That would be my general impression. I read that one judge said something about penalties. I do not remember his exact words. I simply do not believe that, as a matter of Federal law, the problem can be taken care of. I read where the official said the situation was going to get worse before it got better.

There are many things I have not been able to correct. The Senator from Florida has some matters in his State that need attention. There is some movement on there about reapportioning, so there may be better representation in the big legislature in his State. That is a live question in my State, too. I have not solved it in Mississippi. I do not know if the Senator from Florida has solved it in his State.

My point here now is that we had better attend to matters closest to home; that we do not use the Federal power that we have nearly as well as the States do; that before we take away their power, we had better attend to matters here.

I am not indifferent to crime in Washington. I am ashamed of it. I am a taxpayer here. I have a home here, as well as one in Mississippi. I am proud to be a property owner here. If things keep moving on as they are where I do live here, I am going to get out, because I do not think it will be safe.

I wish to continue now with my prepared text.

Inasmuch as this question was one of the most delicate and one of the most controversial questions which came before the Constitutional Convention, and inasmuch as those men of intelligence, information, and learning were passing on that matter, and were passing in a most serious way upon the vital question as to who shall be a qualified elector to vote for Members of Congress, when they finally settled on these words, "And the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature," certainly are we not sure in our minds that they knew exactly what they were doing and knew what they were saying? They were not trying to write new language. They were not trying to give an imaginary meaning to the word "qualifications."

I shall be able to show later that the word "qualifications" runs all the way through the law. These men were not trying to write new language. They were creating a new government. They were prescribing one of the most serious tests that was to be laid down. They were prescribing who should be the ones qualified to choose the Members of the House of Representatives.

We know that they used that word advisedly, with all this mass of information before them, and we know they gave that word a practical meaning and a legal meaning. The law was full of it.

Now, later, on some kind of theory, and merely because we do not believe a poll tax should be required, can we in good conscience say that we do not believe the payment of taxes, poll taxes or any other kind of tax, was intended to be included in the word "qualifications"?

As I see it, that is the only point of argument that the opponents of this measure could possibly have, and the door is absolutely closed in their face by the words of the Constitution.

Mr. HOLLAND. Madam President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. HOLLAND. I would like to make it very clear, as one of those who propose the poll tax amendment, that I agree completely with the Senator from Mississippi that the word "qualifications" in the Constitution does embrace such things as poll taxes, payment of property taxes, and the ownership of property. It is for that reason that we propose dealing with this matter, not through statute, but by the enactment of a consitutional amendment. It is not our view that the framers of the Constitution 175 years ago had any greater experience, learning, or understanding of the problems of today than do the men who sit now in the Senate and the House of Representatives. My feeling is that the exact opposite is true.

I have not heard the Senator even question the fact that a proposed constitutional amendment is the only legal way to change the poll tax requirement. Is that his understanding?

Mr. STENNIS. That would be a legal way, clearly so, I think, but, at the same time, it would be an invasion of the reserve powers that were considered, weighed, recognized, and allowed at the time of the Constitutional Convention. They have been kept all these years by at least some of the States, and even though many of the States have changed the law somewhat. My State changed the law about property taxes and provided that there should not be that requirement; but the whole spirit and letter of the entire sentiment was that the matter be left to the States to make these changes when and if they saw fit.

The Senator from Florida and I have discussed this question before, many times. I fully appreciate the Senator's feelings. He will not join in voting for a statutory enactment which would invade his understanding of the Constitution. I know he means it when he says it, but I believe the Senator has put up his banner and has asked everyone who believes as he does to travel under his banner. Some other Senator will put up another banner, and will ask everyone to follow him under his banner. The Senator from Montana wishes to fly a banner which involves a statutory enactment.

The fat is in the fire. The opening of the whole question has started, and the Lord only knows where it will end.

Mr. HOLLAND. Madam President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Florida.

Mr. HOLLAND. Is it not true that the adoption of the woman's suffrage amendment, from the standpoint of the distinguished Senator, marked the change of the constitutional requirement in this field?

Mr. STENNIS. I do not think it touched on the question we have before us now, other than to reaffirm the original language. That constitutional amendment created a new group of people to whom the voting privilege would apply. Those people then came under the existing law, exactly like everyone else. The law applied to the ladies, and very properly so. They were a new

group, an entirely new group, and applicable law was left as it was, and reaffirmed. I think there is a fundamental distinction.

Mr. HOLLAND. Does the Senator know that each of the 14 States which existed at the time of the adoption of the Constitution has knocked out every single one of the restrictions and limitations upon voting it had at that time?

Mr. STENNIS. I know, as I said before, that the trend has been to remove the restrictions.

Particularly in view of the fact that these are so slight and so small, merely a regulation and thought by those people to be necessary, it does not behoove the Congress to go sniping over into the States on these matters which are so delicate and sometimes so difficult to handle.

We should let the States, in their conscience—the people of the States, in their conscience and their judgment—take such action as they wish.

Mr. HOLLAND. Madam President, will the Senator yield further?

Mr. STENNIS. I am glad to yield to the Senator from Florida.

Mr. HOLLAND. Does the Senator think that the people and the representatives of the other 45 States, all of which have completely eliminated material restrictions on voting, should sit idly by, if in their judgment and their conscience results are flowing out of the poll tax requirement in the five States which have poll taxes which are not conducive to the welfare of the United States as a whole, not conducive to the honor and standing of our Nation in the sight of the world, and not conducive to the expression of a representative verdict, representative of the entire people in each of the five States in which these poll tax requirements exist?

In short, does the Senator think that the representatives of the other 45 States should sit idly by if in their conscience they should take action? I suppose every one of us is entitled to the belief that he is acting according to his conscience and conviction. If in our conscience this procedure is not working out soundly, does the Senator not believe we have the right—and that it is indeed our duty—to recommend a change, in the clearly legal and constitutional way, which would be accomplished under the proposed constitutional amendment?

Mr. STENNIS. I say to the Senator the matter purely of conscience is a personal matter, and one must leave that to each lady or man. I am willing to do so.

I am talking about the question of judgment now, and the question of sound government. I consider myself to be not a wise man but one who has had a little experience. I do not yield to the Senator from Florida or to any other Member of this body in the least bit as to what I believe to be sound, elemental, and fundamental with reference to the affairs in my State. I am a product of more than 30 years of dealing with the problems, at the elected level.

Mr. HOLLAND rose.

Mr. STENNIS. I know the experience the Senator from Florida has had. I have heard of it many times. I am talking about my qualifications as a witness, as an humble witness. I believe I know more about Mississippi and its problems, and about west Alabama, also, because I have practiced law there, than the Senator from Florida or anyone else who has not had any direct responsibility or who has not lived there and has not wrestled with these problems through the years.

Mr. HOLLAND. Madam President, will the Senator yield for a question?

Mr. STENNIS. I am glad to yield.

Mr. HOLLAND. First, I wish to say that it would not for a moment occur to me to question the soundness of conscience or the deepness of conviction of the Senator from Mississippi.

Mr. STENNIS. I understand.

Mr. HOLLAND. I know the Senator has both conscience and conviction. I respect and honor him for it.

Mr. STENNIS. I appreciate the remarks of the Senator from Florida.

Mr. HOLLAND. I invite attention to the fact that each of those who serve in this body is a Senator of the United States. I also invite attention to the fact that many of us in this body have an experience which is at least a little wider than that which the Senator has, in that we have lived in States and still live in States which for part of our time of service have been poll-tax States and which for part of our time of service have gotten away from poll taxes. We certainly are entitled to have opinions based upon a comparison of the results obtained under the two systems.

Mr. STENNIS. Will the Senator yield on that point?

Mr. HOLLAND. It is from that standpoint that the Senator from Florida has a very deep conviction, because he has seen much better government come in his own State and much more active participation in the casting of votes come in his own State since the poll tax was eliminated. Therefore, he asks his distinguished friend to bear with him and to remember that the Senator from Florida is as much entitled to the same assumption, and he believes to the same conclusion, that he is animated by a sound conscience and by conviction as he accords to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator from Florida.

I say to the Senator, I made a little inquiry about some pending questions, and happened to learn incidentally about the reapportionment of the Florida State Legislature, and the problem of a great influx of people in certain areas of the Senator's fortunate State. It is said that some people do not think they have anything like equal representation. I might conclude that a constitutional amendment or whatever might be proposed should be passed, but certainly I would never think of intruding or trying to pass a law, even with valid grounds, to attempt to do anything which would impose upon the people of Florida a so-called solution to their problem.

Those fine people in Florida repealed their poll tax. That was their judgment. I am certainly in agreement that they were entitled to do so.

I plead with those people and with their Senators—I am personally disappointed to get such a cold answer—for the privilege of permitting the people of my State to make their decision as to whatever they think is right and just. I believe, with all deference, we have about as much conscience as the people in the Senator's great State.

Madam President, I wish to go a little further into the historical background with respect to the meaning of the word "qualifications" and with respect to the power of the Congress, and I desire to call certain witnesses to testify on the subject. Perhaps we may waive the oath, by reason of their prestige and reputation over the years as to intelligence and patriotism, which will supply the necessary requirements.

I first call for the benefit of the Senate a witness whose name is George Mason. I ask him a few questions, very briefly, on this point. I wish to ask him if he is the George Mason who wrote the Bill of Rights, and his answer is "I am."

I then ask: "Now, Mr. Mason, what do you say about the Congress regulating or altering the qualifications of electors?"

In reply, reading from Madison's report of the Convention, page 386, George Mason has this to say:

> A power to alter the qualifications would be a dangerous power in the hands of the Legislature.

Meaning the National Legislature. Since the context shows that the subject under discussion was the National Government, when he speaks of the Legislature, the reference, of course, is to Congress. He said, "It would be a dangerous power in the hands of the Legislature."

Mr. President, under the agreement heretofore entered into, the Senator from Mississippi was to be excused at 2:30 p.m. without losing his right to the floor and without the resumption of his speech counting as another speech on the pending motion. It was understood that the Senator from South Carolina [Mr. THURMOND] would be recognized. Is my understanding correct?

The PRESIDING OFFICER (Mr. HICKEY in the chair). What the Senator has stated is the understanding of the Chair.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, after which the Senator from South Carolina will proceed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and 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.

Mr. THURMOND. Mr. President, I rise in opposition to the proposed constitutional amendment which would prohibit the imposition of a poll tax as a condition of suffrage by a State.

Let me say at the outset that I find no particular virtue or advantage in a poll tax as a condition to voting. At the

time I was elected Governor of South Carolina in 1946, the constitution of South Carolina contained a provision which made the payment of a poll tax a prerequisite to voting eligibility. I felt then, and I feel now, that the poll tax was not a satisfactory source of revenue for the State, nor was it a suitable or workable prerequisite to exercise of the ballot. I, therefore, proposed to the legislature that a constitutional amendment repealing this requirement be submitted to the people of the State. The legislature concurred in my proposal and submitted the constitutional amendment to the people, who voted favorably thereon. The payment of a poll tax is, therefore, no longer a condition of suffrage in South Carolina.

There have been numerous proposals for Congress to attempt to prohibit poll taxes by enactment of a statute. It is a credit to the Senate that the question we face now is not before us in the form of a proposed statute, for the Constitution gives the Federal Government no authority to act in this field. The very fact that we are now debating a proposed constitutional amendment dealing with this matter is a clear-cut recognition by the Senate that Congress at present has no constitutional authority in the matter of voter qualifications or eligibility. This is, however, about the only encouraging feature of the proposal with which we are confronted.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. THURMOND. I am glad to yield to the Senator from Florida.

Mr. HOLLAND. I thoroughly approve of the statement which the Senator from South Carolina has just made. I would not be a party to attempting to deal with this question by statute, as the Senator knows. Regardless of what the Senator will have to say later, with which I may or may not be in accord, because I do not know what it is, it is clear that the Senator recognizes that the Senate proposes now to debate in a thoroughly constitutional and conscientious way the question of whether, in the proper way, this problem should be consigned to the jury of the States for their decision. I thank the Senator for the high ground upon which he is placing his remarks.

Mr. THURMOND. I believe the amendment approach is the proper and only constitutional approach to the matter, if the poll tax is to be repealed. Of course, as I stated, I am opposing the joint resolution.

Mr. President, in the days following the war with England for independence, commonly referred to as the American Revolution, our forefathers inaugurated what historians call an "experiment in democracy." I believe that the historians' characterization is accurate, when properly defined.

Mr. Webster gives two definitions to the word "experiment." One definition defines an "experiment" as "a trial or special observation made to confirm or disprove something doubtful." It appears, Mr. President, that the proponents of the proposed constitutional amendment view the work of our Founding Fathers in light of this definition, and that they particularly dwell in their thoughts on the last word, "doubtful."

There is another definition given by Mr. Webster for the word "experiment," and it is in the sense of this definition that history will affirm that our constitutional federated Republic was an experiment in democracy. The definition which is correct for this use of "experiment" is "an act or operation undertaken to test, establish, or illustrate some suggested or known truth."

The difference in these definitions as applied in this instance is simple. The former suggests that our Founding Fathers were basically ignorant of the principles of government, embarking on an unlighted course without means of navigation or, in modern parlance, betting blindly on a long shot. Our 170 years of glorious history and progress under the Government planned by the God-inspired wisdom of the drafters of the Constitution dramatically demonstrates the inaccuracy of the phrase "experiment in democracy" if defined in such a sense.

Every facet of our daily lives bears unquestionable proof that those who conceived our governmental system were steeped in understanding of the lessons taught by the history of man's struggle to devise a government under which he could enjoy the opportunity to achieve his destiny. Their thinking was balanced by practical experience of the inequities and abuses that inevitably flow from ineptly designed or selfishly administered government. With what could have been no less than divinely inspired wisdom, their experiment in democracy was an operation to illustrate a known truth.

Mr. President, let us examine some of the practical problems and basic concepts which were foremost in the thinking of those who conceived our constitutional federated republican form of government.

There were in America 13 newly independent States, isolated geographically from the rest of the civilized world, and from a contemporary standpoint, weak militarily, individually, and even collectively. Far from being a homogeneous society, they were bound together by no legal bonds—their working relationship having sprung primarily from a common cause against a common enemy. Even the fervor for the common cause varied substantially in degree from one State to another.

The efforts for union of these States was born, not from any feelings of self-identification by the peoples of one State with those of another but from a necessity for survival. There was no desire for equality or similarity of treatment with the peoples of another State, for all of those hearty souls were too fresh in the memory of the suffering which stemmed from an equality of treatment given by England to the several colonies. The experience acquired as colonists inspired an intense desire for self-determination, as well as a well-founded mistrust of any governmental unit which could not be observed and controlled close at hand.

It was undoubtedly this very heterogeneity among the several independent States that emphasized in the minds of the Founding Fathers the historically proven truth that any government worthy of existence must preserve and protect the maximum degree of local self-government, with only the minimum degree of power absolutely essential to military survival and economic progress vested in a central government. This principle of government is a truth, as valid in every respect today as it was in the days following the Revolution, specifically proved once and for all by the constitutional drafters' experiment in democracy.

Mr. President, the federated structure of our governmental system is the principal reason for its continued successful existence. It was not for the primary purpose of protecting basic rights of individuals that the U.S. Constitution was designed. The people of the various States were aware that they could well protect themselves from despotic action by a government within their own State. Each State government is completely capable of protecting individual rights of its citizens with safeguards against the loss of personal liberty and freedom. The governments of the several States served their people well in this respect before the Union was formed, and have continued to do so within the framework of the Union. All of the States do not impose the same requirements on their citizens, nor do all the States provide either the same substantive rights nor the same procedural remedies for their citizens.

The lack of uniformity among the several States is not to be deplored, but rather acclaimed. Conformity is not natural to people of different regions, who enjoy different political, religious, and social heritages, who live under different economic conditions or even who live in different climates. We should constantly keep in mind that conformity is not a goal of our form of government. It is a goal of absolute forms of government, such as communism; and absolute forms of government exist, in the final analysis, by force—not from the support of the people. The advantages we enjoy as contrasted to those enjoyed by people who live under dictatorial regimes stems solely from the individualism nurtured and protected by our Constitution.

Let us be candid. Conformity is despicable, a blight and leech on the progress of society, for it can be attained only at the level of the lowest common denominator.

The federated system of government is designed to thwart conformity. It is a system whereby the peoples of different mores can work together in harmony for their mutual advantage. The federated system is, if you please, an agreement to disagree. Let us not endanger the structure itself by attempting to achieve a greater degree of conformity.

One of the great assets of our federation, Mr. President, is that no one need endure the laws of a particular State if they be repugnant to him. The Constitution provides for a full and free commerce between States. If, for instance, one objects to the poll tax as a condition of suffrage in the States of

his residence, he is perfectly free to remove to one of the 45 States which impose no such qualification.

As I stated in the beginning, my State does not impose a poll tax as a prerequisite for voting. That tax was repealed during my tenure as Governor of South Carolina, upon my recommendation.

When the Union was formed, there was a total of 13 States. There were substantial differences in the economies of the various States, as there were in the areas of political, religious, and social heritages. They were truly heterogeneous, as I have stated. But how much greater the heterogeneity of the various States today, now that there are 50. They are spread from the semitropics of Florida to the arctics of Alaska, from the deserts of Arizona to the Pacific-washed isles of Hawaii. Where the 13 Original States had differences in economy, we now have a dissimilarity which is far greater in degree. Where once a dozen religious beliefs held sway, thousands flourish. The common language which we share has facilitated understanding, but let us not deceive ourselves into believing that it has destroyed our differences. God willing, our individualism will survive forever.

There is no reason, therefore, to change the pattern of nonconformity which has proved successful. We have already endangered the system by our conformity efforts at the Federal level through an abusive expansion of powers of the Central Government. If, indeed, there should be any additional transfer of constitutional powers, it should be in the other direction.

Mr. President, a constitutional amendment is a serious matter and should not be proposed in the absence of compelling reasons. Partisan or political considerations should be put aside, and play no part in this vital area.

How much urgency is there for such drastic action in the form of a constitutional amendment to eliminate the poll or capitation tax as a condition of suffrage? None. It is a matter of small import, blown all out of proportion by overemphasis from politically inspired propaganda.

In the days immediately following the Revolution, the former Colonies, then States, performed a minimum, but adequate for the times, amount of service. The expenses of government were comparatively slight. The burdens of government fell less evenly on the population than is normal in a State today. It was the general feeling that those who bore the responsibilities of government should exercise the ballot. It is not surprising that the ownership of property and the payment of taxes were common and usual prerequisites to the right of suffrage.

In the early days of the Union, there were no direct taxes of any consequence on the populace for the support of the Federal Government. The costs were so slight that they could be and were borne almost entirely by tariffs.

As an expression of the belief that those who bore the responsibility of government should vote, all of the States imposed tax-payment of its equivalent, property ownership, as a condition of eligibility for voting. These voter eligibility requirements were summarized by the U.S. Supreme Court in *Minor* v. *Happerset* (21 Wallace 162) as follows:

Thus in New Hampshire "every male inhabitant of each town and parish with town privileges, and places unincorporated in the State, of 21 years of age and upward, excepting paupers and persons excused from paying taxes at their own request" were its voters; in Massachusetts, "every male inhabitant of 21 years of age and upward, having a freehold estate within the Commonwealth of the annual income of 3 pounds, or any estate of the value of 60 pounds"; in Rhode Island, "such as are admitted free of the company and society" of the Colony; in Connecticut such person as had "maturity in years, quiet and peaceable behavior, a civil conversation, and 40 shillings freehold or 40 pounds personal estate," if so certified by the selectmen; in New York, "every male inhabitant of full age who shall have personally resided within one of the counties of the State for 6 months immediately preceding the day of election * * * if during the time aforesaid he shall have been a freeholder possessing a freehold of the value of 20 pounds within the county, or have rented a tenement therein of the yearly value of 40 shillings, and been rated and actually paid taxes to the State"; in New Jersey, "all inhabitants * * * of full age who are worth 50 pounds; proclamation money, clear estate in the same, and have resided in the county in which they claim a vote for 12 months immediately preceding the election"; in Pennsylvania "every free man of the age of 21 years, having resided in the State for 2 years next before the election, and within that time paid a State or county tax which shall have been assessed at least 6 months before the election"; in Maryland, "all freemen above 21 years of age having a freehold of 50 acres of land in the county in which they offer to vote and residing therein, and all freemen having property in the State above the value of 30 pounds current money, and having resided in the county in which they offer to vote 1 whole year next preceding the election"; in North Carolina, for Senators, "all freemen of the age of 21 years who have been inhabitants of any one county within the State 12 months immediately preceding the day of election, and possessed of a freehold within the same county of 50 acres of land for 6 months next before and at the day of election," and for members of the house of commons, "all freemen of the age of 21 years who have been inhabitants in any one county within the State 12 months immediately preceding the day of any election, and shall have paid public taxes"; in South Carolina, "every free white man of the age of 21 years, being a citizen of the State and having resided therein 2 years previous to the day of election and who hath a freehold of 50 acres of land, or a town lot of which he hath been legally seized and possessed for at least 6 months before such election, or (not having such freehold or town lot), hath been a resident within the election district in which he offers to give his vote 6 months before such election, and hath paid a tax the preceding year of 3 shillings sterling toward the support of the Government"; and in Georgia, "such citizen and inhabitants of the State as shall have attained to the age of 21 years, and shall have paid tax for the year next preceding the election, and shall have resided 6 months within the county."

Clearly, Mr. President, conditioning suffrage on payment of taxes was the normal and usual practice in the early days of the Union.

As time has passed, the services and misservices of government, both of which are extremely expensive—as is illustrated by the size of the national debt—have increased enormously. In an unsuccessful attempt to pay for these government functions, innumerable taxes at both the Federal and State levels have been levied. As a result, there is almost no one who does not share in the responsibility of government insofar as finances are concerned. With a few exceptions, the burden of taxes is so widespread that a tax-payment prerequisite to suffrage excludes practically no one. Most States have recognized this fact, and have repealed meaningless constitutional and statutory provisions imposing such eligibility requirements. At the present time, there remain only five States which still have such requirements on voting privileges.

As in the States which have abandoned such voting requirements as the poll or capitation tax payment, the requirements in the remaining five are undoubtedly meaningless from a practical standpoint. Such a tax is rarely as high as $5 per year; and, in this inflationary economy, the number of people who cannot pay this low amount is small, indeed.

Mr. President, I do not mean to imply that in the five States which require payment of poll or capitation tax as a condition to voting, there are not substantial numbers of people who do not pay the poll or capitation tax. Although I have no statistics on this matter, I would assume that there are large numbers who are delinquent. It is a known fact that large numbers of the American people are complacent about exercising their ballot. This is amply illustrated by the fact that a substantial percentage of those who register to vote do not participate in the election itself. It is only logical to assume that a major portion of those who do not pay their poll or capitation tax, have the financial ability, but do not have sufficient interest in voting to pay the tax. This is borne out in States which had, but recently repealed, poll tax requirements. There has been no substantial increase in the registration or voting in South Carolina since the repeal of the constitutional provision which made payment of a poll tax a condition of eligibility to vote.

The only logical conclusion to be drawn from an objective analysis of the situation is that we are conducting an exercise in self-deceit and public deceit. There is no real consequence to the issue which has given rise to this proposal. Even were the proposed constitutional amendment passed by the Senate and the House, and ratified by the States, it would have no significant effect on the numbers of persons who have the opportunity to vote, or on the number of persons who fulfill their responsibility by exercising the right of the ballot.

Mr. President, before we take this hasty action in approving another constitutional amendment I think it would be best to discuss the matter in more detail. Many of the constitutional amendments which have been passed in previous years have been highly criticized and it has even been necessary, in the light of experience and calm judgment, to repeal one. One particular one which has received much criticism is the 14th amendment. I think that a general dis-

cussion of it would be highly beneficial to us all before final action is taken on the amendment now before us.

The controversy surrounding the 14th amendment is the subject of a very well written article which appeared in the summer, 1959, issue of the South Carolina Law Quarterly by the Honorable Pinckney G. McElwee. I would like to read this article so that we all can have the benefit of his research:

The able and wise patriots who drafted our Constitution were careful to protect its provisions against actions of a temporary majority of the Congress by requiring for its amendment not only a two-thirds approval by both Houses of the Congress, but ratification by three-fourths of the States. A study of the history of the 14th amendment reveals the irregular manner in which these requirements were overcome, and a consideration of the precedents established thereby reveals the danger to our form of government.

The Civil War was fought over the asserted right of the Southern States to secede from the Union. The Southern States claimed they had such a right. The President, the Congress, and the Northern States denied that the Southern States had any such right under the Constitution of the United States. As Mr. Lincoln said, the aim of the Federal Government was to preserve the Union first; to preserve the Union without slavery, to preserve the Union with slavery if it must be, but the Union forever. This issue was decided on the battlefield and the Union Army upheld the position taken by all departments of the Federal Government; i.e., that the Southern States had no right to secede and had never been out of the Union. Incidentally, Mr. Lincoln recognized that his emancipation of the slaves was a war measure and that it would require a constitutional amendment to abolish slavery after the end of the war. Mr. Lincoln was steadfast in his position that the Southern States had never left the Union, although individual officials and soldiers of the South may have forfeited some rights; but not the States whose rights were fixed by the Constitution and thus beyond the power of Congress to add or detract. As stated by George Tickner Curtis in volume II, page 342, of his famous "History of the Constitution":

"After the Civil War was ended, the Constitution was left just as it was before the war began; the United States had just the same sovereign rights as before and no others."

The House on July 22, 1861, and the Senate on July 25, 1861, adopted resolutions both resolving to maintain the Constitution in the rebellious States and to maintain the Union and the rights of the States unimpaired.

In the proclamation of President Lincoln of December 8, 1863, he offered "pardon to all those who swear henceforth to support the Constitution of the United States and that those who, accepting this amnesty, shall have taken the oath of allegiance, each being a qualified voter by the election laws of the several States immediately before the so-called secession and excluding all others, shall reestablish a State government, which shall be republican in form and nowise contravening said oath; such shall be recognized as a true government of the State."

On February 1, 1865, the 13th amendment to the Constitution to abolish slavery was proposed and passed by Congress. On April 9, 1865, Gen. Robert E. Lee surrendered to General Grant at Appomattox Court House. General Johnston surrendered to General Sherman at Durham Station April 26, 1865. In 40 days after surrender of General Johnston there was not a single Confederate soldier in arms. Submission to the authority of the United States was complete. Postal service and tax collections resumed.

On December 18, 1865, General Grant reported to Congress that the South had accepted defeat and had accepted authority of the Federal Government.

President Lincoln prepared a proclamation to restore North Carolina to its proper position as a State but it was not yet issued before his death. At the first meeting of the Cabinet after his death it was read and unanimously adopted as the policy of the administration. Mr. Lincoln was assassinated on April 14, 1865, and died April 15, 1865. Andrew Johnson took the oath and succeeded Mr. Lincoln.

On May 29, 1865, President Johnson issued Mr. Lincoln's proclamation for North Carolina; and through June 30, 1865, similar proclamations were issued by President Johnson setting up the local State government of all Southern States.

The Southern States having been restored to a legal and operational basis by elections and the convening of State legislatures, most of them proceeded to ratify the 13th amendment which was then proclaimed to have been ratified on December 18, 1865. Included in the 27 States then needed for its adoption were Louisiana, Tennessee, Arkansas, South Carolina, Alabama, North Carolina, Georgia, Maryland, Mississippi, Florida, and Texas.

On April 2, 1866, the President, by proclamation, declared: "It is the manifest determination of the American people that no State, of its own will, has the right or power to go out of, or separate itself from or be separated from the American Union, and that therefore each State ought to remain and constitute an integral part of the United States. And whereas the Constitution of the United States provides for constituted communities only as States, and not at territories, dependencies, provinces or protectorates. And whereas such constituent States must necessarily be, and by the Constitution of the United States are made equals, and placed upon a like footing as to political rights, immunities, dignity, and power with the several States with which they are united. I do hereby declare that the insurrection which heretofore existed in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi, and Florida at an end, and is henceforth to be regarded.

On August 20, 1866, a similar proclamation was issued by the President in respect to Texas.

Article V of the U.S. Constitution provides: "No State, without its consent, shall be deprived of its equal suffrage in the Senate." Nevertheless, peace having been restored, the U.S. Senate refused to seat the Senators from all of the Southern States. The House did likewise.

Article V of the Constitution provides the method and manner of amendment, as follows:

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on application of the legislatures of two-thirds of the States, shall call a convention for proposing amendments, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress."

The 39th Congress, which proposed the 14th amendment, met on December 5, 1865. There were 72 seats in the Senate for 36 States; 22 seats for 11 Southern States were vacant because of a joint resolution of the House and the Senate which voted not to seat any Senator or Representative from any Southern States until the Congress decided that each of said States was entitled to such representation. In the House there were 240 seats, and 58 seats from the 11 Southern States were vacant. Nebraska was not admitted to the Union as the 37th State until March 1, 1867. One of the new Senators who recently had been elected by the legislature of his State was Mr. John P. Stockton of New Jersey. John P. Stockton was introduced by the senior Senator of New Jersey on December 5, 1866, took the oath and was duly seated.

While H.J. 127 was still in Mr. Thaddeus Stevens' Committee on Reconstruction, there was a private polling of Senators and Representatives to see how they stood on the measure. Mr. Stockton was an outspoken opponent of the proposal. Furthermore, since there were 50 Senators seated, the Constitution would require a 33⅓ vote, or 34, in order to propose it by a two-thirds vote, and a counting of prospective Senate votes showed that there were only 33 who would vote in favor of it. In a maneuver to reduce the Senate to 49 Members in order that a vote of 33 yeas would meet the requirements of the Constitution, a motion was made not to seat Mr. John P. Stockton, in spite of the fact that he had already been seated, on the ground that his election was invalid because he had been elected by a mere plurality and not a majority. It was the law of New Jersey and most of the other States that a plurality determined the election.

The motion not to seat was made because it was impossible to obtain the necessary vote required to expel Mr. Stockton, which was the only legal means available to prevent a Member from voting once he has been seated. In order to expel a Member of the Senate or House a two-thirds vote was required, and this vote of two-thirds simply could not be mustered. However, a refusal to seat is determined by a majority. When this motion was finally called to a vote, after much debate, it was defeated by a vote of 22 to 21. During the night the hard core of Reconstructionists persuaded one of the Senators to change his vote. The next day a motion to reconsider the motion not to seat Mr. Stockton was sustained by a vote of 22 to 21; thus he was removed from the Senate and the number reduced to 49.

The 14th amendment originated in the House of Representatives by House Joint Resolution 127, introduced by Thaddeus Stevens of Pennsylvania, and was referred to the Committee on Reconstruction of which Mr. Stevens was chairman. Two other bills were offered and referred to the Committee on Reconstruction and there consolidated with House Resolution 127 and reported out of the House. It was passed by the House on May 10, 1866, and sent to the Senate. In the Senate, Mr. Wade proposed an amendment by adding what is now paragraph 3. As thus amended, it was passed by the Senate on June 8, 1866, and returned to the House where it was passed on June 13, 1866. In the Senate, the vote was 33 yeas and 11 nays, with 5 not voting. In the House there were 182 Representatives seated and of those the vote was 120 yeas and 32 nays, with 32 not voting.

If the 22 Senators and 58 Representatives from the Southern States who had been arbitrarily and unlawfully refused seats by the Senate and House are counted, the number is 71 Senators and 240 Representatives. The vote in the Senate of 33 for and 11 against by the Members present and voting was two-thirds. But if the two-thirds required had included the 22 arbitrarily and illegally excluded from voting, there was not a two-thirds vote. Likewise, the vote of 120 for and 32 against in the House was two-thirds of those present and voting. But if the 58 Representatives who were arbitrarily and illegally excluded had been counted against, the vote would be 120 for and 90 against,

and the vote would have failed to carry by two-thirds.

In the foregoing state of the record, the proposed amendment was certified to have been passed by a two-thirds vote of each House and transmitted to the Secretary of State for transmission to the 36 States then composing the United States. Twenty-eight were needed to ratify. Ten States could prevent ratification. The process of ratification began. By February 1, 1867, 17 States had ratified and 11 had rejected.

RATIFIED

Connecticut: June 30, 1866.
New Hampshire: July 7, 1866.
Tennessee: July 7, 1866.
New Jersey: September 11, 1866.
Oregon: September 19, 1866.
Vermont: October 30, 1866.
New York: January 10, 1867.
Kansas: January 11, 1867.
Ohio: January 11, 1867.
Illinois: January 15, 1867.
West Virginia: January 16, 1867.
Michigan: January 16, 1867.
Minnesota: January 17, 1867.
Maine: January 19, 1867.
Nevada: January 22, 1867.
Indiana: January 23, 1867.
Missouri: January 26, 1867.

REJECTED

Texas: October 27, 1866.
Georgia: November 9, 1866.
Florida: December 3, 1866.
Alabama: December 7, 1866.
North Carolina: December 13, 1866.
Arkansas: December 17, 1866.
South Carolina: December 20, 1866.
Virginia: January 9, 1867.
Kentucky: January 8, 1867.
Mississippi: January 29, 1867.
California: March 17, 1868.

The 14th amendment was thus defeated.

An editorial in the Philadelphia Enquirer on Saturday, February 9, 1867, gave a clue to what was to come. It states:

"The constitutional amendments having passed both branches of the Legislature of Pennsylvania will be sent to Governor Geary, who will undoubtedly sign them next week. Thus another State will be added to the list of those who have ratified these amendments. As it is probable that nearly all of the States which sustained the Government during the rebellion will ratify those amendments, and as all of the Southern States we believe have now rejected them, the question arises: What will be done? There is a growing disposition to regard the States which maintained their relation with the Union as the only ones which have a voice in this matter, that a resolution will be brought before the present Congress, or the next, declaring that the consent of three-fourths of those is all that is necessary to give force and validity to an amendment to the Constitution is extremely probable. In that case, we suppose the question will have to be fought over again in some way, and it is probable that it will finally enter the Supreme Court, where the decision, according to present appearances, will be against it.

The editor was not aware that, 4 days prior to his editorial, H.R. 1143 had been introduced using a different scheme to accomplish the desired result.

THE RECONSTRUCTION ACT

On February 5, 1867, H.R. 1143 was introduced in the House. This was a bill whose stated purpose was to provide for the more efficient government of the rebel States. This is what historically was called the Reconstruction Act. Although these so-called rebel States had been functioning as loyal States of the Union in complete peace for nearly 2 years, during which time they had ratified the 13th amendment abolishing slavery, this act began by declaring:

"Whereas no legal State governments or adequate protection for life or property now exists in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas; and whereas it is necessary that peace and good order should be enforced in said States until loyal and republican State governments can be legally established."

Of course, the State governments were and had been functioning in peace at all times since the surrender of General Johnston.

The bill provided for military occupation of the named Southern States to be conducted without interference from any State authorities. It further provided that the governments of such States were only provisional and subject to the paramount authority of the United States as exercised by the military government, and gave authority to the military commanders to try any persons by military commission. In addition it provided for new rules of suffrage under which a new constitution of each State was to be adopted and a new legislature elected, and disfranchised any person who had engaged in the rebellion or given aid and comfort to the rebels (which effectually disfranchised all white residents of the States). Nor, under the bill, was any Senator or Representative to be permitted to take the oath of office and be admitted to Congress until the new constitution had met with the approval of Congress, the newly qualified electorate of the State had elected a legislature, such legislature had adopted the proposed 14th amendment and the amendment had become a part of the Constitution.

It may be here noted that the U.S. Supreme Court has held that each of the States has the supreme and exclusive power to regulate the right of suffrage and to determine the class of inhabitants who may vote.

Congress passed the bill and President Johnson promptly exercised his veto power. Congress overrode the veto of the President making the Reconstruction Act the law of the land. By this time 3 more States, for a total of 20, had ratified; namely, Rhode Island, February 7, Pennsylvania, February 12, and Wisconsin, February 13, and Louisiana, February 6, and Delaware, February 7, 1867, had rejected, bringing that total to 13. Thus a Northern State had now joined 12 Southern States in rejecting when it was only necessary to obtain 10 rejections in order to prevent adoption of the amendment.

President Johnson's veto message is enlightening and reads, in part, as follows:

"I have examined the bill 'to provide for the more efficient government of the rebel States' with the care and anxiety which its transcendent importance is calculated to awaken. I am unable to give it my assent for reasons so grave that I hope a statement of them may have some influence on the minds of the patriotic and enlightened men with whom the decision must ultimately rest.

"The bill places all the people of the 10 States therein named under the absolute domination of military rules; and the preamble undertakes to give the reason upon which the measure is based and the ground upon which it is justified. It declares that there exists in those States no legal governments and no adequate protection for life or property, and asserts the necessity of enforcing peace and good order within their limits. This is not true as a matter of fact.

"It is not denied that the States in question have each of them an actual government, with all the powers—executive, judicial, and legislative—which properly belong to a free State. They are organized like the other States of the Union, and, like them, they make, administer, and execute the laws which concern their domestic affairs. An existing de facto government, exercising such functions as these, is itself the law of the State upon all matters within its jurisdiction. To pronounce the supreme law-making power of an established State illegal is to say that law itself is unlawful.

"The provisions which these governments have made for the preservation of order, the suppression of crime, and the redress of private injuries are in substance and principle the same as those which prevail in the Northern States and in other civilized countries. They certainly have not succeeded in preventing the commission of all crime, nor has this been accomplished anywhere in the world. But that these people are maintaining local governments for themselves which habitually defeat the object of all government and render their own lives and property insecure is in itself utterly improbable, and the averment of the bill to that effect is not supported by any evidence which has come to my knowledge.

"The bill, however, would seem to show upon its face that the establishment of peace and good order is not its real object. The fifth section declares that the preceding sections shall cease to operate in any State where certain events shall have happened. These events are, first, the selection of delegates to a State convention by an election at which Negroes shall be allowed to vote; second, the formation of a State constitution by the convention so chosen; third, the insertion into the State constitution of a provision which will secure the right of voting at all elections to Negroes and to such white men as may not be disfranchised for rebellion or felony; fourth, the submission of the constitution for ratification to Negroes and white men not disfranchised, and its actual ratification by their vote; fifth, the submission of the State constitution to Congress for examination and approval, and the actual approval of it by that body; sixth, the adoption of a certain amendment to the Federal Constitution by a vote of the legislature elected under the new constitution; seventh, the adoption of said amendment by a sufficient number of other States to make it a part of the Constitution of the United States. All these conditions must be fulfilled before the people of any of these States can be relieved from the bondage of military domination; but when they are fulfilled, then immediately the pains and penalties of the bill are to cease, no matter whether there be peace and order or not, and without any reference to the security of life or property. The excuse given for the bill in the preamble is admitted by the bill itself not to be real. The military rule which it establishes is plainly to be used, not for any purpose of order or for the prevention of crime, but solely as a means of coercing the people into the adoption of principles and measures to which it is known that they are opposed, and upon which they have an undeniable right to exercise their own judgment.

"I submit to Congress whether this measure is not in its whole character, scope, and object without precedent and without authority, in palpable conflict with the plainest provisions of the Constitution, and utterly destructive to those great principles of liberty and humanity for which our ancestors on both sides of the Atlantic have shed so much blood, and expended so much treasure.

"The 10 States named in the bill are divided into 5 districts. For each district an officer of the Army, not below the rank of a brigadier general, is to be appointed to rule over the people; and he is to be supported with an efficient military force to enable him to perform his duties and enforce his authority. Those duties and that authority, as defined by the third section of the bill, are 'to protect all persons in their rights of person and property, to suppress

insurrection, disorder, and violence, and to punish or cause to be punished all disturbers of the public peace or criminals.' The power thus given to the commanding officer over all the people of each district is that of an absolute monarch. His mere will is to take the place of all law.

"It is plain that the authority here given to the military officer amounts to absolute despotism. But to make it still more unendurable, the bill provides that it may be delegated to as many subordinates as he chooses to appoint, for it declares that he shall 'punish or cause to be punished.' Such a power has not been wielded by any monarch in England for more than 500 years. In all that time no people who speak the English language have borne such servitude. It reduces the whole population of the 10 States—all persons, of every color, sex, and condition, and every stranger within their limits—to the most abject and degrading slavery. No master ever had a control so absolute over the slaves as this bill gives to the military officers over both white and colored persons.

"I come now to a question which is, if possible, still more important. Have we the power to establish and carry into execution a measure like this? I answer, 'Certainly not,' if we derive our authority from the Constitution and if we are bound by the limitations which it imposes.

"This proposition is perfectly clear, that no branch of the Federal Government—executive, legislative, or judicial—can have any just powers except those which it derives through and exercises under the organic laws of the Union. Outside of the Constitution we have no legal authority more than private citizens, and within it we have only so much as that instrument gives us. This broad principle limits all our functions and applies to all subjects. It protects not only the citizens of States which are within the Union, but it shields every human being who comes or is brought under our jurisdiction. We have no right to do in one place more than in another that which the Constitution says we shall not do at all. If, therefore, the Southern States were in truth out of the Union, we could not treat their people in a way which the fundamental law forbids. Some persons assume that the success of our arms in crushing the opposition which was made in some of the States to the execution of the Federal laws reduced those States and all their people—the innocent as well as the guilty—to the condition of vassalage and give us a power over them which the Constitution does not bestow or define or limit. No fallacy can be more transparent than this. Our victories subjected the insurgents to legal obedience, not to the yoke of an arbitrary despotism. When an absolute sovereign reduces his rebellious subjects, he may deal with them according to his pleasure, because he had that power before. But when a limited monarch puts down an insurrection, he must still govern according to law.

"'This is a bill passed by Congress in time of peace. There is not in any one of the States brought under its operation either war or insurrection. The laws of the States and of the Federal Government are all in undisturbed and harmonious operation. The courts, State and Federal, are open and in the full exercise of their proper authority. Over every State comprised in these five military districts, life, liberty, and property are secured by State laws and Federal laws, and the National Constitution is everywhere in force and everywhere obeyed. What, then, is the ground on which this bill proceeds? The title of the bill announces that it is intended 'for the more efficient government' of these 10 States. It is recited by way of preamble that no legal State governments 'nor adequate protection for life or property' exist in those States, and that peace and good order should be thus enforced. The first thing which arrests attention upon these recitals, which prepare the way for martial law, is this, that the only foundation upon which martial law can exist under our form of government is not stated or so much as pretended. Actual war, foreign invasion, domestic insurrection—none of these appear; and none of these, in fact, exist. It is not even recited that any sort of war or insurrection is threatened. Let us pause to consider, upon this question of constitutional law and the power of Congress, a recent decision of the Supreme Court of the United States in *Ex parte Milligan*.

"I will first quote from the opinion of the majority of the Court: 'Martial law cannot arise from a threatened invasion. The necessity must be actual and present, the invasion real, such as effectually closes the courts and deposes the civil administration.'

"We see that martial law comes in only when actual war closes the courts and deposes the civil authority; but this bill, in time of peace, makes martial law operate as though we were in actual war, and becomes the cause instead of the consequence of the abrogation of civil authority. One more quotation: 'It follows from what has been said on this subject that there are occasions when martial law can be properly applied. If in foreign invasion or civil war the courts are actually closed, and it is impossible to administer criminal justice according to law, then, on the theater of active military operations, where war really prevails, there is a necessity to furnish a substitute for the civil authority thus overthrown, to preserve the safety of the Army and society; and as no power is left but the military, it is allowed to govern by martial rule until the laws can have their free course.'

"I now quote from the opinion of the minority of the Court, delivered by Chief Justice Chase: 'We by no means assert that Congress can establish and apply the laws of war where no war has been declared or exists. Where peace exists, the laws of peace must prevail.'

"This is sufficiently explicit. Peace exists in all the territory to which this bill applies. It asserts a power in Congress, in time of peace, to set aside the laws of peace and to substitute the laws of war. The minority, concurring with the majority, declares that Congress does not possess that power. * * * I need not say to the representatives of the American people that their Constitution forbids the exercise of judicial power in any way but one—that is, by the ordained and established courts. It is equally well known that in all criminal cases a trial by jury is made indispensable by the express words of that instrument.

"The Constitution also forbids the arrest of the citizen without judicial warrant, founded on probable cause. This bill authorizes an arrest without warrant, at the pleasure of a military commander. The Constitution declares that 'no person shall be held to answer for a capital or otherwise infamous crime unless on presentment of a grand jury.' This bill holds every person not a soldier answerable for all crimes and all charges without any presentment. The Constitution declares that 'no person shall be deprived of life, liberty, or property without due process of law.' This bill sets aside all process of law, and makes the citizen answerable in his person and property to the will of one man, and as to his life to the will of two. Finally, the Constitution declares that 'the privilege of the writ of habeas corpus shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it'; whereas this bill declares martial law (which of itself suspends this great writ) in time of peace, and authorizes the military to make the arrest, and gives to the prisoner only one privilege, and that is a trial 'without unnecessary delay.' He has no hope of release from custody, except the hope such as it is, of release by acquittal before a military commission.

"The United States are bound to guarantee to each State a republican form of government. Can it be pretended that this obligation is not palpably broken if we carry out a measure like this, which wipes away every vestige of republican government in 10 States and puts the life, property, liberty, and honor of all people in each of them under the domination of a single person clothed with unlimited authority?

"Here is a bill of attainder against 9 million people at once. It is based upon an accusation so vague as to be scarcely intelligible and found to be true upon no credible evidence. Not 1 of the 9 million was heard in his own defense. The representatives of the doomed parties were excluded from all participation in the trial. The conviction is to be followed by the most ignominious punishment ever inflicted on large masses of men. It disfranchises them by hundreds of thousands and degrades them all, even those who are admitted to be guiltless, from the rank of freemen to the condition of slaves.

"The purpose and object of the bill—the general intent which pervades it from beginning to end—is to change the entire structure and character of the State governments and to compel them by force to the adoption of organic laws and regulations which they are unwilling to accept if left to themselves. The Negroes have not asked for the privilege of voting; the vast majority of them have no idea what it means. This bill not only thrusts it into their hands, but compels them, as well as the whites, to use it in a particular way. If they do not form a constitution with prescribed articles in it and afterwards elect a legislature which will act upon certain measures in a prescribed way, neither blacks nor whites can be relieved from the slavery which the bill imposes upon them. Without pausing here to consider the policy or impolicy of Africanizing the southern part of our territory, I would simply ask the attention of Congress to that manifest, well-known, and universally acknowledged rule of constitutional law which declares that the Federal Government has no jurisdiction, authority, or power to regulate such subjects for any State. To force the right of suffrage out of the hands of the white people and into the hands of the Negroes is an arbitrary violation of this principle.

"That the measure proposed by this bill does violate the Constitution in the particulars mentioned and in many other ways which I forbear to enumerate is too clear to admit the least doubt. It only remains to consider whether the injunctions of that instrument ought to be obeyed or not. I think they ought to be obeyed, for reasons which I will proceed to give as briefly as possible. In the first place, it is the only system of free government which we can hope to have as a Nation. When it ceases to be the rule of our conduct, we may perhaps take our choice between complete anarchy, a consolidated depotism, and a total dissolution of the Union; but national liberty regulated by law will have passed beyond our reach.

"It was to punish the gross crime of defying the Constitution and to vindicate its supreme authority that we carried on a bloody war of 4 years' duration. Shall we now acknowledge that we sacrificed a million of lives and expended billions of treasure to enforce a Constitution which is not worthy of respect and preservation?

"It is a part of our public history which can never be forgotten that both Houses of Congress, in July 1861, declared in the form of a solemn resolution that the war was and should be carried on for no purpose of subjugation, but solely to enforce the Constitution and laws, and that when this was yielded by the parties in rebellion the contest

should cease, with the constitutional rights of the States and of individuals unimpaired. This resolution was adopted and sent forth to the world unanimously by the Senate and with only two dissenting voices in the House. It was accepted by the friends of the Union in the South as well as in the North as expressing honestly and truly the object of the war. On the faith of it many thousands of persons in both sections gave their lives and their fortunes to the cause. To repudiate it now by refusing to the States and to the individuals within them the rights which the Constitution and laws of the Union would secure to them is a breach of our plighted honor for which I can imagine no excuse and to which I cannot voluntarily become a party.

"I am thoroughly convinced that any settlement or compromise or plan of action which is inconsistent with the principles of the Constitution will not only be unavailing, but mischievous; that it will but multiply the present evils, instead of removing them. The Constitution, in its whole integrity and vigor, throughout the length and breadth of the land, is the best of all compromises. Besides, our duty does not, in my judgment, leave us a choice between that and any other. I believe that it contains the remedy that is so much needed, and that if the coordinate branches of the Government would unite upon its provisions they would be found broad enough and strong enough to sustain in time of peace the Nation which they bore safely through the ordeal of a protracted civil war. Among the most sacred guarantees of that instrument are those which declare that 'each State shall have at least one Representative,' and that 'no State, without its consent, shall be deprived of its equal suffrage in the Senate.' Each House is made the 'judge of the elections, returns, and qualifications of its own Members,' and may, 'with the concurrence of two-thirds, expel a Member.' Thus, as heretofore urged, 'in the admission of Senators and Representatives from any and all of the States there can be no just ground of apprehension that persons who are disloyal will be clothed with the powers of legislation, for this could not happen when the Constitution and the laws are enforced by a vigilant and faithful Congress.'

"When a Senator or Representative presents his certificate of election, he may at once be admitted or rejected; or, should there be any question as to his eligibility, his credentials may be referred for investigation to the appropriate committee. If admitted to a seat, it must be upon evidence satisfactory to the House of which he thus becomes a Member that he possesses the requisite constitutional and legal qualifications. If refused admission as a Member for want of due allegiance to the Government, and returned to his constituents, they are admonished that none but persons loyal to the United States will be allowed a voice in the legislative councils of the Nation, and the political power and moral influence of Congress are thus effectively exerted in the interests of loyalty to the Government and fidelity to the Union.

"While we are legislating upon subjects which are of great importance to the whole people, and which must affect all parts of the country, not only during the life of the present generation, but for ages to come, we should remember that all men are entitled at least to a hearing in the councils which decide upon the destiny of themselves and their children. At present 10 States are denied representation, and when the 40th Congress assembles on the 4th day of the present month 16 States will be without a voice in the House of Representatives. This grave fact, with the important questions before us, should induce us to pause in a course of legislation which, looking solely to the attainment of political ends, fails to consider the rights it transgresses, the law which it violates, or the institutions which it imperils.

"ANDREW JOHNSON."

In volume II, page 42 of the "Growth of the American Republic," Samuel Eliot Morison, professor of American history at Harvard University, and Henry Steel Commanger, professor of history, Columbia University, speaking of the Reconstruction Act stated:

"Johnson returned the bill with a scorching message arguing the unconstitutionality of the whole thing, and the most impartial students have agreed with his reasoning, Professor Burgess writing, indeed, that there was hardly a line in the entire bill which would stand the test of the Constitution."

On the same day of the veto, March 2, 1867, the House and the Senate overrode it by a two-thirds vote and the bill became Public Law 68. Although considering the act to be unconstitutional, as expressed in his veto message, President Johnson considered it his duty to enforce the law and proceeded to execute it. He thereupon sent the Army into the South; ousted all State legislatures and governments by military force; disfranchised all those who had participated in the rebellion or who had aided or abetted them (contrary to the constitutional law announced by the U.S. Supreme Court); held elections in which all of the Negroes but practically no whites were eligible to vote. New constitutions were adopted and new legislatures were convened and the latter proceeded to ratify the 14th Amendment. The Army, all the while, was in control.

When the supplemental Reconstruction Act was passed in March of 1867, and then passed over the veto of the President on March 23, 1867, the Baltimore Sun carried the following editorial on March 25, 1867:

"THE LAST VETO

"The message of President Johnson, returning to Congress on Saturday last, the bill supplementary to the act to provide for more efficient government of the rebel state, assigning his reasons for nonapproval, one of the most plain and convincing in argument among the several able state papers he has been called upon to indite in his endeavors to stay the vandal hand of the congressional majority, and conserve the great fundamental principles of the Constitution and Government."

While the military occupation of the South was in progress, Massachusetts and Nebraska ratified, on March 20 and June 15, 1867, respectively. On March 23, by joint resolution, the State of Maryland rejected, becoming the 14th State to reject.

Observing how Congress had taken the Constitution into its own hands and was proceeding in willful disregard of the Constitution, on the 15th of January 1868—Ohio, and then on March 24, 1868, New Jersery, voted to withdraw their prior ratifications and to reject. Thus 16 States had now rejected prior to a full ratification by a three-quarters vote having been reached. Iowa ratified on March 9, 1868. Prior to the proclamation of the Secretary of State, Rhode Island, Pennsylvania, Wisconsin, and Massachusetts, for a total of 23 States, had ratified, but this number was reduced to 21 by the withdrawals of Ohio and New Jersey. The rejections, counting the withdrawals, numbered 16. On October 15, 1868, Oregon withdrew its ratification and became the 17th of 37 States to reject. The count stood: 20 ratifications and 17 rejections (hardly near the three-quarter majority required for adoption). Even without considering the rejection of Oregon, which came after the date of the proclamation of the Secretary of State (July 20, 1868), the 14th amendment had by legal means been overwhelmingly rejected.

After the U.S. Army had moved into the South and taken charge by force of arms and ousted the duly elected and qualified legislatures of all of the Southern States (except Tennessee), disqualified practically all of the white voters (by act of Congress and not by State law), enfranchised all of the Negroes, elected Negro legislatures, and adopted new constitutions by these purported legislatures, the matter of ratification of the 14th amendment as a condition to permission by Congress for the exercise of suffrage of the Southern States (violating article V of the U.S. Constitution) was presented to these newly constituted Negro legislatures of such States. The rejections by the legally elected and constituted legislatures of all of the Southern States were ignored and the newly constituted Legislatures of Arkansas, Florida, North Carolina, Louisiana, South Carolina, Alabama, and Georgia, ratified on April 16, June 9, July 2, July 9, and July 16, 1868, and July 21, 1868, respectively.

At this point, by counting the ratifications of Ohio and New Jersey, who had in the meanwhile withdrawn their ratifications and had rejected, and by not counting the rejections of Arkansas, Florida, North Carolina, Louisiana, South Carolina, and Alabama, who had later by way of illegally established legislatures, ratified under compulsion of the military force of the U.S. Army, the total of 28 States needed to ratify was achieved.

The Secretary of State then proceeded to publish an equivocal proclamation. Therein he stated that whereas under an act of Congress it had been made the duty of the Secretary of State to cause any amendment to the Constitution which had been adopted according to the provisions of said Constitution to be published with his certificate specifying the States by which the same had been adopted, and that the same had become a part of the Constitution of the United States and, whereas neither the act referred to, nor any other law authorized the Secretary of State to determine and decide questions as to the authenticity of the organization of State legislatures, or as to the power of any State legislature to recall a previous act or resolution or ratification, or rejections of any amendment, that if the ratification of the States of Ohio and New Jersey were counted as having ratified, notwithstanding their subsequent rejection; and if the ratifications of the newly constituted and newly established bodies avowing themselves to be and acting as the legislatures, respectively, of Arkansas, Florida, North Carolina, Louisiana, South Carolina, and Alabama, were counted, the 14th amendment was ratified. This proclamation was made on July 20, 1868. Although the question as to whether an amendment of the U.S. Constitution has been properly submitted by Congress and properly ratified by the State in accord with the Federal Constitution, is properly a legal question to be determined by the U.S. Supreme Court, and Congress has no more right to decide this than the Secretary of State, the Senate, and the House 1 day later, on July 21, 1868, by majority voice vote, proceeded by separate resolutions to resolve that the 14th amendment had been adopted and was a part of the Constitution. Then, pursuant to this resolution, the Secretary of State issued a new proclamation on July 27, 1868, reciting resolutions of the House and the Senate which declared the 14th amendment adopted, and he thereby proclaimed it had been adopted.

ATTEMPTS TO OBTAIN A DECISION OF THE SUPREME COURT

Although repeated efforts have been made to get the U.S. Supreme Court to directly pass on the question as to whether the 14th amendment was adopted, the issue has invariably been dodged and no opinion has ever considered or discussed it. There have been several hundred cases in which the Supreme Court has based its holding on the 14th amendment, but all of these have

been based upon prima facie presumption of validity resulting from the proclamation of the Secretary of State, and a majority vote of Congress.

In *Ex parte Milligan,* decided by the Supreme Court on December 17, 1866, the Court held that the trial and conviction of a civilian by a military commission where peace exists and the civil courts were open was null and void as the commission had no jurisdiction, and further that Congress had no authority to apply the laws of war when no war existed. Despite this ruling, William McCardle was arrested and held for trial in Mississippi by a military commission when no war existed and the civil courts were open. This case clearly demonstrated that the Congress of the United States was aware of the unconstitutionality of the Reconstruction Act and was unwilling to permit a decision of the Supreme Court to prevent the carrying out of their known illegal plan. The Members of Congress had read the veto message of President Johnson and recognized its validity and were well aware of what the result would be if the Court were forced to pass on the question.

William McCardle was the editor of the Vicksburg Times. He was arrested by the military authorities in Mississippi for publishing an editorial regarding the validity of the Reconstruction Act, and they proposed to try him before the military commission for impeding reconstruction, inciting disorder and disturbance of the peace. On November 12, 1867, he applied to the U.S. circuit court for a writ of habeas corpus on the ground that the Reconstruction Act was unconstitutional and void and that the military commission was without legal authority to try him. The writ was issued directing the military commission to produce the body of McCardle and to present the cause of his imprisonment. The military authorities delivered McCardle into the custody of the U.S. marshal showing they were holding him under authority of the Reconstruction Act.

Robert A. Hill of Jacinto, Miss., had been appointed judge of said court on May 1, 1866. He was a native of North Carolina, age 54, and an old line Whig. He had had experience as a State court judge in Tennessee and northern Mississippi. Both the judge and McCardle recognized that this case was a means of obtaining from the Supreme Court a ruling on the constitutionality of the Reconstruction Act on appeal. A hearing was held and on November 25, 1867, the court adjudged that McCardle be remanded into the custody of the military authorities from which judgment McCardle appealed to the U.S. Supreme Court. The Supreme Court allowed his release on bond.

In the Supreme Court a motion to dismiss was filed by the Government on the ground that the Court lacked jurisdiction to hear the case, based upon the act of February 1867 relating to suits begun in State courts involving haebeas corpus. On February 17, 1868, the Court decided that it had jurisdiction and denied the motion to dismiss.

Word was passed to the leaders of Congress that the Court would be forced to declare the Reconstruction Act to be unconstitutional. While the case was thus pending Congress acted quickly. A bill was presented to the House to deprive the Supreme Court of jurisdiction to decide the case. Mr. Schenck, chairman of the Ways and Means Committee, in reporting the bill to the House with recommendation that it be passed, stated that the bill was designed to prevent the Supreme Court from passing on the validity of reconstruction legislation.

Congress quickly passed this bill, which was vetoed by the President, and on March 27, 1868, it was enacted over his veto. This statute deprived the Supreme Court of any jurisdiction to decide that type of case. The case was not argued until March 19, 1869, and, on April 12, 1869, the Supreme Court dismissed the case for want of jurisdiction. The Legislature of the United States had thus deliberately and intentionally prevented the Supreme Court of the United States from declaring the Reconstruction Act unconstitutional. If it had done so, the whole military occupation of the Southern States would probably have forthwith terminated and the Legislature of the United States would have been thwarted in its effort to force the adoption of the 14th amendment by such illegal and unconstitutional means.

In *Marbury* v. *Madison,* decided February 24, 1803, the Supreme Court in an opinion by Chief Justice Marshall had held that an act of Congress which was repugnant to the Constitution was invalid and that it was within the judicial powers of the courts to so decide. The contention was made that the act of Congress was a political act and could not be inquired into by the courts. Chief Justice Marshall said: "This doctrine would subvert the very foundation of all written constitutions." And "It would be giving to the legislature a practical and real omnipotence with the same breath which professes to restrict its powers within narrow limits." Again, in *Luther* v. *Borden,* in an opinion by Chief Justice Taney, the Court had said:

"The high power has been conferred on this court, of passing judgment upon the acts of the State sovereignties and the legislative and executive branches of the Federal Government, and of determining whether they are beyond the limits of power marked out for them respectively by the Constitution of the United States."

In March 1867, the State of Mississippi filed a motion for leave of court to file a bill in the name of the State to enjoin President Johnson from executing the Reconstruction Act on the ground it was unconstitutional. It was argued on April 12 and on April 15, the Court held it had no jurisdiction to enjoin the President in the performance of his official duties, as the legislative, executive, and judicial departments of the Government were equal, the President being the Executive.

Later, in *Georgia* v. *Stanton,* argued in April and May of 1867, decided May 13, 1867, but opinion withheld until February 10, 1868, the constitutionality of the Reconstruction Act was directly attacked and an injunction sought in the U.S. Supreme Court to enjoin Secretary of War Stanton and General Grant and others from carrying out the military occupation of Georgia, inasmuch as the execution of this law would totally abolish the existing government of the State of Georgia. The Supreme Court has held on many occasions that the acts of an individual officer of the Government, which are void because of unconstitutionality, even though acting under an act of Congress, are merely acts as an individual and may be enjoined by the courts. Despite these holdings and the holdings of *Marbury* v. *Madison* and *Luther* v. *Borden,* which held the Court had the power and duty to determine whether an act of Congress violated the Constitution of the United States, the Supreme Court dismissed the complaint for alleged lack of jurisdiction on the ground that only a political question was presented. The case of *Mississippi* v. *Stanton* was decided at the same time with the identical opinion.

In volume II of the "Growth of the American Republic," it was said, at page 51:

"Many of the acts which Congress passed to carry into effect its reconstruction policy were palpably unconstitutional, but the attitude of the radicals was well expressed by General Grant when he said of this legistion that 'much of it, no doubt, was unconstitutional; but it was hoped that the laws enacted would serve their purpose before the question of unconstitutionality could be submitted to the judiciary and a decision obtained.' "

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. THURMOND. I am pleased to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. I appreciate the speech the Senator is making. Other duties have compelled me to be absent from the floor until I came in a few moments ago. I understand that the Senator has already undertaken a discussion with reference to the question of the adoption of the 14th amendment and its never having been actually passed on by the Supreme Court of the United States so far as its legal adoption was concerned. Has the Senator covered that part in his speech?

Mr. THURMOND. I have.

Mr. STENNIS. Was the Senator's conclusion that, there never having been any test case, the matter is still an open question and has not been adjudicated?

Mr. THURMOND. The Supreme Court never passed on the constitutionality of the act. As I said a few moments ago, probably before the Senator came to the floor, the Supreme Court was almost at the point of passing on it, when word was passed to the congressional leaders, and a law was passed by Congress prohibiting the Supreme Court from passing on matters pertaining to the Reconstruction Act.

Mr. STENNIS. That is the very point I believe should be underscored and emphasized again, that resort was had to a congressional act, which could hardly be valid itself. Is that the opinion of the Senator from South Carolina?

Mr. THURMOND. I heartily agree with the Senator from Mississippi that the Reconstruction Act could not have been valid itself, and I do not understand why Congress would have passed a law prohibiting the Supreme Court from passing on a question of that nature, unless they were of the opinion that the Court would find it unconstitutional. This case involved a man's appeal to the Supreme Court. He had been arrested by the military in charge and was being held. When the court of appeals turned him back to the military court, he appealed to the U.S. Supreme Court. The indication was that the Supreme Court felt that that would test the Reconstruction Act and that, when tested, it would not stand the test and would be thrown out. That is when the word was passed to the leaders in Congress, and they passed the bill prohibiting the Supreme Court from hearing the appeal under the Reconstruction Act.

Mr. STENNIS. They withdrew the jurisdiction of the Supreme Court in these matters, in other words.

Mr. THURMOND. Yes, that is what they attempted to do.

Mr. STENNIS. That is what the purpose was.

Mr. THURMOND. Yes.

Mr. STENNIS. Was the purpose to withdraw the jurisdiction in favor of a military court?

Mr. THURMOND. They were trying to withdraw the jurisdiction of the Supreme Court from passing upon appeals that might come up from decisions of the military court and also decisions that might come from the civilian court to the Supreme Court, if they arose out of the military courts. In this particular case the man who was being held by the military court appealed the matter, and he was turned back to the military court.

Mr. STENNIS. I thank the Senator very much. I shall avail myself of the opportunity to hear the remainder of the Senator's argument. I will follow it very closely.

Mr. THURMOND. I wish the people in this country would take the time to read the veto message of President Andrew Johnson on the Military Reconstruction Act. It is one of the finest messages, one of the finest legal documents and one of the clearest and most concise state papers that any person in this country has ever delivered. Every lawyer ought to read it and every citizen ought to read it. President Johnson not only pointed out many reasons why this act was unconstitutional, but he pointed out the rights of the citizens of this country. It is a magnificent message. I read the veto message into the RECORD this afternoon.

Mr. STENNIS. If the Senator will yield further, I should like to say that I am glad he did read it into the RECORD. Was that not the message that really proved to be the ground for impeaching President Johnson, and when he finally prevailed by such a narrow margin?

Mr. THURMOND. By one vote.

Mr. STENNIS. I thank the Senator very much.

Mr. THURMOND. It took real courage for him to deliver that veto message, knowing the temper of both Houses of Congress and knowing the action that probably would be taken against him in reprisal. He was a man of great courage. He acted without regard for the consequences as his principles dictated. He stood by the Constitution. Later on, as I stated, editors in the North and other places undoubtedly agreed that he was on sound constitutional ground and that the action he took was the only action that could have been taken.

Mr. STENNIS. Thus this became a landmark, although a neglected one. It was a shining light and a landmark in American history.

Mr. THURMOND. That is exactly right. As time passes I am sure future generations in this country who study the Constitution and who study the laws and who really understand fully the many rights under the Constitution will agree with President Andrew Johnson in the action he took because any student of the Constitution and the laws could not take any other position. In fact, Congress practically admitted that what it was doing was done purely from political motivations. It was trying to do indirectly what it could not do directly.

Mr. STENNIS. I thank the Senator.

Mr. THURMOND. I continue to read:

The 14th amendment contains many desirable provisions as may be observed. It provides:

"SECTION 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws.

"SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a State, or members of the legislature thereof, is denied to any of the male inhabitants of such State, being 21 years of age, and citizens of the United States, or is any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State.

"SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President or Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a Member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

"SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

"SEC. 5. The Congress shall have power to enforce by appropriate legislation, the provisions of this article."

There are also many excellent and highly desirable provisions in the first 10 amendments, commonly called the Bill of Rights and in the amendments adopted before and after the 14th. But, the desirability of an amendment to the Constitution cannot accomplish the adoption thereof, nor can the passage of time override the specific provisions of article V which details the only method by which the Constitution can be changed. The Congress has expended its function in the amending process when it has proposed the amendment to the States. Any further action is completely outside the scope of the amending process.

On July 12, 1909, when Senate Joint Resolution 40 proposing the 16th amendment was under consideration, the Honorable Cordell Hull, in a speech in Congress, referred to the unconstitutionality of the purported adoption of the 14th amendment. He stated:

"While the sole function of Congress with respect to amendments is to propose to the States such amendments as two-thirds of both Houses sees fit, to be ratified or rejected, either of the State legislature or by conventions, yet Congress in this instance did not permit all of the States to act upon this proposed amendment. * * * It must be conceded that the moment three-fourths of the States duly ratify an amendment it becomes a part of the Constitution, the proclamation of the Secretary of State being a mere ministerial act. Hence, it follows that Congress has not power in the premises after it has once proposed an amendment to the States as the Constitution provides, not even of recalling the amendment; therefore, the passage of any resolution by Congress declaring that a given amendment has or has not been duly ratified by the States, such as was done with respect to the 14th amendment, is ultra vires and void."

Many legal questions arise in respect to the existence or not of the 14th amendment. Some of these will be discussed hereafter.

1. Were the Southern States ever out of the Union?

This question is answered in the negative by the U.S. Supreme Court in *Texas* v. *White*, which was an original case brought by Texas, filed on February 15, 1867, decided April 12, 1869. It was contended that the State by reason of its act of secession had so changed its status as not to be a State entitled to file suit against the United States in the Supreme Court. In holding that Texas was and always had been a State in the Union from the date of its admission, the Court, after discussing its acts of secession, etc., said:

"Did Texas in consequence of these acts cease to be a State? Or if not, did the State cease to be a member of the Union? * * *

"The Union of the States never was a purely artificial and arbitrary relation * * *. It was confirmed and strengthened by the necessities of war and received definite form and character and sanction from the Articles of Confederation. By these the Union was solemnly declared to 'be perpetual.' And when these articles were found to be inadequate to the exigencies of the country, the Constitution was ordained 'to form a more perfect union.' It is difficult to convey the idea of indissoluble unity more clearly than by these words * * *.

"When therefore Texas became one of the United States she entered into an indissoluble relation. All the obligations of perpetual union, and all the guarantees of republican government in the Union, attached at once to the State. The act which consummated her admission into the Union was something more than a compact; it was the incorporation of a new member into the political body. And it was final. The union between Texas and the other States was as complete and perpetual, and as indissoluble as the union between the original States. There was no place for reconsideration, or revocation, except through revolution or through consent of the State. Considered, therefore, as transactions under the Constitution, the ordinance of secession adopted by the convention and ratified by a majority of the citizens of Texas, and all of the acts of her legislature intended to give effect to that ordinance, were null and void. They were utterly without operation of law. The obligations of the State as a member of the Union, and of every citizen of the State as a citizen of the United States, remained perfect and unimpaired. It certainly follows that the State did not cease to be a State, nor her citizens to be citizens of the Union."

2. Were the duly elected and organized bodies, acting as the legislatures in the 11 Southern States, prior to March 2, 1867, duly organized under the Constitution of the United States?

For nearly 2 years prior to March 2, 1867, the Civil War had ended and peace had been

restored. By proclamation of President Johnson of April 2, 1866, the war had been declared ended. Under the Constitution which required that all States be equal, the rebellious States were restored to an equal basis and placed on a like footing as to political rights, immunities, dignities, and power as the remainder of the Union. During the year of 1865, following the surrender of General Lee at Appomattox on April 9, and General Johnston at Durham Station on April 26, legislatures of the Southern States had organized pursuant to President Johnson's proclamation. These legislatures had ratified the 13th amendment abolishing slavery which was proclaimed adopted by the Secretary of State on December 18, 1865. This ratification was recognized by all departments of the Government, executive, legislative, and judicial. Of legal necessity they recognized the then existing legislative bodies of at least the Southern States who had ratified; namely, Tennessee, Arkansas, South Carolina, Alabama, North Carolina, and Georgia. The legislatures of the Southern States were duly organized and existing, and since Congress lacked authority to oust these legislatures by military power or otherwise, they never legally ceased to exist. The new legislatures installed by the Army were, therefore, null and void and all new State officers were likewise usurpers, totally lacking in State authority.

3. Were the two Houses of the 39th Congress organized according to the Constitution? If not, what effect did the failure to seat Senators from the Southern States have upon the proceeding?

Section 5 of article I of the Constitution provides that: "Each House shall be the judge of the elections, returns, and qualifications of its own Members."

While each House is made the sole judge of the elections, returns, and qualifications of its Members, there is no authority granted by the Constitution to refuse to "judge." The whole purpose of this constitutional provision relates to the judging of each individual Member. It contemplates a hearing and the taking of evidence with a right to be heard before being judged. To arbitrarily decide not to seat any of the Senators or Representatives from any specified States without even a hearing was not a judging, but rather an arbitrary deprivation of the equal suffrage of these States in violation of Article V of the Constitution. Upon a hearing and judging the Houses might lawfully have refused to seat all or most of such duly elected persons, or they might have decided to seat any portion of them. But an arbitrary refusal to judge as authorized by the Constitution was an arbitrary refusal to seat in violation of the Constitution, and was therefore unlawful.

4. Is the election of the members of a State legislature, conducted under military force by the U.S. Army, in violation of the laws of suffrage of such State, a valid election?

In the case of *Breedlove* v. *Suttle*, the U.S. Supreme Court has held that each of the States has the supreme and exclusive power to regulate the right of suffrage and to determine the class of inhabitants who may vote. The use of the U.S. Army in 1867 to occupy several of the sovereign States, change the State rules of suffrage, and to purportedly elect new State officers and new State legislatures was just as patently illegal as it would be today. If the officers of the Federal Government could in 1867 send the Army into a State, oust its legislators and officers, and elect new ones under their own rules of suffrage, then a political party today could, after coming to power, use the U.S. Army to seize and occupy all States having a predominantly different party, oust its officers and legislators and make its return to self-government conditional on its ratification of an amendment to the Constitution abolishing all other political parties. In other words, if the action of the Congress in the Reconstruction Act and all done under it be valid, then the United States can at any time by a simple majority vote of the Congress establish an absolute dictatorship.

Mr. Thaddeus Stevens, of Pennsylvania, on December 14, 1865, said:

"According to my judgment they (Southern States) ought never to be recognized as capable of being counted as valid States until the Constitution has been so amended as to secure ascendancy of the party of the Union (Republican)."

His plan was twofold: First, to reduce the representation to which the Southern States were entitled under the Constitution; second, to enfranchise the blacks and disenfranchise the whites. This was calculated to keep the Southern States out of the Union until the Constitution had been so amended as to accomplish his objects and after that have control of the Southern States in the hands of the party of the Union (Republican).

If Mr. Thaddeus Stevens could legally accomplish his objects in 1867, and 1868, some political leader fired with personal ambition could make himself dictator and override and destroy the Constitution in 1968 with the support of a majority in Congress and the Army to back him. The pattern is already established and he need but follow precedent.

5. Is the ratification of a constitutional amendment by a legislature elected, as in question No. 4, valid and effective?

The votes of the southern legislatures which were counted as having ratified the 14th amendment by the Secretary of State when he issued his proclamation were not the votes of the duly constituted and existing legislatures of such States, and the certification of ratification by a usurper claiming to be Governor of a State was no certification at all. The acts of Congress asserting that it had been ratified did not add 1 inch to its size. The proclamation of the Secretary of State added no more to the compliance with the requirements of article V of the Constitution than if there had been not a single ratification. By these methods, the Speaker of the House, the President of the Senate, and the Secretary of State, without even a vote of the Senate or House, or a ratification by a single State, could amend the Constitution at will.

6. May a State change its position toward an amendment before there has been a ratification by three-fourths of the States?

Many experts on constitutional law have taken the position and expressed the view that such a change can be made. The Supreme Court of Kentucky, in the case of *Wise* v. *Chandler*, has held that when a State has acted on a proposed amendment to the Federal Constitution, to either ratify or reject, its power further to consider the question has been exhausted without a resubmission by the Congress. Certiorari was granted in this case to the U.S. Supreme Court, but the case was dismissed on the ground that there was no controversy susceptible of judicial determination. The U.S. Supreme Court in *Coleman* v. *Miller*, held that the Supreme Court of Kansas had a right to consider the question as to whether the proposed Child Labor Amendment to the U.S. Constitution had been properly ratified under a claim of members of the State senate that their votes had not been given effect. But the specific question here considered has never been passed upon directly by the U.S. Supreme Court.

7. Is the question of the validity of the 14th amendment a legal or a political one?

Applying the test as announced by the Supreme Court in *Marbury* v. *Madison*, the question as to whether a constitutional amendment has been effectuated is properly a judicial rather than a political one. However, that the question is a political one seems to be so well established as not to afford a contrary view.

Early in April 1867, Georgia and Mississippi filed bills for leave of the Court to enjoin the Secretary of War Stanton and General Grant from carrying out the Reconstruction Act.

In *Georgia* v. *Stanton* and *Mississippi* v. *Stanton* the constitutionality of the Reconstruction Act was directly attacked and the Supreme Court dismissed the complaints for alleged lack of jurisdiction on the ground that only a political question was presented.

In *Coleman* v. *Miller*, the Court discussed the questionable nature of the adoption of the 14th amendment pointing out the incongruity of the failure to recognize the withdrawals of the ratifications by Ohio and New Jersey as compared to the subsequent ratifications of North Carolina, South Carolina, and Georgia, after such States had formally rejected. The Court referred to the dubious first proclamation of the Secretary of State and the following act of Congress which declared the 14th amendment to have been adopted and the second proclamation of the Secretary of State proclaiming adoption. The Court then stated:

"This decision by the political departments of the Government as to the validity of the adoption of the 14th amendment has been accepted. We think that in accordance with this historic precedent the question of the efficacy of ratifications of State legislatures, in the light of previous rejection or attempted withdrawal, should be regarded as a political question pertaining to the political departments, with the ultimate authority in Congress in the exercise of its control over the promulgation of the adoption of the amendment."

In *Leser* v. *Garnett*, it was held that the certificate of the Secretary of State certifying to the ratification of the 19th amendment was binding on the courts. The duty to act in regard to constitutional amendments has now been given to the Administrator, General Services Administration.

That the rulings in *Leser* v. *Garnett*, *Coleman* v. *Miller*, and *Chandler* v. *Wise* are of doubtful wisdom is emphasized by the actions of the legislatures of Oregon and New Jersey. At the time of the proclamation of Secretary Seward, the legislature of Oregon had ratified and such ratification had been duly attested to by the Governor. But, upon investigation it was found that such vote was based upon fraud and that two of the members of the legislature, whose votes were essential to ratification, had not in fact been elected. Their seating had been procured by a fraudulent certification of election of a county clerk. After the facts were discovered, these two members were unseated and the duly elected ones were seated. Upon a demand by them, a new vote was taken in which their legal votes were counted. The amendment was rejected. Nevertheless, Oregon was counted as having ratified the 14th amendment.

At the time of the proclamation, New Jersey had withdrawn its ratification because of the unlawful action of Congress in purportedly unseating Senator John P. Stockton by a majority vote; whereas, having been duly seated, section 5 of article I of the Constitution required a two-thirds vote to expel. Yet we are told that the same Congress by a majority vote in making a so-called political decision will be the sole judge of its own misconduct, in open and flagrant violation of the Constitution, when the rights of citizens and the rights of States reserved by the 10th amendment are involved.

DANGER TO OUR FORM OF GOVERNMENT

Coleman v. *Miller*, *Chandler* v. *Wise*, and *Leser* v. *Garnett*, seem to be decisive of the question as to a lack of authority in the Supreme Court to decide whether an amendment has been legally adopted. If it be so, the whole constitutional structure of the United States is in serious danger and Congress should forthwith initiate the necessary action to give jurisdiction to the courts to determine whether an amendment has been legally adopted. Under the authority of *Coleman* v. *Miller*, *Leser* v. *Garnett*, and *Chandler* v. *Wise*, any political party which came to power in sufficient strength to propose an amendment to the Constitution by a two-third vote could propose an amendment to abolish all other political parties for the style of government we see in many foreign countries. A mere proclamation of one man (Administrator of General Services Administration) that such amendment had been adopted by three-fourths of the States would make it an incontestable amendment despite the fact that not a single State actually ratified. In similar fashion, the provisions of section 1, article II, of the Constitution, which fixes the term of office of the President at 4 years, could quickly be amended to a term for life; thus a dictator could be born. In like manner, it would be a simple matter to withdraw from the courts the power to declare an act of the President or of Congress a violation of the Constitution. An amendment might abolish the sovereignty of the States and leave but one Federal Government. This sort of thing can be anticipated in time of great national stress as the panacea for the Nation's ills.

Perhaps such a bold attempt to change the Constitution by the mere false certification by the Administrator of General Services Administration would be too unpalatable to the public conscience, as would be the military invasion by Federal troops of States having recalcitrant legislatures. But a recourse to a pretense of ratification could more readily be procured by the organization of "rump" legislatures composed of henchmen of the Federal executive. Such ratifications would thereupon be accepted by the political decision of the Congress based on a majority voice vote. There is no legal difference in such action from what was done in respect to the 14th amendment. And the Supreme Court has declined to afford to the citizens or the States protection from such usurpation of power under the pretext that these are "political" questions.

No such ability to change our form of Government through the will of a majority in Congress was ever intended by those who framed the Constitution. Checks and balances should be restored, so this cannot happen.

It may be said by shortsighted persons now that it is preposterous to suggest that some Congress in the future might pass amendments to the Constitution to abolish all political parties other than the one in power and to change the tenture of office of the President to life instead of 4 years, by the simple expedient of Congress by joint resolution declaring the amendments to be adopted followed by a certification to that effect by the Administrator of General Services Administration. However, such unforeseen things have happened before. It would be much wiser to preclude such a possibility now than to regret its occurrence later.

REMEDIES

It would serve no useful purpose to discuss the correctness of the decisions of the Supreme Court in *Leser* v. *Garnett* and *Coleman* v. *Miller* other than to mention that in the latter case there was a dissent by Justices Butler and McReynolds. There is a long line of decisions of the Supreme Court on questions that it considered not to be justiciable because they were political; most of them relating to foreign affairs, but unfortunately it has also construed this particular area as political and will consequently not entertain it as matters now stand.

In order to reestablish the traditional checks and balances in this area between the three departments of the Government, as designed by our Founding Fathers and destroyed by the 39th and 40th Congresses, it is imperative that the legality of the adoptions of constitutional amendments be subjected to judicial scrutiny.

The Congress could, of course, by ordinary act, by majority vote of both Houses, and signature of the President, confer jurisdiction on the courts of the United States and the Supreme Court to make a determination whether an amendment to the Constitution has been adopted.

Whether an amendment to the Constitution has been adopted is actually a mixed question of law and fact, or at worst a mixed question of law, fact, and politics. That the Congress has the power to authorize the courts to determine such question was decided by the Supreme Court in *Luther* v. *Borden*, which related to the provision of the Constitution in which the United States guarantees to each State a republican form of government. In a unanimous opinion, written by Chief Justice Taney, it was said:

"Under this article it rests with Congress to decide what government is the established one in a State. For as the U.S. guarantee to each State a republican government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not. * * *

"So, too, as relates to the clause in the above-mentioned article of the Constitution, providing for cases of domestic violence. It rested with Congress, too, to determine upon the means proper to be adopted to fulfill this guaranty They might, if they had deemed it most advisable to do so, have placed it in the power of a court to decide when a contingency had happened which required the Federal Government to interfere."

The relative ease by which a remedy is obtainable by act of Congress loses its attractiveness, however, when it is realized that such act could be repealed with equal ease by the same willful, shortsighted men against whom protection is sought. The only remedy which would reestablish the checks and balances contemplated by the framers of the Constitution with safety against a willful congressional majority would be an amendment to article V of the Constitution, conferring on the judiciary the authority to determine whether an amendment has been adopted. In my opinion the heritage of our constitutional form of government will be in danger of destruction until such an amendment to the Constitution is adopted.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, under the unanimous consent previously given, the Senator from South Carolina was to proceed without the Senator from Mississippi losing his right to the floor.

Mr. President, the Senator from Virginia [Mr. BYRD] has some remarks he wishes to make, for about 35 minutes, and I ask unanimous consent that I may yield to the Senator from Virginia under the conditions previously stated without losing my right to the floor.

The PRESIDING OFFICER (Mr. SMITH of Massachusetts in the chair). Is there objection to the request of the Senator from Mississippi?

Mr. HOLLAND. I have no objection, Mr. President.

The PRESIDING OFFICER. The Chair hears none, and it is so ordered.

Mr. STENNIS. I thank the Presiding Officer.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 1691. An act to provide that any juvenile who has been determined delinquent by a district court of the United States may be committed by the court to the custody of the Attorney General for observation and study; and

S. 1756. An act for the relief of the city of Pasco, Wash.

THE ALEXANDER HAMILTON NATIONAL MONUMENT — AMENDMENT TO THE CONSTITUTION DEALING WITH POLL TAXES

The Senate resumed the consideration of the motion of the Senator from Montana [Mr. MANSFIELD] to proceed to the consideration of the joint resolution (S.J. Res. 29) providing for the establishing of the former dwelling house of Alexander Hamilton as a national monument.

Mr. BYRD of Virginia. Mr. President, as a Member of the U.S. Senate representing the Commonwealth of Virginia, I oppose the proposal for a so-called poll tax amendment to the Federal Constitution.

The State Constitution of Virginia, in establishing the "qualifications of voters," requires the payment of a capitation tax, and I shall discuss this perfectly legitimate requirement in due course.

But first the record should show that adoption of this proposed amendment to the Federal Constitution would deprive public schools in Virginia of more than $1.5 million a year in much needed revenue.

I state this fact with emphasis for the attention of the proponents of the pending resolution, those responsible for bringing it up, those who are agitating for its passage, and those who vote for it.

The Virginia capitation tax is $1.50 per person, per year. Of this tax $1 must be appropriated in support of the public free schools of primary and grammar grades throughout the State.

The remaining 50 cents is returned for local purposes to the counties and cities where it is collected, and this also is used almost exclusively in the support of public schools.

Reports of the State comptroller show that revenue from the Virginia capitation tax has been running at $1,700,000 a year or more. It is conservatively estimated that $1.5 million goes to schools.

On my own responsibility as a Member of the Senate, I do not hesitate to say there is no significant demand in the State of Virginia for repeal of the nominal capitation levy.

The agitation for Federal action to outlaw this Virginia "qualification of

voters" originates outside of the State—whether it is by constitutional amendment or by Federal statute.

It has been fundamental in our form of government since its beginning that each of the several States shall determine its own qualifications for voting in both State and National elections.

Virginia has never attempted to dictate voting qualifications in other States, or to agitate for their change. And the people of Virginia do not like for others to meddle in their voting affairs.

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

Mr. BYRD of Virginia. I yield to the Senator from Florida.

Mr. HOLLAND. Is it not a fact that the Senator and his distinguished colleague have, on occasion, joined me in the offering of this particular amendment?

Mr. BYRD of Virginia. That was under conditions which do not exist today.

Mr. HOLLAND. But the Senator did join me?

Mr. BYRD of Virginia. I am not sure that it was on occasions—there may have been one occasion.

Mr. HOLLAND. And the Senator's colleague did so on several occasions, is that not true?

Mr. BYRD of Virginia. I cannot say without checking the record.

Mr. HOLLAND. The reason for my asking the question is my understanding of the statement made by the distinguished Senator from Virginia, that Virginia had never joined in trying to impose this decision on other States. I do not know what was the purpose of my distinguished friend and his distinguished colleague in joining with me, but I thought they were supporting the amendment, or would not have asked to join.

Mr. BYRD of Virginia. I am speaking of Virginia as a State and not of individual Virginians.

From time to time many States have made changes in their voting requirements. They have been permitted to do that when the people of the State wanted change—not by force of the Federal Government.

In further answer to the question of the Senator from Florida, a proposal was submitted to the people of Virginia to repeal the poll tax, and it was defeated.

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

Mr. BYRD of Virginia. I yield.

Mr. HOLLAND. I understand that was the case. I have also examined that proposal. I thought it was a very weak one, but it was within the judgment of the appropriate officials of Virginia as to what they should submit, and it was within the judgment of the people of Virginia to determine whether or not to accept it.

Mr. BYRD of Virginia. At the recent session of the General Assembly of Virginia, which adjourned only a week ago, a proposal was made to submit again the question of repealing the Virginia poll tax, and I think it received only 1 or 2 votes in the house of delegates, which consists of 100 members.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. BYRD of Virginia. I yield.

Mr. HOLLAND. I understood that the proposal in Virginia was related to the complete elimination of the poll tax, whereas the present proposal, in an undoubted constitutional form, has to do only with the imposition of the poll tax as a requirement for voting for Federal elective officials and does not relate to or interfere with the affairs of the State of Virginia in connection with its State elections.

Mr. BYRD of Virginia. The Senator from Florida well knows that if the voters of Virginia refuse to repeal the State poll tax, and then by Federal enactment in one shape or another the poll tax as related to election of Federal officers is repealed, two lists of voters would be required, which I believe would be a very difficult thing to administer.

In these days of minimum wage laws and inflation it cannot be seriously contended that a capitation tax of $1.50 a year substantially should restrict availability of the voting franchise.

This Virginia tax is the equivalent to little more than the Federal minimum wage rate for an hour's work—the price of a haircut, admission to a ball game, and so forth.

Voting registration in Virginia has been increasing—right along with the population. Latest official figures, as of last October, indicate Virginia registrations now exceed 1 million.

I suspect the registration increase in Virginia, proportionately has kept fairly close pace with the registrations in States which do not require payment of capitation taxes.

This increase in registrations has by no means been confined to the white population. Registrations among the colored people have increased as well—they now number more than 100,000.

No State in the Union has simpler registration laws than does the State of Virginia. All that is necessary to do is to sign an application for registration. No questions are propounded. Nothing is asked of those who would be voters. One registration lasts for a lifetime. If a voter moves from one precinct to another his registration is transferred.

With more than a million registrations in the State, and the revenue from capitation taxes running at $1.7 million a year, it is obvious that the tax is not restrictive on the qualification of voters.

In this connection I quote from a statement by my colleague from Virginia the Honorable A. WILLIS ROBERTSON. When a previous poll tax bill was before the Senate 2 years ago, he said:

> So far as I can ascertain, the poll tax requirement in Virginia has had no effect from a racial standpoint. The accuracy of this statement is shown by comparison of the situation in Virginia which requires the payment of a poll tax, with the situation in adjoining North Carolina which does not require payment of a poll tax.

No State has had more experience with the voting franchise than Virginia. The first elected legislature in the new world was established at Jamestown early in the 17th century.

Virginia's experience was called upon in drafting the Federal Constitution. The right of determining qualifications for voters was deliberately reserved to the States.

It was not by accident that this right was clearly and prominently placed in the Federal Constitution. The fact that it is only one paragraph removed from the preamble is significant.

Article I, section 2 of the Constitution of the United States reads as follows:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors of each State shall have the qualifications requisite for the electors of the most numerous branch of the State legislators.

The position of this section in the Constitution and the choice of its language were not by accident. The framers of the Nation's basic law knew what they were doing, and it was deliberate.

Charles Warren, an eminent student of constitutional history, and author of "The History of the Supreme Court of the United States," in a Library of Congress Memorandum on Poll Tax, stated:

> In arriving at this method (art. I, sec. 2–1) of disposing of the question of the right to vote in Federal Convention of 1787, there was a threefold contest.
>
> The contest was between those members who wished a uniform qualification for electors (freehold property or otherwise) to be prescribed in the Constitution itself, and two other groups.
>
> The second group of delegates wished the power to prescribe the qualifications for voting to be vested in Congress; and in addition to these there was still a third group.
>
> This third group wished the Constitution to prescribe qualifications—not uniform qualifications—but qualifications such as the respective States prescribed for their own people.

It was this last group who prevailed and, according to Warren, after 2 days of active debate they left the constitution in this respect as it now stands.

With this constitutional history clearly in mind Virginia for nearly 100 years has determined that payment of capitation taxes should be a qualification for voting.

This is no relic of Reconstruction days. It was given close study in our constitutional convention of 1902 under the leadership of the late Carter Glass, who was so highly esteemed in Virginia, in the Senate, and throughout the Nation.

Payment of capitation taxes as a prerequisite for voting in Virginia was posed, as I have already said, as a question in a statewide referendum within the past 10 years, and our people voted for its retention in the Constitution.

Article II, section 18, of the Virginia constitution, as it stands today after recent referendum, is headed "Qualification of Voters," and it reads as follows:

> Every citizen of the United States, 21 years of age, who has been a resident of the State 1 year, of the county, city or town, 6 months and of the precinct in which he offers to vote, 30 days, next preceding the election in which he offers to vote, has been registered to vote, has registered, and has paid his State poll tax, as hereinafter required, shall be entitled to vote for members of the general assembly and all officers elective by the people.

This is the provision—with respect to payment of capitation taxes as a requirement for the privilege of voting in Virginia—which stands now in our State constitution.

As of today, it stands reinforced by overwhelming approval in a statewide referendum taken during the period since the proposal now under debate has been pending before the Congress.

There are no grounds for either the Federal Congress or any other State to question the power or authority of the Commonwealth of Virginia to establish voting qualifications within the State.

Retention of this power and authority by each State is fundamental in the body and the soul of the Federal Constitution which the States devised as a means of uniting themselves for national purposes.

Virginia takes pride in the part it played in drafting the Constitution of the United States. Its role was that of the participant with the greatest experience in an elective system of government.

As I view the Federal Constitution, the original articles are its body, and the first 10 amendments are its soul. Virginia's experience helped mold the body, and our Bill of Rights is its soul.

The very second paragraph in the body of the Constitution specifically says that each State shall have the power and authority to determine the "qualifications" for voting in their own elections.

If this language in section 2 of article 1 is not specific enough, the ninth amendment says:

> The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Certainly, there is nothing in the Federal Constitution which can be construed as delegating power or authority over voting qualifications to the Federal Government.

But the 10th amendment precludes any Federal usurpation of any power or authority in this respect. It says:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

As if this were not enough to settle this matter for all time insofar as Federal jurisdiction is concerned, the 17th amendment, in 1912—some 125 years later—repeated the language of article I, section 2.

Certainly the multiple provisions in the Federal Constitution, deliberately designed to prevent Federal usurpation of power over voting qualifications, cannot be undone except by constitutional amendment.

But frankly, I am at a loss to understand why States which are enjoying freedom with respect to establishing other voting qualifications should wish to open the door for Federal restriction in this area.

Over the years a number of States have exercised this very freedom to repeal the payment of poll taxes as a prerequisite for voting; and under the same freedom they have established other qualifications.

Are the advocates of this proposal prepared to broaden the amendment to impose Federal restrictions against annual registrations, payment of registration fees, or to fix a uniform age limit, and so forth?

I find no reason to think that even our neighbors in North Carolina, Tennessee, Kentucky, West Virginia, and Maryland are deeply concerned over whether Virginia has a capitation tax or not.

There is even less reason to think that the rank and file of people in more removed States wish to impose on Virginia the attitudes of their respective States on voting qualifications.

There is in fact no demand for this amendment among the rank and file of the citizens of this Nation. It is directed at only 10 percent of the States with only 12 percent of the population.

These States are just as responsive to responsible public demand as are any other States. The people of these States are just as capable of achieving their reasonable desires as are people elsewhere.

In this instance their reasonable desires with respect to voting qualifications—and I think they are both reasonable and constitutional—happen to differ from the reasonable and constitutional desires of people elsewhere.

Inflammatory statements by pressure groups and a Federal commission, paid to stir up agitation on anything which can be tarred by the stick of so-called civil rights, do not justify amendment to the Constitution.

I not only question any contention that States wish to open the door to Federal restriction on voting qualifications; I question whether the subject merits the Senate's time and effort on this proposal.

I venture the assertion that the price of the capitation tax does not prevent responsible citizens in Virginia, Alabama, Arkansas, Mississippi, and Texas from voting.

I doubt whether there has ever before been proposed a constitutional amendment which would be applicable in only five States. Certainly, no more useless or unjustifiable amendment has ever been proposed.

The Constitution fundamentally must be an instrument of broad principles and basic law. To start encumbering it with detailed specifics surely will lead to the destruction of our system of government.

Under the Constitution, States retained the broad authority to establish voting qualifications. This amendment would begin chipping away at that authority by Federal restriction on what may be called a qualification.

These are some of the reasons why I question whether consideration of this proposed amendment is worthy of the Senate of the United States, and the expenditure of all this time and effort.

I cannot take too seriously a statement which was made here on the floor of the Senate on Friday, March 16; but as a Senator from Virginia I cannot allow it to go unchallenged.

The last column on page 4370 of the CONGRESSIONAL RECORD for that date contains the statement that "the poll tax States were the ones that had lost population."

If Virginia is regarded as a "poll tax State," this statement requires qualification. Virginia's population in 1930 was 2.4 million; it was 2.7 million in 1940; 3.3 million in 1950; and 3.9 million in 1960.

Statements such as this are frequently subject to erroneous connotation. I know from experience that they are picked up and used to indicate backwardness, or at least lack of progress.

We are proud of our progress in Virginia because it is sound progress. It is progress without the elements of the spectacular. It is the kind of sound and sure progress that this Nation needs. Virginia is one of the few States which is out of debt.

It is the kind of progress which can be documented—chapter and verse—and I am pleased to take this occasion to recite some of these chapters and verses:

Record of progress in Virginia since before World War II

	Percent
1. Total population in Virginia increased	48
Total population in the country as a whole increased	36
2. Rural population in Virginia increased	0.2
Rural population throughout the country decreased	−0.6
3. Urban population in Virginia increased	133
Urban population in the country increased	68
4. Total personal income in Virginia increased	480
Total personal income in the country increased	408
5. Per capita personal income in Virginia increased	297
Per capital personal income in the country increased	273
6. Number of manufacturing plants in Virginia increased	77
Number of manufacturing plants in the country increased	72
7. Value of products manufactured in Virginia increased	466
Value of products manufactured in the country increased	475
8. Employment in manufacturing in Virginia increased	72
Employment in manufacturing in the country increased	68
9. Payroll in manufacturing in Virginia increased	555
Payroll in manufacturing in the country increased	515
10. Kilowatts of electric power generated in Virginia increased	689
Kilowatts of electric power generated in the country as a whole increased	431
11. Electric generation capacity in Virginia increased	512
Electric generation capacity in the country increased	321
12. Cash receipts from farm marketing in Virginia increased	284
Cash receipts from farm marketing in the country increased	306
13. Number of retail establishments in Virginia increased	11
Number of retail establishments in the country increased	1
14. Retail sales in Virginia increased	492
Retail sales in the country increased	375
15. Life insurance purchases in Virginia increased	746
Life insurance purchases in the country increased	620
16. Assets of all operating banks in Virginia increased	358
Assets of all operating banks in the country increased	249

Record of progress in Virginia since before World War II—Continued

	Percent
17. Deposits in all operating banks in Virginia increased	366
Deposits in all operating banks in the country increased	249
18. Number of telephones in Virginia increased	344
Number of telephones in the country increased	239
19. Number of motor vehicle registrations in Virginia increased	180
Number of motor vehicle registrations in the country increased	128
20. Value of mineral production in Virginia increased	344
Value of mineral production in the country increased	204
21. Value of bituminous coal production in Virginia increased	363
Value of bituminous coal production in the country increased	124
22. Tonnage of bituminous coal production in Virginia increased	100
Tonnage of bituminous coal production in the country decreased	−11
23. Nonagricultural employment in Virginia increased	79
Nonagricultural employment in the country increased	90

Virginia is one of the six States which build and maintain the entire system of roads, including the county roads. Virginia's county road mileage is approximately 41,000. In highway mileage under State control, Virginia is exceeded by only two States—North Carolina—which also administers its county roads—and Texas.

Although the land area of Virginia is exceeded by that of 35 other States, in 1959 only 19 States had more surfaced highways. Of Virginia's 56,208 miles of highways, 96 percent or 53,920 miles were surfaced. Only three States—Connecticut, Maryland, and Ohio—showed a higher percentage of surfaced mileage.

Only 8 States in the 50 in 1959 exceeded Virginia in highway mileage of four lanes or more; and 14 States exceeded Virginia in divided highway mileage of 4 lanes or more.

STATE DEBT AND EXPENDITURES

Virginia's favorable debt position over the years has become well known. Virginia's debt—general obligation, full faith and credit—at the end of the fiscal year 1960 was $8,662,000, with a sinking fund of $4,972,000, leaving a net debt of $3,691,000.

EDUCATION

Virginia ranks 16th among the States in total expenditures for education purposes, with expenditures of $157 million in 1960. In capital outlay for education purposes, Virginia's 1960 expenditure of $16 million ranked 17th among the States.

TOURIST BUSINESS

It is estimated that between 35 and 40 million people visited Virginia in 1960, and during the course of their visit they spent approximately $775 million. Virginia has long led the list of States having the largest number of visitors, and the last estimate of the American Automobile Association indicated that Virginia placed second to Florida in this respect.

I doubt very seriously whether repeal of the capitation tax in Virginia would result in greater increase in population than we have had or that it would stimulate our progress.

If it would do either, or both, I suspect the characteristics of the increments traceable to this source would be undesirable—and more of a burden than a blessing.

Under literal reading, the amendment purports to limit its application to elections of Federal officers. This, of course, is impractical in elections which involve more than Federal offices.

In Virginia, and I suspect in most other States, it is not uncommon for candidates to be running for Federal, State, and local offices in the same election; and there may be voting on issues as well as candidates.

To conform with the proposed amendment for the election of Federal officers, and State qualifications for all other candidates and issues would require a double set of election standards.

The people of Virginia have honored me by election to Federal office over a period of nearly 30 years, and to State and local offices for 20 years before that.

I am deeply grateful for the trust placed in me by the Virginia electorate, and I consider myself doubly honored because I have the greatest respect for the caliber of the Virginia electorate; it is second to none.

Excluding myself, I submit that the caliber of the Virginia delegation in Congress has always been outstanding. I make that statement without reservation and without fear of successful contradiction.

For all practical purposes it must be assumed that the pending amendment would have to be applied to State and local elections. I doubt that the people of Virginia would tolerate a dual standard.

On that assumption, I am certain that the caliber of the State government of Virginia would not be improved by the elimination of a capitation tax as a qualification for voting.

Virginia is proud of its State government—all three branches of it. Election to service in the State government is regarded everywhere in Virginia as a signal honor.

The faith and credit of Virginia is unencumbered and unimpaired by State debt. Its State budget is balanced. Service of the State government to the people is efficient and economical by comparison.

The good name of Virginia is unsullied by scandal in its State government since the horrendous days of Reconstruction outrages under the aegis of the Federal Government.

I find it most difficult to believe that the wisdom and judgment of the Virginia electorate, the Virginia government, or the Virginia delegation in Congress would be improved by this amendment.

Mr. HOLLAND. Mr. President, will the Senator from Virginia yield?

Mr. BYRD of Virginia. I yield.

Mr. HOLLAND. The Senator could not say anything more complimentary of his great State, the Commonwealth of Virginia, than the Senator from Florida feels and recognizes. He also knows that the Senator from Virginia has every reason to be proud of that great record, because he has had so much to do with it during the past 40 years.

Mr. BYRD of Virginia. I thank the Senator from Florida.

Mr. HOLLAND. I wished to make that clear for the RECORD. What I feel is of doubtful wisdom is a system which permits, in a highly contested Presidential race, such as in 1960, his great State, the Commonwealth of Virginia, to be among the lowest five in the Nation in percentage of votes cast by those who are of voting age. Virginia's 34-plus percent is a little less than half of the national average, which is 70 percent. It is only of that fact that the Senator from Florida complains. He has every bit of admiration for the State of Virginia and its great Senators that it is possible to have. As a matter of fact, his mother's family lived in Virginia, and he never found a member of that family who was not a strong supporter of the senior Senator from Virginia.

Mr. BYRD of Virginia. I thank the Senator from Florida.

Mr. HOLLAND. So he wishes to make it very plain that the only thing which he believes is subject to question in this whole record, on the part of any person, that could be improved is the question of participation in voting. That is the question which disturbs the Senator from Florida.

Mr. BYRD of Virginia. The Senator from Florida should get the figures with respect to the persons who are qualified to vote—those who pay the poll tax and are registered. He will find an entirely different story. If the people of Virginia do not go to the polls, that is something that they determine for themselves. Official records as of October 1961 show considerably more than a million voters in Virginia are qualified to vote, and the number paying poll taxes ran in the same order.

Mr. HOLLAND. The figures which the Senator from Florida has relied upon are the figures of the Federal Census of 1960, which show that 2,244,000 people in Virginia are of voting age, if they care to qualify, and showing that only 34 percent of them, or 777,000, saw fit to participate in the election.

Mr. BYRD of Virginia. But I think the Senator from Florida should be fair enough to state that more than a million persons are qualified to vote; they have paid their poll tax and they have registered, and they are qualified to vote. If some of them do not choose to exercise their right to vote, I do not think that is any reflection on the Virginia laws—the Senator from Florida has said they are prevented by the poll tax from voting. But that is not correct.

Mr. HOLLAND. The figures show that only 777,000 of them voted. The Senator from Virginia states that 1,200,000 of them, or thereabouts, were qualified.

Mr. BYRD of Virginia. That is correct.

Mr. HOLLAND. Assuming that to be true, it is also true that more than a

million of the people of qualifying age who live in Virginia failed to pay the poll tax.

Mr. BYRD of Virginia. But there is no reason to say the poll tax keeps them from voting. That tax in Virginia is only $1.50, and very few people in Virginia or elsewhere cannot pay $1.50, all of which goes to the public schools. Every dollar of this tax goes to the public schools in Virginia. So when those figures in regard to the situation in Virginia are examined, one must consider how many of those people chose not to vote.

In terms of percentage, I think the number in Virginia who vote is about as great as the number in other States who vote. But certainly the poll tax does not keep Virginians from voting; and I challenge any State in the Union to show a registration procedure simpler than that in Virginia. In Virginia, all one has to do is sign his name, and he is registered for life. Very few States have such a simple procedure.

Mr. STENNIS. Does the Senator from Virginia mean to say that if a Virginian signs his name to the registration papers, he is registered for life?

Mr. BYRD of Virginia. That is correct; a Virginian has only to sign his name to the registration papers; he does not even have to write out his application.

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

Mr. BYRD of Virginia. I yield.

Mr. HOLLAND. The same is true in many counties of Florida. In only the newer or the fastest growing counties there is biennial or annual registration required. Furthermore, in our State it is not required that one pass a test based on ability to read or write.

But in the same election, 1,540,000 residents of Florida voted, as compared to less than half that number within the great Commonwealth of Virginia. I simply state that I feel that the influence of the State of Virginia should be more heavily felt in the Nation, in connection with casting votes representative of its great people, than is actually happening under the present system.

I thank the Senator from Virginia for yielding to me.

Mr. BYRD of Virginia. I thank the Senator from Florida. However, all he has said is a matter of opinion. Some persons may have an opinion that the Virginia electorate will be greatly improved by repeal of the poll tax, and that over the years the representation in Virginia would have been better if the poll tax had been repealed. But all that is a matter of opinion.

However, I submit that the poll tax in Virginia, which is only $1.50 a year, has not kept Virginians from voting.

Furthermore, one who registers to vote in Virginia has only to sign his name; he does not even have to write out his application.

Mr. President, what is the pending resolution designed to accomplish which makes it necessary to bypass the rules and orthodox procedure of the Senate? I ask that question in all sincerity.

In one stage or another, this proposal has been before the Senate and the House for some 13 years or more since 1949. As introduced, it is properly before the Senate Judiciary Committee at this moment. But here on the floor we are faced with the most unorthodox procedure for consideration of a resolution proposing to amend the Constitution of the United States. It is proposed that the Senate consider the resolution under the enacting clause of another resolution, which is on the calendar, to establish the home of Alexander Hamilton as a national monument.

The atmosphere in which this resolution is now projected raises the suspicion that the noisy pressure groups which exploit so-called civil rights are influencing the procedure. To misuse a bill for a memorial to Alexander Hamilton for this purpose is reminiscent of the misdirected fate of the Stella school bill in this body in the not-too-distant past.

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

Mr. BYRD of Virginia. I yield.

Mr. HOLLAND. I think the Senator from Virginia probably does not have the following information: The organizations which have testified every time, except the last time, against this proposed constitutional amendment—include the Americans for Democratic Action and the NAACP. Since receipt of the news that this bill was to come before the Senate, the ADA has issued a blast, in pamphlet form, to the effect that this procedure is not proper, that the measure should be broader, and that the proposed action should be taken by statute.

So I do not want the Senator from Virginia to think that the radical groups are pressing for the enactment of such legislation, when the facts are quite otherwise.

Mr. BYRD of Virginia. Are they now opposing this measure?

Mr. HOLLAND. Yes, and they have testified against it. As a matter of fact, the only witnesses who ever have testified against this proposed constitutional amendment include a few Senators from the States which have a poll tax, plus representatives of the NAACP and the ADA—and that is all.

Mr. BYRD of Virginia. So far as the NAACP is concerned, its opinion has no influence with me.

Mr. HOLLAND. I understand that.

Mr. BYRD of Virginia. And if that is all the testimony the Senator from Florida can offer in favor of the pending proposal, I do not believe he has made much of a case.

Mr. HOLLAND. Well, a number of witnesses testified in favor of such a constitutional amendment; but I wished to point out to my estimable friend that, instead of being supported by those radical groups—which I have opposed as much as has the Senator from Virginia—the fact is that they have opposed it, because they want to go a good deal further than this proposal would go.

Mr. BYRD of Virginia. Well, Mr. President, the views of neither the NAACP nor the ADA have any influence on me.

Mr. HOLLAND. The NAACP and the ADA have been fighting for years; and since this proposal was made, the ADA has issued quite vocal opposition to it.

Mr. BYRD of Virginia. Well, I hope the day never will come when the ADA will influence the action taken by Congress, whether in the affirmative or in the negative.

Mr. HOLLAND. I thank the Senator from Virginia; but I point out that instead of these radical organizations being on the opposite side from that of the Senator, in this instance they are on the same side.

Mr. BYRD of Virginia. Of course, they have a right to take whatever side they wish to take. But I have no regard for the opinion of the ADA on this issue or on any other issue.

For reasons beyond my comprehension, legislation susceptible to the so-called civil rights brand seems invariably to come before the Senate under the most questionable and unorthodox procedure.

Nothing about this proposal, urgent or otherwise, justifies the disorderly situation which has been precipitated. I suspect that acceptable explanation of the move would be difficult.

I shall not ask for an explanation of what has been done in the way of procedure, but I should like to know whether Senate Joint Resolution 29—if amended as proposed, and passed—will require Presidential signature.

Senate Joint Resolution 29, for a Hamilton memorial, as introduced, considered in committee, and reported to the calendar, unquestionably I think would require the President's signature for enactment.

But the move confronting the Senate is to strike out all after the enacting clause of the Hamilton Monument bill, and insert a resolution submitting a constitutional amendment for ratification.

A resolution submitting a constitutional amendment to the 50 States for ratification does not require signature of the President, and it should not be subjected to his approval.

I should like to know whether Senate Joint Resolution 29 as it is proposed to be amended can be passed by a simple majority of those present and voting in the Senate and the House.

The Constitution provides:

> The Congress whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution.

Mr. President, I have been honored with membership in the Senate 29 years. If I have learned one lesson better than others, it is that we are in trouble whenever we kick over orderly procedure without urgent reason.

If there is any reason for the pending proposal—and I reject the contention that there is—it is certainly not urgent. There is no justification for the course which has been undertaken.

In fact, this proposal would be ridiculous if it did not uproot fundamental rights which were established and settled in the Constitution as a prerequisite to the founding of this Government.

Numerous States impose poll taxes, head taxes, capitation taxes—or what-

ever they may be called—for various purposes which would not be outlawed by this amendment. The result would be absurd.

For instance, under the proposal, Virginia could not levy a capitation tax for the high privilege of voting, but a man in Maine could not drive his car to the polls unless he paid a poll tax.

Under the proposed amendment the Federal Government would hold that it is wrong for Virginia to levy a tax for the privilege of voting for officers in domestic governments.

But in the United Nations the same Federal Government would uphold the provision that nations which do not meet their regular assessments should not be allowed to vote.

Certainly the Constitution of the United States provides for its own amendment. The procedure for amendment is spelled out. It requires painstaking care and responsible deliberation.

The procedure is designed to discourage capricious action and useless amendments. The pending proposal would have the Senate indulge in capricious action on a useless amendment.

I shall not be a party to either. I shall oppose both. I hope the move to substitute the poll tax resolution for the Hamilton Monument bill will be killed one way or another.

I trust that the Congress will not submit this poll tax amendment to the States for ratification; but if it does, I have faith that the States in their better judgment will reject it overwhelmingly.

ORDER TO CONVENE AT 9 A.M. ON WEDNESDAY NEXT

Mr. MANSFIELD. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. STENNIS. I yield to the Senator from Montana.

Mr. MANSFIELD. I am about to move that the Senate recess, but before I do so, I wish to ask unanimous consent for an order that after the Senate completes its business tomorrow, it convene at 9 o'clock Wednesday morning.

Mr. STENNIS. Mr. President, reserving the right to object, is it not almost without precedent in the Senate to set the time for convening the second day in advance when the Senate recesses on the following day?

Mr. MANSFIELD. No; it has been done before. I have discussed the matter with several Senators, suggesting it might be better to convene earlier, and they have no objection.

Mr. STENNIS. Very well.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ANNOUNCEMENT OF NO COMMITTEE MEETINGS, MORNING BUSINESS, OR INTERRUPTIONS OF SPEAKERS, UNTIL DISPOSITION OF PENDING QUESTION

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is the intention of the leadership to object to all committee meetings from now on while the Senate is in session. I have discussed this matter with the distinguished minority leader. Furthermore, it is our intention to object to insertions in the RECORD and interruptions of speakers except for questions, and there will be no morning hours, until the pending question is settled.

I am indebted to the distinguished Senator from Virginia [Mr. BYRD], who I think is the first Member of the Senate in 4 days of debate actually to mention the name of Alexander Hamilton. I point out to my colleagues that the question before the Senate is not as yet the question of a poll-tax amendment, but the question of taking up Senate Joint Resolution 29, introduced by the Senators from New York [Mr. JAVITS and Mr. KEATING], which is a joint resolution providing for the establishing of the former dwelling house of Alexander Hamilton as a national monument.

The joint resolution was reported unanimously by the Committee on Interior and Insular Affairs, with amendments, on March 6, 1962. I express the hope that the Senate will be reasonable and that we will shortly face up to the question of establishing as a national monument the former dwelling house of Alexander Hamilton.

I thank the Senator from Mississippi for yielding.

Mr. STENNIS. I thank the Senator from Montana for letting us know what the purpose was in calling up the Alexander Hamilton Monument measure.

Before the recess, may I have the understanding that it is agreed between the distinguished Senator from Montana and the Senator from Mississippi that when the Senate resumes its deliberations in the morning, the Senator from Mississippi will have the floor? Will the Senator from Montana agree to that?

Mr. MANSFIELD. Yes.

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

RECESS TO 10:30 A.M. TOMORROW

Mr. STENNIS. Mr. President, in accordance with the order previously entered, I move that the Senate recess until 10:30 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 14 minutes p.m.) under the order previously entered, the Senate recessed until tomorrow, Tuesday, March 20, 1962, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 19 (legislative day of March 14), 1962:

U.S. DISTRICT JUDGES

Robert Shaw, of New Jersey, to be U.S. district judge for the district of New Jersey, vice William F. Smith, elevated.

William B. Jones, of Maryland, to be U.S. district judge for the District of Columbia, vice F. Dickinson Letts, retired.

DIPLOMATIC AND FOREIGN SERVICE

The following-named Foreign Service officers for promotion from class 2 to class 1:

Ward P. Allen, of Virginia.
Herbert P. Fales, of California.
Spencer M. King, of Maine.
Walter W. Orebaugh, of Oregon.
Henry C. Ramsey, of California.
Paul B. Taylor, of the District of Columbia.

The following-named Foreign Service officers for promotion from class 2 to class 1 and to be also consuls general of the United States of America:

H. Gardner Ainsworth, of Louisiana.
William O. Baxter, of the District of Columbia.
James D. Bell, of New Hampshire.
Findley Burns, Jr., of Minnesota.
Frank P. Butler, of New Jersey.
John A. Calhoun, of California.
Robert G. Cleveland, of New York.
Stephen P. Dorsey, of the District of Columbia.
Arthur B. Emmons 3d, of Massachusetts.
G. McMurtrie Godley, of New York.
Joseph N. Greene, Jr., of the District of Columbia.
Richard H. Hawkins, Jr., of Pennsylvania.
George Mason Ingram, of Tennessee.
Harold G. Kissick, of Missouri.
John Gordon Mein, of Kentucky.
Sydney L. W. Mellen, of Pennsylvania.
Francis E. Meloy, Jr., of Maryland.
David G. Nes, of Maryland.
Leon B. Poullada, of California.
Richard H. Sanger, of Maryland.
William J. Sheppard, of Kansas.
Ben S. Stephansky, of Illinois.
Leonard Unger, of Maryland.
Harvey R. Wellman, of New York.
Francis T. Williamson, of Virginia.

The following-named Foreign Officers for promotion from class 3 to class 2:

George O. Barraclough, of California.
William D. Brewer, of Connecticut.
William T. Briggs, of Virginia.
James J. Byrnes, Jr., of Pennsylvania.
Philip H. Chadbourn, Jr., of California.
Edward W. Clark, of New York.
Ralph S. Collins, of Tennessee.
John E. Crawford, of Minnesota.
John Hugh Crimmins, of Virginia.
Kennedy M. Crockett, of Texas.
Alfred P. Dennis, of Virginia.
Leon G. Dorros, of New York.
Hermann F. Eilts, of Pennsylvania.
Halvor O. Ekern, of Montana.
Julian P. Former, of New Jersey.
Michael R. Gannett, of Connecticut.
James F. Grady, of Massachusetts.
Joseph A. Greenwald, of Illinois.
Philip C. Habib, of California.
Richard C. Hagan, of Illinois.
William L. Hamilton, Jr., of Maryland.
L. Douglas Heck, of Maryland.
John L. Hill, of Wisconsin.
John D. Iams, of Oklahoma.
George R. Jacobs, of Illinois.
J. Roland Jacobs, of California.
William E. Knight 2d, of Connecticut.
Samuel Owen Lane, of California.
Thomas B. Larson, of Maryland.
John H. Lennon, of California.
Irvin S. Lippe, of Michigan.
Walter Q. Loehr, of California.
David E. Mark, of New York.
Albert P. Mayio, of Michigan.
John A. McKesson 3d, of Florida.
Joseph A. Mendenhall, of Virginia.
Joseph J. Montilor, of Alabama.
Walter J. Mueller, of Connecticut.
Thomas E. Nelson, of Washington.
Horace J. Nickels, of Maryland.
Nils William Olsson, of Illinois.
Givon Parsons, of Texas.
Charles F. Pick, Jr., of Florida.
Mrs. Margaret H. Potter, of the District of Columbia.
C. Hoyt Price, of Arkansas.
Joe Adams Robinson, of Oklahoma.
John Frick Root, of Pennsylvania.
Henry J. Sabatini, of the District of Columbia.
Joseph A. Silberstein, of Maryland.
Eldon B. Smith, of Kansas.
Rufus Z. Smith, of Illinois.
William J. Stibravy, of New Jersey.

James S. Sutterlin, of Maryland.
Emory C. Swank, of Maryland.
Robert Adams Thayer, of Virginia.
John L. Topping, of Virginia.
Oliver L. Troxel, Jr., of Colorado.
Albert S. Watson, of Connecticut.
C. Thayer White, of Texas.

The following-named Foreign Service officers for promotion from class 4 to class 3:

Robert Anderson, of Massachusetts.
Howard J. Ashford, Jr., of Colorado.
Alfred L. Atherton, Jr., of Massachusetts.
John Campbell Ausland, of Pennsylvania.
John George Bacon, of Washington.
Robert J. Barnard, of Wisconsin.
John L. Barrett, of Texas.
Carl E. Bartch, of Ohio.
Williams Beal, of Massachusetts.
Robert M. Beaudry, of Maine.
Slator C. Blackiston, Jr., of North Carolina.
William G. Bowdler, of Virginia.
Thompson R. Buchanan, of Maryland.
William A. Buell, Jr., of Rhode Island.
Paul C. Campbell, of Pennsylvania.
William A. Chapin, of Illinois.
Mrs. Anne W. Claudius, of New Mexico.
Richard H. Courtenaye, of California.
John B. Crume, of Kentucky.
Phillip B. Dahl, of Illinois.
Arthur R. Day, of New Jersey.
John B. Dexter, of Maryland.
John R. Diggins, Jr., of Maine.
Paul F. DuVivier, of New York.
Miss Margaret A. Fagan, of Iowa.
Benjamin A. Fleck, of Pennsylvania.
Magdalen G. H. Flexner, of the District of Columbia.
Robert C. Foulon, of Illinois.
A. Eugene Frank, of New Jersey.
Miss Betty C. Gough, of Maryland.
Pierre R. Graham, of Illinois.
Lawrence E. Gruza, of Connecticut.
James C. Haahr, of Minnesota.
William C. Hamilton, of Connecticut.
Robert Whitcomb Heavey, of California.
Martin Y. Hirabayashi, of Washington.
Rogers B. Horgan, of Virginia.
Robert B. Houghton, of Michigan.
Thomas D. Huff, of Indiana.
Elmer C. Hulen, of Kentucky.
Johannes V. Imhof, of California.
Edward C. Ingraham, Jr., of New York.
Charles K. Johnson, of California.
Richard E. Johnson, of Illinois.
Curtis F. Jones, of Maine.
William Kane, of Virginia.
Miss Sofia P. Kearney, of the Commonwealth of Puerto Rico.
Joseph T. Kendrick, Jr., of Oklahoma.
Bayard King, of Rhode Island.
Gordon D. King, of the District of Columbia.
Walter E. Kneeland, of Texas.
Lowell Bruce Laingen, of Minnesota.
Donald E. Larimore, of Illinois.
Earl H. Lubensky, of Missouri.
Michael B. Lustgarten, of New York.
Doyle V. Martin, of Oklahoma.
Edward E. Masters, of Ohio.
James A. May, of California.
Stephen H. McClintic, of Maryland.
Earl R. Michalka, of Michigan.
Kermit S. Midthun, of Michigan.
Carl J. Nelson, of Virginia.
Cleo A. Noel, Jr., of Missouri.
Donald Kaye Palmer, of Michigan.
Stephen E. Palmer, Jr., of New York.
Stephen Peters, of Virginia.
T. Howard Peters, of Washington.
Elmer C. Pitman, of Indiana.
Paul M. Popple, of Illinois.
Francis C. Prescott, of Maine.
Edwy L. Reeves, of Virginia.
Edwin C. Rendall, of Illinois.
John Church Renner, of Ohio.
Robert M. Sayre, of Florida.
David T. Schneider, of New Hampshire.
Talcott W. Seelye, of Massachusetts.
Robert H. Shields, of California.
Richard E. Snyder, of New Jersey.
Karl E. Sommerlatte, of Florida.
C. Melvin Sonne, Jr., of Pennsylvania.
Moncrieff J. Spear, of New York.
William Perry Stedman, Jr., of Maryland.
Lee T. Stull, of Pennsylvania.
Godfrey Harvey Summ, of Virginia.
Malcolm Thompson, of Massachusetts.
Edward J. Thrasher, of New York.
Philip H. Valdes, of New York.
Miss Eulalia L. Wall, of Texas.
Sidney Weintraub, of New York.
Charles S. Whitehouse, of Rhode Island.
Edward H. Widdifield, of California.
J. E. Wiedenmayer, of New Jersey.
Wendell W. Woodbury, of Iowa.
Charles G. Wootton, of Connecticut.
Elmer E. Yelton, of Texas.

The following-named Foreign Service officers for promotion from class 5 to class 4:

Miss Jane S. Abell, of New Hampshire.
Richard H. Adams, of Texas.
James E. Akins, of Ohio.
Robert J. Allen, Jr., of the District of Columbia.
Miss Marion E. Anderson, of Connecticut.
J. Anthony Armenta, of California.
James H. Ashida, of Washington.
Robert A. Aylward, of Massachusetts.
Henry Bardach, of Texas.
Richard W. Barham, of Texas.
Raymond Bastianello, of Texas.
Raymond J. Becker, of California.
John J. Bentley, of California.
Philip B. Bergfield, of California.
Roland K. Beyer, of Wisconsin.
Joel W. Biller, of Florida.
Robert R. Bliss, of Michigan.
Charles W. Brown, of California.
Max R. Caldwell, of Texas.
Alan L. Campbell, Jr., of North Carolina.
Robert V. Carey, of Colorado.
Robert J. Carle, of California.
Roy O. Carlson, of Illinois.
Frank C. Carlucci, of Pennsylvania.
Joseph A. Cicala, of Connecticut.
Walter F. X. Collopy, of Connecticut.
Thomas F. Conlon, of Illinois.
J. Stewart Cottman, Jr., of Maryland.
Robert G. Cox, of New Mexico.
Everett L. Damron, of Ohio.
Allen C. Davis, of Tennessee.
John G. Dean, of New York.
Thomas A. DeHart, of California.
Willard A. De Pree, of Michigan.
A. Hugh Douglas, Jr., of Rhode Island.
J. Fred Doyle, Jr., of Colorado.
Michael E. Ely, of the District of Columbia.
Alfred J. Erdos, of Arizona.
Stockwell Everts, of New York.
Thomas A. Fain, of Oklahoma.
Michael A. Falzone, of New York.
Glen H. Fisher, of Indiana.
Eric W. Fleischer, of Maryland.
Arva C. Floyd, Jr., of Georgia.
Francis L. Foley, of Colorado.
Jack Friedman, of the District of Columbia.
Alexander S. C. Fuller, of Connecticut.
Ramon M. Gibson, of Missouri.
Wayne R. Gilchrist, of Texas.
Howard C. Goldsmith, of Ohio.
John W. Gordhamer, of California.
Ernest B. Gutierrez, of New Mexico.
Frank J. Haughey, of California.
Theron S. Henderson, of Massachusetts.
J. William Henry, of Arizona.
Henry L. Heymann, of Pennsylvania.
Benjamin C. Hilliard 3d, of West Virginia.
Wilbur W. Hitchcock, of New Jersey.
Herbert M. Hutchinson, of New Jersey.
Richard C. Johnson, of Massachusetts.
Wesley E. Jorgensen, of Washington.
Lewis D. Junior, of Missouri.
John M. Kane, of Illinois.
C. Dirck Keyser, of New Jersey.
Lucien L. Kinsolving, of New York.
Leslie A. Klieforth, of California.
Archie S. Lang, of Illinois.
Paul Baxter Lanius, Jr., of Colorado.
Myron Brockway Lawrence, of Oregon.
Edwin D. Ledbetter, of California.
Owen B. Lee, of Massachusetts.
Edward V. Lindberg, of Virginia.
Ralph E. Lindstrom, of Minnesota.
Richard G. Long, of Illinois.
Stephen Low, of Ohio.
Julian F. MacDonald, Jr., of Ohio.
Robert J. MacQuaid, of Pennsylvania.
Kenneth W. Martindale, of Florida.
William G. Marvin, Jr., of California.
Miss Virginia E. Massey, of Ohio.
C. Thomas Mayfield, of Wisconsin.
David H. McCabe, of Virginia.
Franklin O. McCord, of Iowa.
Miss Elizabeth McGrory, of California.
John M. McIntyre, of Illinois.
Frazier Meade, of Virginia.
Miss Gertrude M. Meyers, of Minnesota.
John L. Mills, of Georgia.
Miss Marion K. Mitchell, of New York.
Edwin H. Moot, Jr., of Illinois.
Benjamin R. Moser, of Virginia.
Leo J. Moser, of California.
Ernest A. Nagy, of California.
Philip C. Narten, of Ohio.
Richard D. Nethercut, of Florida.
Marshall Hays Noble, of New York.
Richard W. Ogle, of Indiana.
Joseph E. O'Mahony, of New York.
David B. Ortman, of Maryland.
J. Theodore Papendorp, of New Jersey.
Chris C. Pappas, Jr., of New Hampshire.
James B. Parker, of Texas.
Raymond L. Perkins, Jr., of Colorado.
George R. Phelan, Jr., of Missouri.
Frederick P. Picard III, of Nebraska.
Charles H. Pletcher, of Minnesota.
Sol Polansky, of California.
Richard St. F. Post, of Connecticut.
Harry A. Quinn, of California.
Peter J. Raineri, of New York.
George E. Ranslow, of California.
G. Edward Reynolds, of New York.
W. Courtlandt Rhodes, of California.
Owen W. Roberts, of New Jersey.
Robert E. Rosselot, of Virginia.
Samuel O. Ruff, of North Carolina.
Anthony E. Sega, of New York.
Harry W. Shlaudeman, of California.
Warren E. Slater, of New York.
Michel F. Smith, of New Hampshire.
Benjamin L. Sowell, of Maryland.
Paul K. Stahnke, of Illinois.
Edward H. Thomas, of New Jersey.
Donald R. Toussaint, of California.
Maurice E. Trout, of Michigan.
Nicholas A. Veliotes, of California.
Abraham Vigil, of Colorado.
Jack L. Vrooman, of California.
John P. Wentworth, of Washington.
Merrill A. White, of Texas.
Charles L. Widney, Jr., of Georgia.
Frontis B. Wiggins, Jr., of Georgia.
Arthur H. Woodruff, of the District of Columbia.
Robert C. Wysong, of Indiana.
Charles T. York, of New York.
Dan A. Zachary, of Illinois.

Charles R. Stout, of California, for promotion from Foreign Service officer of class 6 to class 5.

The following-named Foreign Service officers for promotion from class 6 to class 5 and to be also consuls of the United States of America:

Anthony C. Albrecht, of Pennsylvania.
J. Bruce Amstutz, of Massachusetts.
Oler A. Bartley, Jr., of Delaware.
Miss Helene A. Batjer, of Nevada.
Mrs. Erna V. Beckett, of California.
Miss Eleanor Bello, of New York.
David A. Betts, of New York.
Eugene H. Bird, of Oregon.
John P. Blane, of Alabama.
Wesley D. Boles, of California.
H. Eugene Bovis, of Florida.
Arthur E. Breisky, of California.
Everett E. Briggs, of Maine.
Carleton C. Brower, of California.
Bazil W. Brown, Jr., of Pennsylvania.
Thomas R. Buchanan, of Illinois.
Walter S. Burke, of California.

Michael Calingaert, of the District of Columbia.
Charles R. Carlisle, of Florida.
Eugene E. Champagne, Jr., of New York.
Gordon Chase, of Massachusetts.
Don T. Christensen, of California.
Richard D. Christiansen, of Michigan.
Edward M. Cohen, of New York.
Michael M. Conlin, of California.
Edwin G. Croswell, of Ohio.
James C. Curran, of Massachusetts.
Daniel H. Daniels, of Texas.
John G. Day, of New York.
Robert S. Dillon, of Virginia.
Theodore B. Dobbs, of Virginia.
Robert W. Drexler, of Wisconsin.
Miss Sharon E. Erdkamp, of Nebraska.
Fred Exton, Jr., of California.
Charles E. Exum III, of North Carolina.
Thaddeus J. Figura, of Illinois.
Robert L. Flanegin, of Illinois.
Robert L. Funseth, of New York.
Miss Kathryn M. Geoghegan, of Colorado.
Maynard W. Glitman, of Illinois.
Miss Fannie Goldstein, of New York.
Benjamin C. Goode, of Ohio.
Robert Earl Gordon, of Oregon.
Walter V. Hall, of Virginia.
Mrs. Winifred T. Hall, of New Jersey.
Miss Jessie L. Hartnit, of Washington.
Miss Elizabeth J. Harper, of Missouri.
Miss Theresa A. Healy, of New York.
Roger P. Hipskind, of Illinois.
Thomas J. Hirschfeld, of New York.
Wallace F. Holbrook, of Massachusetts.
Robert M. Immerman, of New York.
George W. Jaeger, of Missouri.
James T. Johnson, of Montana.
Donald A. Johnston, of New York.
Adolph W. Jones, of Tennessee.
Ellis O. Jones, III of Connecticut.
George F. Jones, of Texas.
Edward E. Keller, Jr., of California.
Charles S. Kennedy, Jr., of California.
Thomas F. Killoran, of Massachusetts.
James A. Klemstine, of Pennsylvania.
Robert M. Kline, of Connecticut.
Tadao Kobayashi, of Hawaii.
George B. Lambrakis, of New York.
Peter W. Lande, of New Jersey.
Joseph P. Leahy, of New York.
Herbert Levin, of New York.
Gerald Floyd Linderman, of Ohio.
Robert Gerald Livingston, of Connecticut.
John Lloyd, III, of New Jersey.
Alan Logan, of California.
Peter P. Lord, of Massachusetts.
J. Daniel Loubert, of Maine.
James Gordon Lowenstein, of Connecticut.
Walter H. Lubkeman, of New York.
David A. Macuk, of New Jersey.
Miss Mary Manchester, of Texas.
Charles E. Marthinsen, of Pennsylvania.
Robert W. Maule, of Washington.
Paul B. McCarty, of California.
Mrs. Kathryn Z. McCoy, of Indiana.
Elwood J. McGuire, of Connecticut.
Miss Mary Willis McKenzie, of Virginia.
Miss Charlotte M. McLaughlin, of Washington.
William F. McRory, of Georgia.
Mrs. Marian D. Miller, of New Jersey.
Robert Marden Miller, of California.
Jay P. Moffat, of New Hampshire.
James B. Moran, of Washington.
Richard H. Morefield, of California.
Byron B. Morton, Jr., of New Jersey.
William G. Murphy, of Massachusetts.
Beauveau B. Nalle, of Virginia.
Jay R. Nussbaum, of New York.
John L. Offner, of Pennsylvania.
Charles R. O'Hara, of Maryland.
James A. Parker, of Maryland.
John Marshall Pifer, of Virginia.
Miss Isabelle Pinard, of California.
Mark S. Pratt, of Rhode Island.
Roger A. Provencher, of Colorado.
Charles N. Rassias, of Massachusetts.
Miss Elizabeth J. Rex, of Pennsylvania.
Edward B. Rosenthal, of New York.
James D. Rosenthal, of California.
Charles E. Rushing, of Illinois.
John D. Scanlan, of Hawaii.
Peter Semler, of Virginia.
Spiros A. Siafacas, of Florida.
David E. Simcox, of Kentucky.
Thomas W. M. Smith, of Massachusetts.
Miss Nancy L. Snider, of California.
Richard L. Springer, of Ohio.
Miss Margaret A. Stanturf, of Missouri.
Mrs. Helen S. Steele, of California.
Franklyn E. Stevens, of California.
Roger W. Sullivan, of Massachusetts.
George H. Thigpen, of California.
Francis Hugh Thomas, of Pennsylvania.
Miss Tomena Jo Thoreson, of North Dakota.
Miss Thelma R. Thurtell, of California.
Frank M. Tucker, Jr., of Pennsylvania.
D. Dean Tyler, of California.
Julius W. Walker, Jr., of Texas.
William Watts, of New York.
Norman M. Werner, of Texas.
Mrs. Marguerite G. Whitehead of Washington.
Joseph Charles Wilson, of Ohio.
Raymond S. Yaukey, of Maryland.
Albert L. Zucca, of New York.

The following-named Foreign Service officers for promotion from class 7 to class 6:
Madison M. Adams, Jr., of Alabama.
Daniel W. Alexander, of Washington.
George Aneiro, of Ohio.
Julio Javier Arias, of Arizona.
Terrell E. Arnold, of California.
Thomas H. Baldridge, of Iowa.
David P. Banowetz, of Louisiana.
Thomas J. Barnes, of Minnesota.
John M. Barta, of California.
Norman E. Barth, of Illinois.
Eugene J. Bashe, of California.
Frank C. Bennett, Jr., of California.
Harry E. Bergold, Jr., of New York.
Richard C. Bialock, of Oklahoma.
Carroll Brown, of Alabama.
David W. Burgoon, Jr., of Illinois.
Alanson G. Burt, of California.
Harry A. Cahill, of Virginia.
Robert S. Cameron, of California.
William Clark, Jr., of California.
John R. Clingerman, of Michigan.
Ernst Conrath, of Wisconsin.
Richard T. Conroy, of Tennessee.
Goodwin Cooke, of New York.
Emmett M. Coxson, of Illinois.
Robert P. DeVecchi, of Pennsylvania.
Lloyd L. DeWitt, of California.
Miss Rose M. Dickson, of New York.
Robert B. Dollison, of Florida.
Robert W. Duemling, of California.
Charles E. Duffy, of Iowa.
William L. Dutton, Jr., of Iowa.
William J. Dyess, of Alabama.
Miss Regina Marie Eitz, of Alabama.
Thomas O. Enders, of Connecticut.
Miss Mary L. Eysenbach, of Connecticut.
Miss Margot J. Fellinger, of New Jersey.
Charles E. Finan, of Washington.
Howard V. Funk, Jr., of New York.
George A. Furness, Jr., of Massachusetts.
Herbert Donald Gelber, of New York.
James L. Gorman, of Oregon.
John M. Gregory, Jr., of Virginia.
Philip J. Griffin, of the District of Columbia.
John C. Griffith, of Connecticut.
John O. Grimes, of the District of Columbia.
Brandon H. Grove, Jr., of New Jersey.
Kent H. Hall, of California.
Kenneth O. Harris, of West Virginia.
Douglas G. Hartley, of the District of Columbia.
Ashley C. Hewitt, Jr., of California.
Thomas J. Hill, Jr., of Massachusetts.
Michael P. E. Hoyt, of Illinois.
Edward Hurwitz, of New York.
Robert E. Jelley, of California.
Alton L. Jenkens, of Massachusetts.
Mrs. Lucy N. Johansen, of Oregon.
Peter E. Juge, of Louisiana.
Frederick T. Kelley, of Massachusetts.
Edson W. Kempe, of California.
James E. Kerr, Jr., of the District of Columbia.
John W. Kimball, of California.
Robert Kurlander, of New York.
Frederick H. Lawton, of New Jersey.
Alan F. Lee, of Illinois.
Melvin H. Levine, of Massachusetts.
Wingate Lloyd, of Pennsylvania.
Roger S. Lowen, of New York.
Edward J. Maguire, Jr., of California.
Edward J. Malonis, of Massachusetts.
Miss Barbara J. Marvin, of California.
Wade H. B. Matthews, of North Carolina.
Henry Ellis Mattox, of Mississippi.
James A. Mattson, of Minnesota.
W. Douglas McLain, Jr., of Illinois.
Francis Terry McNamara, of New York.
Noble M. Melencamp, of Kansas.
Alan G. Mencher, of California.
Herbert T. Mitchell, Jr., of North Carolina.
John C. Monjo, of Connecticut.
Richard B. Moon, of Missouri.
John T. Morgan, of Illinois.
Gottfried W. Moser, of New York.
Richard F. Nyrop, of Minnesota.
Robert B. Oakley, of Louisiana.
Oscar J. Olson, Jr., of Texas.
Ronald D. Palmer, of Michigan.
Thomas J. Pape, of Texas.
Lawrence Pezzullo, of New York.
Homer R. Phelps, Jr., of New York.
Dale M. Povenmire, of Ohio.
Frederick D. Purdy, of Pennsylvania.
Walter G. Ramsay, of Virginia.
William E. Rau, of Missouri.
George B. Roberts, Jr., of Pennsylvania.
John T. Rogerson, Jr., of Florida.
Bernard J. Rotklein, of Minnesota.
Valentine E. Scalise, of New York.
Roger C. Schrader, of Missouri.
Glenn E. Schweitzer, of California.
Leslie Andrew Scott, of New York.
Richard C. Searing, of New Jersey.
Arthur P. Shankle, Jr., of Texas.
Robert Lee Shuler, of Virginia.
John P. Shumate, Jr., of California.
William L. Simmons, of Mississippi.
Kenneth N. Skoug, Jr., of Minnesota.
Clint E. Smith, of New Mexico.
Joseph L. Smith, of Indiana.
Walter Burges Smith II, of Rhode Island.
Wayne S. Smith, of California.
C. Richard Spurgin, of Illinois.
Linwood R. Starbird, of Maine.
Andrew L. Steigman, of New York.
Daniel P. Sullivan, of Virginia.
John J. Sullivan, of Massachusetts.
Francis J. Tatu, of California.
John J. Taylor, of Tennessee.
James M. Thomson, of Minnesota.
Donald C. Tice, of Kansas.
Blaine C. Tueller, of Utah.
Louis Villalovos, of California.
Donald B. Wallace, Jr., of Indiana.
Leonard A. Warren, of Nevada.
Ronald A. Webb, of California.
Alfred J. White, of the District of Columbia.
Albert W. Whiting, of Kansas.
Marshall W. Wiley, of Illinois.
James P. Willis, Jr., of California.
Herbert Gilman Wing, of Pennsylvania.
Brooks Wrampelmeier, of Ohio.
Edward E. Wright, of Louisiana.

The following-named Foreign Service officers for promotion from class 8 to class 7:
Morton I. Abramowitz, of Massachusetts.
David Anderson, of New York.
Gustav N. Anderson, of New York.
Robert E. Armstrong, of Illinois.
Rodney E. Armstrong, of California.
James E. Baker, of Maryland.
Carl A. Bastiani, of Pennsylvania.
Richard D. Belt, of Ohio.
Calvin C. Berlin, of Ohio.
Donald P. Black, of California.
Thomas D. Boyatt, of Ohio.
Thomas Stanley Brooks, of Wyoming.
Charles F. Brown, of Nevada.

Robert L. Bruce, of California.
John Allen Bucke, of Indiana.
Garrett C. Burke, of Iowa.
John A. Bushnell, of Connecticut.
Homer M. Byington III, of Connecticut.
Thomas J. Carolan, Jr., of Maryland.
David W. Carr, of Massachusetts.
George F. Carr, Jr., of Texas.
Allen E. Caswell, of New York.
George W. F. Clift, of California.
Temple G. Cole, of Kentucky.
Francis B. Corry, of Wisconsin.
John P. Crawford, of Ohio.
Robert B. Duncan, of New Jersey.
Thomas P. H. Dunlop, of North Carolina.
Ollie B. Ellison, of Illinois.
Ralph Estling, of California.
John A. Ferch, of Ohio.
Harvey Fergusson, of New Jersey.
Richard H. Flanagan, of Massachusetts.
Carroll L. Floyd, of California.
Alec L. France, of Ohio.
Jay P. Freres, of Illinois.
Norman H. Frisbie, of Massachusetts.
Robert E. Fritts, of Illinois.
Peter F. Frost, of Connecticut.
Robert H. Frowick, of Connecticut.
J. David Gelsanliter, of Ohio.
Alan A. Gise, of Indiana.
Philip H. Gray, Jr., of Vermont.
Robert T. Grey, Jr., of Connecticut.
George G. B. Griffin, of South Carolina.
Kurt F. Gross, of Wisconsin.
John B. Gwynn, of the District of Columbia.
Joseph M. Hardman, of Oregon.
Douglas James Harwood, of Connecticut.
Walter A. Hayden, of New York.
Keith M. Heim, of Nebraska.
Peter T. Higgins, of California.
David C. Holton, of Virginia.
Hume A. Horan, of the District of Columbia.
Serge P. Horeff, of California.
Richard H. Howarth, of Pennsylvania.
Richard C. Howland, of New York.
Marvin W. Humphreys, of the District of Columbia.
Dee Valentine Jacobs, of Utah.
Louis E. Kahn, of California.
Robert E. Kaufman, of the District of Columbia.
Geryld B. Krogfus, of Minnesota.
Kenneth A. Kurze, of Rhode Island.
Paul L. Laase, of Nebraska.
John J. LaMazza, of New York.
William E. Landfair, of Ohio.
Norman D. Leach, of California.
Stephen J. Ledogar, of New York.
Mark C. Lissfelt, of Virginia.
Jon S. Lodeesen, of Tennessee.
Arturo S. Macias, of Wisconsin.
Harry Macy, Jr., of Florida.
Richard R. Martin, of the District of Columbia.
James K. Matter, Jr., of Michigan.
John D. McAlpine, of Illinois.
David W. McClintock, of California.
Howard M. McElroy, of New York.
George A. McFarland, Jr., of Texas.
William G. Miller, of Rhode Island.
Miss Priscilla E. Mitchell, of Indiana.
Robert J. Morris, of Iowa.
André J. Navez, of Massachusetts.
Richard A. Neale, of Michigan.
Edward V. Nef, of the District of Columbia.
Joseph K. Newman, of New Jersey.
Albert W. Noonan, Jr., of Illinois.
William Ophuls, of Florida.
Gerald G. Oplinger, of Pennsylvania.
James Ozzello, of Washington.
Robert P. Paganelli, of New York.
Miss Alison Palmer, of New York.
Jack R. Perry, of Georgia.
Robert F. Pfeiffer, of New York.
Thomas R. Pickering, of Pennsylvania.
William Polik, of New York.
Peter Andrews Poole, of New York.
Henry E. Powell, Jr., of Georgia.
Russell O. Prickett, of Minnesota.
Anthony C. E. Quainton, of Washington.
Kenneth N. Rogers, of New York.
David Rowe, of Maryland.
George L. Rueckert, of Wisconsin.
Thomas J. Scanlon, of California.
Charles W. Schaller, of Wisconsin.
William C. Sergeant, of Florida.
Carl G. Shepherd, of New York.
Pierre Shostal, of New York.
Robert Siegel, of New York.
Michael B. Smith, of Massachusetts.
Richard W. Smith, of New York.
Roger A. Sorenson, of Utah.
Frederic N. Spotts, of Massachusetts.
John W. Stahlman, of Ohio.
Paul E. Storing, of New York.
Donald P. Swisher, of California.
T. Elkin Taylor, of Georgia.
Richard W. Teare, of Ohio.
Nathaniel B. Thayer, of Massachusetts.
Alan R. Thompson, of the District of Columbia.
Richard S. Thompson, of Washington.
George R. Tolles, of Ohio.
Thomas M. Tonkin, of Illinois.
Joseph W. Twinam, of Tennessee.
Matthew H. Van Order, of Minnesota.
Thomas H. Walsh, of Texas.
John A. Warnock, of California.
E. Allen Wendt, of Illinois.
Olin S. Whittemore, of Michigan.
A. Norman Williams, of Michigan.
Roderick M. Wright, of California.
Michael G. Wygant, of Massachusetts.
Joseph R. Yodzis, of Pennsylvania.

The following-named persons, now Foreign Service officers of class 2 and secretaries in the diplomatic service, to be also consuls general of the United States of America:
D. Eugene Delgado-Arias, of Florida.
Henry Clinton Reed, of Ohio.

George D. Whittinghill, of New York, now a Foreign Service officer of class 3 and a secretary in the diplomatic service, to be also a consul general of the United States of America.

Joseph A. Todd, of Alabama, for reappointment in the Foreign Service as a Foreign Service officer of class 3, a consul, and a secretary in the diplomatic service of the United States of America, in accordance with the provisions of section 520(a) of the Foreign Service Act of 1946, as amended.

Miss Geraldine B. Stibbe, of Ohio, for appointment as a Foreign Service officer of class 3, a consul, and a secretary in the diplomatic service of the United States of America.

The following-named persons for appointment as Foreign Service officers of class 4, consuls, and secretaries in the diplomatic service of the United States of America:
Valentin E. Blacque of Minnesota.
Miss Margaret Wiesender, of Wisconsin.

Morris H. Lax, of Maryland, a Foreign Service Reserve officer, to be a consul of the United States of America.

The following-named Foreign Service Reserve officers to be secretaries in the diplomatic service of the United States of America:
John B. Brady, of California.
Frederick P. Jessup, of Connecticut.
Joseph W. Smith, of Maryland.

EXTENSIONS OF REMARKS

Challenges Confronting Our Nation

EXTENSION OF REMARKS
OF
HON. ALEXANDER WILEY
OF WISCONSIN
IN THE SENATE OF THE UNITED STATES
Monday, March 19, 1962

Mr. WILEY. Mr. President, the Nation—if it is to meet the great challenges of survival and progress—must, in my judgment, be aware of the threats to our security; understand and appreciate the scope of our strength; retain a confidence in our ability to meet the threats to our survival; and be ready and willing to dedicate the necessary energies and resources not only to meet the challenges to survival but also to fully exploit the great opportunities of this fast advancing age.

In attempting to keep the promises—as well as the threats of this great age in prospective—I reviewed such facts in a weekend broadcast over Wisconsin radio stations. I ask unanimous consent to have excerpts of this address printed in the RECORD.

CHALLENGES CONFRONTING NATION

(Statement by Senator WILEY, of Wisconsin)

Today we and the Nation live in times of crisis, of unparalleled progress, of real challenge, and of great promise.

Living in such a complex age—recently advanced further by a revolutionary breakthrough into space—we need, then, a new perspective and understanding of the influences, conditions, and forces shaping our destiny.

Realistically, we as individuals, of course, need to—and must—give fundamental consideration to our immediate environment: Our jobs, homes, families and efforts to further improve our ways of life.

In a fast-advancing, rapidly changing world, however, there is also a need—in fact a responsibility—for attempting to understand—and to deal with—the larger scope challenges that confront us. Our success in dealing with these broader problems may well have a determining effect upon not only success in handling personal problems but, indeed, our survival.

What then are these major factors exerting direct, and indirect, influences upon our lives?

PRESERVING THE PEACE

First, let's take a look at the No. 1 challenge—that of preserving the peace, or, conversely—preventing world war III.

Around the globe, the Communists control one-third—or about 1 billion—of the people, and one-fourth of the land of the earth.

Fanatically, the Reds are dedicated to conquering the world. For this purpose, they continue to mobilize the controlled people and resources into a gigantic military machine.

As a leader of the free world, the United States—serving also as a front-line anti-Communist force—finds it necessary to (a) maintain a mighty jet-nuclear-missile space defense; and (b) cooperate with free world allies—in military alliances—to prevent the outspreading of communism.

Behind such a protective military shield, we are also attempting to create the eco-