requests have been arriving on Capitol Hill in bits and pieces, scattered through dozens of Presidential messages to Congress on all conceivable subjects. But nevertheless they are there and the New Frontier's henchmen in the House and Senate are busily trying to push them through to enactment.

And when you add them all up, you find the operating blueprint for a planned American economy, an economy manipulated by Government and directed from Washington, an economy in which the major decisions are relegated to the theorists and the bureaucrats, an economy in which the natural laws of supply and demand will play a smaller and smaller role in the business life of the Nation.

I want to drive home just what I'm talking about. This is not something planned for the future. It is already beginning to take definite shape. The mobilization of powers needed is already underway. The masterminds of this plan are the members of the President's Council of Economic Advisers—Walter Heller, James Tobin, and Kermit Gordon, all former economics professors whose job it is to shape wage and price policies, influence spending and fix economic "guidelines" and productivity formulas. The operators of the plan are Labor Secretary Arthur Goldberg, Commerce Secretary Luther Hodges, and Treasury Secretary Douglas Dillon. The enforcers are Attorney General Robert Kennedy, Defense Secretary Robert McNamara, and Agriculture Secretary Orville Freeman.

To implement this plan, President Kennedy is seeking vast new Federal powers in almost every important economic field. He is, in actual fact, asking for more power than any President has ever held when the country was not engaged in an all-out shooting war. He wants, for example, the power to cut taxes without the approval of Congress, the power to influence the supply and cost of money through his own Chairman of the Federal Reserve Board, the power to launch massive new public works programs on his own initiative, the power to cut tariffs on a huge, unprecedented scale, the power to exercise more controls over agriculture, the power to extend Federal influence into local communities.

Let us consider some of these unusual requests the President has made. Take his desire for the power to adjust tax rates. This has always been the exclusive prerogative of the Congress and has always been exercised for the sole purpose of raising revenue. Now the administration wants to use the taxing powers for economic planning. The President's message asked for standby power to cut personal income taxes by as much as 5 percentage points. The changes would be made when the White House planners decided that business conditions required such a shift. And where is the economist, regardless of how many university degrees he holds, who is qualified to decide some bright morning that taxes should be reduced to stimulate consumer spending? Of course, there is no certainty that a sudden stimulus to consumer spending would come at the right time. Nobody knows when a recession has run its course or when another one is about to begin. Economists always disagree and so do the businessmen. But think of what this power would do to business planning. Nobody could ever be sure how much taxes they might have to pay in a given year. And I would also remind you that if the President is given the power to lower tax rates at his own whim, the next step will be to seek power to raise taxes at the White House level. The power to tax is the power to destroy, and this has been proven time and time again throughout history. It is too great a power to entrust to a tiny handful of Government planners with a strong affinity for socialistic endeavors.

Another power request by the President that deserves special attention is tied up in legislation to let the Chief Executive name his own Chairman of the Federal Reserve Board. Now this sounds like an innocent enough request, at least to the layman. It isn't generally understood that Congress had delegated to the Federal Reserve Board great powers to fix monetary values on the assumption that the Board will remain independent. But if the Board should come under political domination by an administration that wanted easy money, the Reserve could make $100 billion available in new credit. This, also, is too great a power to entrust to a tiny handful of Government planners with a strong affinity for socialistic endeavors.

In the public works field, the President would like the Congress to abdicate its responsibility over appropriations and give him the right to spend billions of dollars on undefined public works, whenever and wherever he sees fit. If the administration's plan is adopted, the executive branch would have blanket authority to borrow for the purposes of public works from the reserves of the World Bank, the Housing and Home Finance Agency, the Federal Home Loan Bank, the Federal Savings and Loan Insurance Corporation, and even the Federal Deposit Insurance Corporation. It doesn't seem to bother the President that these funds were never intended to be used for ary purpose other than the protection and operation of the agencies which hold them. Nor does he see any apparent necessity for reserving to the people's representatives in Congress the right to appropriate funds for public works if they decide such make-work programs are necessary. This power to spend indiscriminately funds earmarked for other purposes is also too great to entrust to a tiny handful of Government planners with a strong affinity for socialistic endeavors.

Now, ladies, I suggest that the Republican Party could do the country no greater service than to launch an all-out assault on these attempted power grabs by the executive branch of the Government for the purpose of facilitating the transition to a planned economy. We could use more strong voices within the party to point out the dangers to freedom of choice and action which are bound up in these requests for more and more power for centralized government. I suggest that the American people will never know the true facts unless we Republicans tell them.

This party has a grave responsibility in the year 1962. Even though the President may honestly feel he is acting in the public interest, the fact remains that the powers he has asked for are dictatorial in nature. They go far beyond anything ever dreamed up during the New Deal and the Fair Deal. They go far beyond anything ever requested by a President in comparable times. And if they are to be denied, it will take the Republican Party to do it. This is why we need your very best, your very strongest efforts in these forthcoming election campaigns. We must have the increased manpower in Congress to fight the swift trend toward collectivism and all-powerful government. This is our job and, under the circumstances, it is more in the nature of a sacred trust.

SENATE

TUESDAY, MAY 8, 1962

The Senate met at 12 o'clock meridian, and was called to order by the President pro tempore.

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

Eternal Spirit, without whose guidance our wisdom is but folly, we pray that Thy healing balm may restore our jaded spirits.

Keep us this day in serenity and confidence, as our hearts and minds are stayed on Thee. May we guard our words with the seal of understanding charity. Save us from being embittered by ingratitude, pettiness, or meanness and, by appeasement of evil, from turning coward in the day of battle.

We thank Thee for the lessons of the road we have traveled—we are warned by mistakes, encouraged by success, and enriched by experiences of gladness and sadness. Make us worthy of our great heritage. Grant us a kindling sense of national destiny as we face the duties of today and the problems of tomorrow.

We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, May 7, 1962, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the bill (S. 2132) to approve the revised June 1957 reclassification of land of the Fort Shaw division of the Sun River project, Montana, and to authorize the modification of the repayment contract with Fort Shaw Irrigation District, with an amendment, in which it requested the concurrence of the Senate.

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

H.R. 2446. An act to provide that hydraulic brake fluid sold or shipped in commerce for use in motor vehicles shall meet certain specifications prescribed by the Secretary of Commerce;

H.R. 4083. An act to reduce the frequency of reports required of the Veterans' Administration on the use of surplus dairy products;

H.R. 8434. An act to authorize the Secretary of Agriculture to sell and convey a certain parcel of land to the city of Mount Shasta, Calif.;

H.R. 8564. An act to amend the Federal Employees' Group Life Insurance Act of 1954 to provide for escheat of amounts of insurance to the insurance fund under such act in the absence of any claim for payment, and for other purposes;

H.R. 9561. An act to establish offices of the Veterans' Administration in Europe, and to authorize the furnishing abroad of hospital and medical care for service-connected disabilities;

H.R. 9647. An act to authorize the Secretary of the Interior to enter into an

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amendatory contract with the Burley Irrigation District, and for other purposes;

H.R. 9736. An act to authorize the Secretary of Agriculture to permit certain property to be used for State forestry work, and for other purposes;

H.R. 10204. An act to amend section 47 of the Bankruptcy Act;

H.R. 10374. An act to amend section 6 of the Agricultural Marketing Act, as amended, to reduce the revolving fund available for subscriptions to the capital stock of the banks for cooperatives;

H.R. 10566. An act to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Ariz.; and

H.R. 11217. An act to amend section 6112 of title 10, United States Code.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 1139) to amend the act granting the consent of Congress to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact relating to the waters of the Little Missouri River in order to extend the expiration date of such act, and it was signed by the President pro tempore.

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

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

H.R. 2446. An act to provide that hydraulic brake fluid sold or shipped in commerce for use in motor vehicles shall meet certain specifications prescribed by the Secretary of Commerce; to the Committee on Commerce.

H.R. 4083. An act to reduce the frequency of reports required of the Veterans' Administration on the use of surplus dairy products;

H.R. 8434. An act to authorize the Secretary of Agriculture to sell and convey a certain parcel of land to the city of Mount Shasta, Calif.;

H.R. 9736. An act to authorize the Secretary of Agriculture to permit certain property to be used for State forestry work, and for other purposes; and

H.R. 10374. An act to amend section 6 of the Agricultural Marketing Act, as amended, to reduce the revolving fund available for subscriptions to the capital stock of the banks for cooperatives; to the Committee on Agriculture and Forestry.

H.R. 8564. An act to amend the Federal Employees' Group Life Insurance Act of 1954 to provide for escheat of amounts of insurance to the insurance fund under such act in the absence of any claim for payment, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 9561. An act to establish offices of the Veterans' Administration in Europe, and to authorize the furnishing abroad of hospital and medical care for service-connected disabilities; to the Committee on Finance.

H.R. 9647. An act to authorize the Secretary of the Interior to enter into an amendatory contract with the Burley Irrigation District, and for other purposes; placed on the calendar.

H.R. 10204. An act to amend section 47 of the Bankruptcy Act; to the Committee on the Judiciary.

H.R. 10566. An act to provide for the withdrawal and orderly disposition of mineral interests in certain public lands in Pima County, Ariz.; to the Committee on Interior and Insular Affairs.

H.R. 11217. An act to amend section 6112 of title 10, United States Code; to the Committee on Armed Services.

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

PROGRAM FOR TOMORROW

Mr. MANSFIELD. Mr. President, I wish to announce to the Senate that we shall meet at 11 o'clock tomorrow morning, and that at approximately noon the vote on the cloture motion will be held.

STANDBY TAX REDUCTION AUTHORITY ACT OF 1962

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 to provide standby authority for temporary reduction in the individual income tax when needed to meet the objectives of the Employment Act of 1946, which, with the accompanying papers, was referred to the Committee on Finance.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. MUSKIE:

S. 3264. A bill to authorize and direct the Secretary of the Treasury to cause the vessel *Eugenie II*, owned by J. C. Strout, of Milbridge, Maine, to be documented as a vessel of the United States with full coastwise privileges; to the Committee on Commerce.

By Mr. HART:

S. 3265. A bill for the relief of Despina Anastos (Psyhopeda); to the Committee on the Judiciary.

By Mr. JORDAN:

S. 3266. A bill to amend section 2 of the act entitled "An act to create a Library of Congress Trust Fund Board, and for other purposes," approved March 3, 1925, as amended (2 U.S.C., 158), relating to deposits with the Treasurer of the United States of gifts and bequests to the Library of Congress and to raise the statutory limitation provided for in that section; to the Committee on Rules and Administration.

By Mr. EASTLAND:

S. 3267. A bill for the relief of Gunther M. Hillebrand;

S. 3268. A bill for the relief of Mrs. Cheung Yuk-Lan; and

S. 3269. A bill for the relief of Kwong Foo Chin (also known as Hing Ton Chin and Tony Chin); to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota:

S.J. Res. 185. Joint resolution to defer the proclamation of marketing quotas and acreage allotments for the 1963 crop of wheat; to the Committee on Agriculture and Forestry.

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

S.J. Res. 186. Joint resolution authorizing the President to invite the States of the Union and foreign countries to participate in the U.S. World Trade Fair to be held in New York City, N.Y., from May 11 through May 22, 1962; to the Committee on Foreign Relations.

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

RESOLUTION

INCREASED LIMIT OF EXPENDITURES BY COMMITTEE ON APPROPRIATIONS

Mr. HAYDEN submitted the following resolution (S. Res. 337); which was referred to the Committee on Rules and Administration:

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Eighty-seventh Congress, $25,000, in addition to the amounts, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946, S. Res. 180, agreed to July 27, 1961, and S. Res. 211, agreed to September 21, 1961.

INVITATION TO PARTICIPATE IN U.S. WORLD TRADE FAIR

Mr. JAVITS. Mr. President, I introduce, for appropriate reference, a joint resolution authorizing the President of the United States to invite the States of the Union and foreign countries to participate in the U.S. World Trade Fair, to be held in New York City from May 11 through May 26 of this year. I introduce the joint resolution on behalf of myself and my distinguished colleague from New York [Mr. KEATING].

The fair is an annual event, which is sponsored by the city of New York, and is held at the New York Coliseum.

A companion proposal has been introduced in the other body by Representative WILLIAM FITTS RYAN, of New York, which is to the same effect.

For the first time, Mr. President, the fair will have an export section devoted to goods and services of American manufacturers who wish to sell to foreign markets, signalizing the critical importance of the expansion of our export trade, upon which I have spoken in the Senate many times, and will not therefore at this time enlarge upon this point in this connection except to say, as I have said in the past, that it is of very great importance.

The fair also promotes tourism to the United States, with New York City as the focal point, but of course the people who come to the fair naturally will travel in many other parts of the country. The World Trade Fair annually draws an attendance of about 170,000 from every State of the Union and over 70 foreign countries. It is quite properly an economic stimulation measure in the interest of our country, and should have its sanction, which is described in the joint resolution.

Mr. KEATING. Mr. President, I am delighted to join with my distinguished senior colleague in supporting the resolution calling upon the President to officially invite foreign nations to participate in the second World Trade Fair to be held in the coliseum on May 11–12. Men and women will visit this fair from every State of the Union and from countless

foreign countries. Their purpose in coming here is to examine our products and to display their own in the furtherance of increased trade among the nations of the world.

Mr. President, vigorous efforts, such as this, to promote our exports contribute greatly to our ability to compete in foreign markets. Our productivity and our know-how are worth boasting about. This opportunity to show the nations of the world what we have achieved in many fields is a "showcase" for the whole world to view. I am hopeful that this sixth annual trade fair will be equally as successful as those of the past and that it will result in the expanded sale of American exports in markets the world over.

The PRESIDENT pro tempore. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 186) authorizing the President to invite the States of the Union and foreign countries to participate in the U.S. World Trade Fair to be held in New York City, N.Y., from May 11 through May 22, 1962, introduced by Mr. JAVITS (for himself and Mr. KEATING), was received, read twice by its title, and referred to the Committee on Foreign Relations.

EXPROPRIATION OR SEIZURE OF PROPERTY OF AMERICAN NATIONALS IN FOREIGN COUNTRIES

Mr. HICKENLOOPER. Mr. President, I submit, for appropriate reference and printing, an amendment which I am proposing to S. 2996, which is now before the Senate Committee on Foreign Relations. I ask that the amendment be printed at this point in my remarks.

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

On page 9, after line 13, insert the following:

"(d) At the end of section 620 add the following new subsection:

"'(e)(1) Notwithstanding any other provision of law, no assistance shall be furnished under this Act to any government or to any political subdivision or agency of such government, if such government or any political subdivision or agency thereof (A) has heretofore expropriated, nationalized or otherwise acquired the ownership or control, or hereafter expropriates, nationalizes or otherwise acquires the ownership or control, of any property owned directly or indirectly by any national of the United States, without providing immediate and effective compensation to such national as required by international law, justice, and equity and as determined, within ninety days of seizure or within forty-five days of the date of enactment of this subsection, whichever is later, by the Foreign Claims Settlement Commission, or (B) imposes upon such property discriminatory taxes or other exactions, or restrictive maintenance or operational conditions not imposed or enforced with respect to property of a like nature owned or operated by its own nationals or the nationals of any government other than the Government of the United States.

"'(2) For the purposes of this subsection the term "national of the United States" shall have the same meaning as that term is defined in section 301(2) of the International Claims Settlement Act of 1949, as amended.

"'(3) The Foreign Claims Settlement Commission of the United States shall have exclusive jurisdiction to determine the extent and amounts of any losses sustained by a national of the United States for the purposes of this subsection. For the purpose of such determination, the Commission may exercise to the extent consistent with the purposes of this subsection, the powers conferred upon it by the provisions of the International Claims Settlement Act of 1949, as amended.

"'(4) The appropriation of such funds as may be necessary for the Foreign Claims Settlement Commission of the United States to carry out its functions under this subsection is hereby authorized.

"'(5) No other provision of this Act shall be construed to authorize the President to waive the provisions of this subsection.'"

Mr. HICKENLOOPER. Mr. President, the amendment proposes to reach the problem of expropriation or seizure of property of American nationals in foreign countries.

The position of our Government has been repeatedly stated as that the sovereignty of a nation is inviolate, and that our country recognizes a nation's power to take over property for public purposes. However, in that connection the question of compensation for the property arises. Properties of American citizens have been expropriated and taken over by foreign governments without any compensation in fact or in reality being paid to the owners of that property. Constant delays in those countries and the ramified and tortuous judicial procedures which they engage in have in effect prevented Americans from getting paid for the property which has been taken over. That kind of nonsense must stop.

We have had examples of cases of expropriation and we have even noticed in the public press further contemplated expropriation or seizure of American property in at least one country in the world today.

The amendment would add a new subsection to the Foreign Assistance Act of 1961, as amended, which in effect and in words provides that no assistance can be furnished by the United States under this act to any country or any political subdivision of that country, when the national government or a political subdivision of that country has expropriated, nationalized, or otherwise acquired control or ownership of property of American nationals without providing immediate and effective compensation to such nationals as is required by international law, justice, and equity, and as determined within 90 days of the seizure, or within 45 days of the date of the enactment of this section, whichever is later, by the Foreign Claims Settlement Commission.

What I have said applies to any past expropriation which has not been settled for, and it also applies to any future expropriation or seizure.

One of the difficulties with the drawing of an amendment of this kind is the setting up of a fair and impartial forum or body to determine the value of the property seized. Arguments are made against setting up special boards or commissions, or similar bodies. I have named the Foreign Claims Commission as the proper and appropriate impartial body to assess the value of the property in foreign countries if such expropriation has occurred in the past or occurs in the future. The Foreign Claims Settlement Commission already possesses the criteria, and has a history of evaluation of American property abroad seized by foreign countries. There is a substantial history of the operation of the Foreign Claims Settlement Commission.

The amendment also provides that there may not be any waiver of the provisions of the act under any discretionary powers of the executive department.

It provides for the authorization of such funds as may be necessary for the Foreign Claims Settlement Commission to carry out the provisions of the amendment.

Mr. President, the amendment in no way attempts to tell foreign countries what they can do under their sovereignty, within their own countries. All it provides is that our money, which may be available under proper circumstances to those countries, cannot be used if they take the property of American citizens and do not pay for it on the basis of reasonable value. It does not say that they cannot expropriate or exercise the right of eminent domain, and it does not infringe upon their sovereignty in the slightest degree.

However it does provide what we will do with our money under circumstances where they refuse to do justice by the property of American citizens which they take under their sovereignty, and seize or expropriate.

I believe the amendment is equitable and fair. I think it is about time that our Government takes steps to show that, while we are in the process of helping other governments in one way or another, they do not take undue advantage of American citizens with respect to their property which is located in those countries, without doing justice to those people.

The PRESIDENT pro tempore. The amendment will be received, printed, and appropriately referred.

The amendment was referred to the Committee on Foreign Relations.

PETITION FOR CLOTURE—ADDITIONAL COSPONSOR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the name of the Senator from Connecticut [Mr. DODD] be added to the motion for cloture.

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

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 8, 1962, he presented to the President of the United States the enrolled bill (S. 1139) to amend the act granting the consent of Congress to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact relating to the waters of the Little Missouri River in order to extend the expiration date of such act.

THE RULE OF LAW—ITS VALUES, ROOTS AND LIMITATIONS

Mr. RUSSELL. Mr. President, one of the most significant celebrations at the University of Georgia, at Athens, Ga.—and, incidentally, the university is the oldest chartered State university in the country—is in connection with the commemoration of Law Day. This year, those exercises were held on May 5. There was in attendance a very large audience, including members of the bench and bar of the State, as well as students in the law school and in the other schools of the university, and quite a number of laymen who are friends of the university or whose children are students there.

The principal address of the day was delivered by the distinguished Senator from South Carolina [Mr. THURMOND]. I have just finished reading the address, and I have read it with great interest and profit. It is a scholarly and enlightening address on "The Rule of Law—Its Values, Roots, and Limitations." The distinguished Senator from South Carolina must have put a great deal of labor into the preparation of his speech, for it is one of the most erudite discussions of this subject I have ever read. I ask unanimous consent that it be printed at this point in the RECORD.

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

THE RULE OF LAW—ITS VALUES, ROOTS, AND LIMITATIONS

(Address by Senator STROM THURMOND, Democrat, of South Carolina, for the annual Law Day at the University of Georgia, Athens, Ga., May 5, 1962)

Americans are an inventive people, and in no field have we been more prolific than in the designation of particular days and even weeks of special observance. Our propensity for special observances is a tribute to the industry of our society, for we are so busy that in the absence of a specially designated season for reflection on a particular subject, we might well gradually lose sight and appreciation of many of our bountiful blessings and even some of our fundamental values.

The designation of Law Day on a national basis is a signal tribute to the success of our governmental system. There are few nations, indeed, where the rule of law is such an established fact of life as to be in sufficient danger of being taken for granted by the majority of the society, that special attention to its function is felt necessary and desirable.

The extent to which such a special observance is justified, however, depends on the extent to which our society is brought to a deep and meaningful understanding of the rule of law in a civilized society. If we do no more than acknowledge the idea that the rule of law protects the traffic offender from the wrath of a judge who has burnt toast and weak coffee for breakfast, Law Day, though it may be perpetuated, will serve no more useful purpose than does Halloween. If Law Day is to be of real significance, we must cultivate an understanding of the rule of law, including its values, its roots—and even its limitations.

Of all the essentials of domestic tranquillity, none is more essential than the rule of law. It is the prevalence of a rule of law that enables men in shaping their own destiny to predict with a reasonable degree of certainty the consequences of their conduct of relations with their fellow men. It is the rule of law that permits the peace of mind which comes from a sure knowledge that one has protection from the trespasses of other men. It is through the concept of the rule of law that men can realize and enjoy that impartiality of treatment which is so essential to human dignity.

For all the values which attach to the prevalence of the rule of law, it was by no means a concept simply and quickly conceived, nor easily implemented. As a fundamental prerequisite, a rule of law must have the support of society. The founder of international law, Grotius, concluded that society is "the source of law properly so called." In so concluding, he was not merely acknowledging the difficulty of enforcing a particular law which does not have the support of a large majority of society, such as that experienced by our own Nation with the 18th amendment; rather, he was confirming a particular conception of the nature of man which was originally that of the Stoics, and later common to all Christians. This concept attributes to man the power of reason by which he can achieve the society necessary for his existence.

It is through this power of reason that man forms fundamental ideas as to what is just and what is unjust; and in time, these fundamental ideas become beliefs, in the sense that although they can neither be proved nor disproved, they become, through the process of reason, reality.

Not every collection of human beings is susceptible to a rule of law. It is only when there is a community of beliefs that it becomes possible. This does not mean that all men must agree on all particulars, but it does mean that they must have common beliefs as to fundamentals of fairness and justice. Political differences may be settled peacefully and orderly, but only if there is agreement on the ground rules as to the methods by which such differences are to be resolved. Thus have the Western societies, through reason, reached a community of beliefs that the Judaic-Christian teachings of morality and relations between men are just and have consequently incorporated them into their prevailing rule of law.

The prerequisite of a community of beliefs, in order that a rule of law prevail, by its very nature imposes certain limitations on the application of the rule of law. The degree of community of beliefs in any society depends on the diversity of its various heritages. Our own governmental system, inaugurated in the Constitution, seeks to minimize this inherent limitation by resort to the device of federalism. At the national level of government, where there was the narrowest scope of community of beliefs due to the diversities of heritages across the Nation, there was structured a rule of law which encompassed the most fundamental beliefs. The rule of law of broader scope, consistent with the wider community of beliefs within their boundaries, was wisely left structured within the several States. In the process of erosion of the device of federalism which accompanies centralization of power in the National Government, the rule of law in our land will continue to be dissipated to the extent that it is sought to be applied in excess of the existing community of beliefs. It requires little insight to perceive that the powers exercised by the National Government have so far exceeded the community of beliefs in the Nation as to at least partially substitute the caprice of men for the rule of law.

Even more pertinent today than when uttered is the 1958 statement of the chief justices of the supreme courts of the States, in which they stated: "It has long been an American boast that we have a government of laws and not of men. We believe that any study of recent decisions of the Supreme Court will raise at least considerable doubt as to the validity of that boast."

Even to the casual observer in 1962, it is not just the decisions of the Supreme Court that raise such doubts, although such decisions have by no means forfeited their title as the principal purveyors of doubt.

There is another primary limitation on the rule of law, which pertains to the breadth of its applicability. By its very nature, the rule of law is limited to legal, as contrasted to political, questions. The relations of man to man, and of individuals to society, are of such a nature as to be subject to a rule of law. There are other questions which must be resolved by society which are not by their nature adaptable to resolution by any rule of law. Among these political questions is the determination of what individuals shall be empowered to make and administer the law, although this is but an example. The line between legal and political questions is obviously often hard to define, but as a general rule, any question which involves policy, as distinguished from law, does not lend itself to resolution by a rule of law.

Only recently we were provided with graphic evidence of our failure to make a distinction between legal questions, to which the rule of law is applicable, and political questions, the solutions to which do not by nature lend themselves to resolution by application of fixed rules such as those embodied in the rule of law.

I am referring to the case of *Baker* v. *Carr*, better known as the Tennessee legislative reapportionment decision, rendered by the U.S. Supreme Court on March 26 of this year. Commonsense dictates that legislative districting is a matter which by its very nature does not lend itself to solution by application of any general rule, due to the infinite number of variables and diversities of circumstances involved in each particular case. Attempted judicial adjudication of such issues must, therefore, necessarily involve nothing more than a resort to rhetoric as a shield for the judgment in each case of the individual or individuals who decide it, rather than any application of a rule of law. By such excesses is the status of laws degraded and the concept of a rule of law defamed.

What is the future of a rule of law? Domestically, it is what the American people make of it. If, through such observances as Law Day, there is rekindled both a renewed appreciation and understanding of the rule of law, we can look forward for years to come to the necessity of Law Day in order to remind Americans of the benefits of a noble concept which they are in danger of ignoring, because it is such an established fact of their lives. In order to enjoy this bounty, however, the American people must insure that the rule of law is confined within its inherent limitations, for attempts to extend it beyond the existing community of beliefs, or to political questions, will so dilute the concept as to render it ineffective and bountiless in even those areas of operation where it has a maximum potential value.

Until recent years, it would have been sufficient in any discussion of the concept of the rule of law to confine the consideration to its application in a society of any given nation-state. Today, the rule of law, as a concept, is being discussed and advanced in a new and different context. No contemporary contemplation of the rule of law would be complete without reference to its applicability on an international basis.

We have, of course, a body of rules, customs, and general practices between nations that is referred to as international law. By and large, it is of a nebulous character and is founded primarily on reciprocity and convenience. That it is law in the sense that nations generally abide by these rules on the relatively minor subjects covered thereby, and that the citizens of different nations customarily conduct their affairs with each other in accordance therewith

for the sake of convenience, we all readily acknowledge—with gratitude for the benefits of this degree of cooperation between nations and their citizens. To the extent that a rule of law is constituted by a system of jurisprudence, however, there is no international rule of law which prevails today, nor, when we examine the requirements for an international rule of law, is there likely to be any such in the foreseeable future. Indeed, the expression of hope for peace through an international rule of law in our present world surely either belittles the stature of the rule of law or advertises the existing lack of reality in viewing world conditions.

In the first place, those differences between nations which give rise to frictions of the order which do, or might, precipitate war are almost invariably political in nature, rather than legal. Our own Constitution and structure of government take this circumstance into consideration and provide accordingly. All domestic matters within the cognizance of the National Government, under the terms of the Constitution, are governed by laws enacted by the Congress. Foreign relations, however, involve political, rather than legal, questions and are conducted not by rules of law, but by policy, which is determined primarily by the executive, rather than the legislative, branch of the Government.

Even were all other factors permissive to the institution of an international rule of law, the political nature of the differences between States would preclude any securing of peace with freedom through this means. The political nature of almost all differences between nations is not the only factor which removes the hope for peace through an international rule of law from the realm of practicality, however.

There are even greater impediments to the application of a rule of law on an international basis than the inherent limitations of a rule of law which normally pertain. Within the society of a given nation or state, the prevailing rule of law is of general application—all citizens are subject to it, for, indeed, all citizens are the source of it. In considering the possibility of instituting an international rule of law, there must first be resolved the question of to whom it is to apply.

As a matter of first impression, this may appear to be no obstacle; but, upon closer analysis, it is a most serious impediment. In the field of international dealings, the nation-state is generally defined as a body of people organized politically within definite geographic borders under one government, sovereign in character, independent of external control, with the overall purpose of furthering the welfare of the people who organized it, keeping order and administering justice internally and protecting the rights of its citizens abroad. One would assume, therefore, that resort to this definition, based on reason and experience, would be the logical choice for determining to whom an international rule of law would apply, just as the definition of legal competence is the yardstick of determining what or who is sui juris in a given domestic jurisdiction.

Yet in the present political structure of the world, this definition would surely exclude the Communist instrumentality which rules and dominates about 26 percent of the world's land mass and one billion eight and one-quarter million of the world's people; for neither the Soviet Union, nor any of the other Communist-dominated territories, even approach the requirements of this definition. Beyond a doubt, and despite the general imperception of the fact by the Western World, Communist political structure constitutes a radical innovation.

In the first place, the Soviet political structure is not based on a concept of national unity, but partakes of a completely international character. This international character of the Communist political structure is revealed in the Constitution of the Union of Soviet Socialist Republics for 1924, which states in section 1: "Access to the Federation is open to all Soviet Socialist Republics, those existing now as well as those which are bound to spring up in the future. The new Federation * * * will be a reliable rampart against world capitalism and a new decisive step toward the union of the toilers of all countries in the World Soviet Socialist Republic."

The text of the subsequent Soviet constitution of 1936 was, for practical reasons, much less outspoken as to the international and class character of the political structure therein described. Even this constitution, however, clearly reveals an essential incompatibility with the traditional concept of a nation-state.

Article 14C of the Soviet constitution of 1936, which treats the incorporation of new republics into the union, clearly demonstrates that in the contemplation of this document, the territory of the U.S.S.R. is not a fixed, well established quantity. Under its provisions, Soviet territory may be increased without limits until the whole world is engulfed. This is a characteristic peculiar to the Communist political entity.

The very term "Soviet" does not reflect the ethnical or historical origin of a people, but only the type of political administration to which they are subjected. It is consequently not limited to those nationalities now occupying Soviet territory, but may at any time include other nationalities, provided only that they live under a Soviet-type of administration. It follows that tomorrow the Soviet people could be joined by Poles, Hungarians, Rumanians, Chinese, and, conceivably, even Americans, just as it was joined by Lithuanians, Estonians, and Latvians in 1940.

It is, however, within the concept of sovereign state authority that the Union of Soviet Socialist Republics, as exercised through the agency of government, which conforms in the least degree to our concept of that feature of statehood. The Soviet government, or the system of Soviets or councils beginning with the Supreme Soviet and ending with the village Soviet, is by no means a policy or lawmaking instrumentality, but rather a lever of power. The official Soviet textbook entitled "Soviet Constitutional Law," published in 1948, describes the nature of the Soviets in the following manner:

"The basic transmission belts and levers in the system of the dictatorship of the working class are the Soviets, trade unions, cooperative associations, youth, and other public organizations. Among transmission belts and levers the most important place in the system of the dictatorship of the proletariat is occupied by the Soviets. Together with their numerous ramifications in the center and in the provinces under the forms of administrative, economic, military, cultural, and other state organizations, the Soviets constitute the state apparatus in the true sense of the word."

It is obvious from this description that the "Soviets" are but transmission belts and levers of power, and the origin of power lies elsewhere. Even from this description we are aware that this origin is not in the people. Where then does this power lie?

According to each of the successive constitutions of the U.S.S.R., "The Union of Soviet Socialist Republics is a Socialist state of workers and peasants." Again relying on official Communist sources—in this instance the "Short Philosophical Dictionary"—we find in the definition of the Socialist state by Lenin, the following:

"In its essence the Socialist state is a dictatorship of the proletariat. The importance and role of the Soviet Socialist state consists in that it is the main weapon in the hands of workers and peasants for the victory of socialism and for the protection of socialist achievements by the toilers from capitalist encirclement. The leading force of the Socialist state is the Communist Party, directing the whole development of the Soviet Socialist society."

If by any remote chance Lenin's definition leaves a doubt as to the identity of the source of power in the Communist state, Stalin stated, without equivocation, in "The Problems of Leninism" that "the (Communist) Party exercises the dictatorship of the proletariat."

The role of the Communist Party cannot be compared with the role of a political party in a democratic country, or even a political party in a country with an autocratic or totalitarian, but nationalistic, regime. The Communist Party of the Soviet Union is but a section of an international, or supranational, movement, whose designs, interests and activities extend into the far reaches of the globe. Indeed, Stalin himself characterized the Soviet Constitution as international for he said in November of 1936 with reference to then-new draft of the U.S.S.R. Constitution: "The draft of the new Constitution of the U.S.S.R. is, on the contrary, profoundly internationalistic."

Thus it is quite clear that the Communist political structure is not national, but rather is international in character, and, as such, in no way coincides with the traditional concept of a nation-state.

Even could this question of identification and description of the entities to which an international rule of law would apply be resolved, there would still remain unsatisfied the prerequisite for the community of beliefs fundamental to any rule of law. Quite obviously, any international rule of law, to be worth the effort, must be generally applicable. This means, in effect, that all powers who cannot be coerced without great damage to the remainder of the world, must agree and consent to the rule of law. Since any attempted coercion of the Communist countries would defeat the purposes of peace through an international rule of law, the only remaining alternative would be for the Communist powers to concur in the beliefs on which the rule of law is founded. This precludes, for now and the foreseeable future, the institution of an international rule of law.

There is a vast gulf between Communist thinking and philosophy and that of the Western World which absolutely negates any community of beliefs. Through the process of reason, civilized societies accepted the Judiac-Christian teachings as fundamentally just. Not so the Communists. To understand the depth of difference on this one point, consider the negotiations on the wording to the Preamble of the Declaration of Human Rights included in the United Nations Charter. The American proposal was drawn from the Declaration of Independence, in the words: "All men are created equal," to which the Communists vigorously objected, and, incidentally, carried their point. The section, as adopted, uses the words, "All men are born equal."

The gulf is more fundamental than even this illustration would indicate, however. The rule of law which is utilized in traditional Western civilization is founded on a community of beliefs arrived at by the process of reason. The very existence of a community of beliefs is predicated, as Grotius concluded, on the concept of the nature of man which attributes to man the power of reason by which he can achieve the society necessary to his existence. It is at this fundamental level at which the breach between Communists and non-Communists appears, for the Communists deny the power of man to reason and thereby to develop concepts. This is not mere abstract theory of the Communists—it is a guide to their

actions and thought which finds implementation, particularly, in their political orientation and structure.

Consider, for example, the role which a constitution occupies in Communist political theory and practice. We are all aware of the short life of any given Soviet constitution. Following the first Communist constitution in 1918, there were new ones in 1924, 1936, 1937, 1952, and in 1957. Only last week, Khrushchev announced that it was time for a new one, which is now in the process of being drafted. Now the short life of a Soviet constitution is not due to any political fickleness of the Communists. Their dogged persistence in the teachings of Marxism-Leninism have remained a continuing scourge to freemen throughout the years. Rather, their abandonment of each constitution in turn for an updated version stems from the most fundamental premise of Marxian philosophy—that the ideas and conclusions of men are not the result of reason as we understand it, but rather a mere reflection of their material environment. By adding to this the theory of economic determinism, Marxian logic concludes that the type of society and of any given political structure are dictated by the prevailing means of production and the degree of productivity which it accomplishes.

This is clearly indicated by the speech of Stalin upon the adoption of the Soviet Constitution of 1936, in which he explains why there was need of a new constitution, and why it took its particular form. Stalin stated:

"A program deals mainly with the future, a constitution with the present.

"Two examples by way of illustration.

"Our Soviet society has already, in the main succeeded in achieving socialism; it has created a socialist system, i.e., it has brought about what Marxists in other words call the first, or lower, phase of communism. Hence, in the main, we have already achieved the first phase of communism, socialism. The fundamental principle of this phase of communism is, as you know, the formula: 'From each according to his ability, to each according to his work.' Should our constitution reflect this fact, the fact that socialism has been achieved? Should it be based on this achievement? Unquestionably, it should. It should, because for the U.S.S.R. socialism is something already achieved and won.

"But Soviet society has not yet reached the higher phase of communism, in which the ruling principle will be the formula: 'From each according to his ability, to each according to his needs,' although it sets itself the aim of achieving the higher phase of communism in the future. Can our constitution be based on the higher phase of communism, which does not yet exist and which has still to be achieved? No, it cannot, because for the U.S.S.R. the higher phase of communism is something that has not yet been realized, and which has to be realized in the future. It cannot, if it is not to be converted into a program or a declaration of future achievements.

"Such are the limits of our constitution at the present historical moment.

"Thus, the draft of the new constitution is a summary of the path that has been traversed, a summary of the gains already achieved. In other words, it is the registration and legislative embodiment of what has already been achieved and won in actual fact."

The point Stalin is making is that in accordance with Marxian theory, the new system of advanced production has caused a change in the governmental form which should be reflected in the constitution. To the Soviets, a constitution is but a mirror of what the government has become through improved means of production.

As is obvious from Stalin's remarks, the Communists deny, both in ideology and practice, the ability of man to devise a concept through the process of reason. With so fundamental a point of departure, it is easy to perceive the differences in approach to such concepts as morality, peace and truth. "Morality" is defined by Communists as any course of conduct, including lying, stealing, and murder, which advances the cause of world communism. "Peace," according to Communist ideology, is that state of existence in which there is no resistance to Communist rule. They define "truth" as that which best serves the advancement of world communism.

This fundamental chasm as to the very nature of man absolutely precludes the community of beliefs essential to a rule of law.

A true appreciation of the rule of law includes a knowledge of its values, its roots, and its limitations. We can enjoy its benefits only so long as we keep it in proper and objective perspective.

Its legitimate applicability is to legal, rather than political, questions, and in only those collections of human beings in which there exists a community of beliefs. Domestically, we can continue to enjoy the benefits of the rule of law only so long as, and to the degree that, we observe its limitations through and adherence to the device of federalism and respect its inappropriateness for the resolution of political questions.

The existing, and the even greater deserved, faith in the rule of law in Western civilized nations can be destroyed by claims that there is ground for hope for peace through an international rule of law, for such claims can only lead to frustration and failure because, above all, of the absence of the prerequisite community of beliefs. There is no easy road to peace in a world where communism exists, except it be a peace without freedom; and to this, we can never submit.

Law Day will serve its purpose when freemen rededicate themselves to the rule of law, with all its inherent limitations, in the realization of the bountiful benefits flowing from its objective use for the purposes to which it is applicable. Let us not profane the rule of law by relegating it to the never-never land of idealism, but rather let us pursue a course which will ultimately result in the extinction of communism, and thereby, possibly, in a community of beliefs that would make an international rule of law feasible in the area of nonpolitical questions.

VOTING HABITS OF THE PEOPLE OF KANSAS

Mr. CARLSON. Mr. President, Kansas is one State that does not have a literacy test as a requirement for voting. The matter now before the Senate, therefore, is of no direct interest to the people of Kansas.

We do have in the law several requirements, such as residency, permanent registration, and other provisions, with which our citizens must comply in order to be qualified to vote.

Our secretary of state, Paul R. Shanahan, recently wrote an article on the requirements, as well as other information regarding the voting habits of the people of Kansas. I ask unanimous consent that the article be made a part of my remarks in the RECORD.

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

ARE YOU A MEMBER OF THE THIRTY PERCENT?

(By Paul R. Shanahan, secretary of state of Kansas)

The State of Kansas has a population of 2,146,154 as indicated by the census of March 1, 1961. Of this number it is estimated that 1,315,000 are of voting age. At the last general election 928,825 votes were cast. This is the highest vote total ever cast at a Kansas general election, but it represents only about 70 percent of the eligible voters. Twenty-eight States voted a higher percentage than Kansas, the highest being Idaho with slightly over 80 percent, followed closely by New Hampshire, Utah, and North Dakota. Twenty-one States were lower than Kansas, the lowest being Mississippi with slightly more than 25 percent.

What is the reason for this apathy on the part of Kansas citizens? The answer to this question can, in most instances, be found in the archaic and restrictive State election laws. This, however, is not true in Kansas because the laws in this State governing the conduct of elections are as up-to-date as most any other State and provide the following conditions:

1. Residency: Six months in State, 30 days in ward or township.
2. Permanent registration.
3. No poll tax.
4. No literacy tests.
5. Registration by mail for sick and disabled and voters absent from the State.
6. Absentee voting by sick and disabled.
7. Absentee out-of-State voting.
8. Absent within State voting.
9. Aid for blind to vote.
10. Voting by members of Armed Forces and spouse, registration requirements being waived.
11. Registration possible at all times except 10 days before elections (20 days in Shawnee, Wyandotte, Sedgwick Counties and parts of Johnson County).

The right to vote is a privilege which all citizens should guard zealously. Good government results from an informed public expressing themselves through the ballot.[1]

Political parties have a responsibility to create voter interest by offering to the people the type of men and women as candidates whose integrity is beyond question, who command respect and confidence, who will place the welfare of the people foremost and who will go out in election years, meet the people, and discuss with them the issues and problems of the State or county.

By providing worthy candidates who will campaign actively, political parties can inspire voters to become more interested in the affairs of their government, resulting in a higher voting percentage.

ARE TAX HAVEN OPERATIONS USED TO EVADE INCOME TAXES BY THE GREAT MAJORITY OF AMERICAN FIRMS WITH DIRECT FOREIGN INVESTMENTS?

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed at

[1] This year a constitutional amendment will be submitted to the people for a vote which will provide a method of voting for President and Vice President by citizens of the United States who have not lived in the State long enough to acquire voting rights and have lost their voting privileges in the State from which they moved. They will be qualified to vote in Kansas for President and Vice President after a residence of 45 days.

this point in the RECORD a statement by me, entitled "Are Tax Haven Operations Used To Evade U.S. Income Taxes by the Great Majority of American Firms With Direct Foreign Investments?"

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

ARE TAX HAVEN OPERATIONS USED TO EVADE U.S. INCOME TAXES BY THE GREAT MAJORITY OF AMERICAN FIRMS WITH DIRECT FOREIGN INVESTMENTS?

(Statement by Senator CURTIS)

The administration justifies its drastic proposals with respect to the taxation of foreign source income to avoid tax evasion. This view is consistent with that expressed by the distinguished junior Senator from Tennessee who on March 1, 1962, CONGRESSIONAL RECORD, page 3245, recommended the termination of tax haven abuses in his remarks on this broad problem which is of concern to all of us.

In describing possible so-called tax haven abuses, he said that they fall into two general types. I shall quote directly from the CONGRESSIONAL RECORD of March 1, 1962:

"First, there are the operations which have as their primary purpose the transfer of profits into a tax haven corporation in a way which avoids or evades any substantial taxation by the country where the profits legitimately originate. This may involve diverting funds which actually represent profits earned in the United States, and which should be taxed in the United States, into a tax haven. In other cases profits arising in some foreign country having a tax system somewhat similar to our own may be diverted into a tax haven. The second general type of abuse centers around the uses to which funds may be put once they have been accumulated in a tax haven."

Elimination of the first type of abuse referred to by our distinguished colleague can be prevented without the enactment of any new legislation. Its solution requires effective enforcement of the present statutes, which is the responsibility of the Secretary of the Treasury.

The Internal Revenue Code presently contains provisions which through effective enforcement should be adequate to enable the Treasury to correct abuses such as the diversion of taxable income to foreign corporations. Furthermore, well-established judicial doctrine permits the disregard of corporate shams which are set up for tax evasion or improper tax avoidance rather than sound business purposes. It is believed, therefore, that present remedies available to the Treasury are sufficient to correct abuses.

There is no doubt that from an administrative point of view the Treasury has encountered considerable difficulty in locating and eliminating tax evasion devices because of a lack of available information regarding the foreign operations of American corporations and their foreign subsidiaries. However, this situation will now be corrected as a result of the enactment in 1960 of section 6038 of the code which requires domestic corporations to submit annually to the Treasury detailed information regarding activities between domestic corporations and their controlled foreign corporations and the latter corporation's foreign subsidiaries for 1961 and subsequent years.

In addition, section 6046 of the code, also enacted in 1960, requires the filing of an information return with respect to the organization or reorganization of any foreign corporation. The return for this purpose, form 959, requires considerable detailed information including a complete statement of the reasons for and the purposes sought to be accomplished by the organization or reorganization of the foreign corporation.

Furthermore, under its present administrative powers, the Internal Revenue Service is in the process of obtaining similar and more detailed information regarding transactions between domestic corporations and their foreign subsidiaries for all open years through special audit procedures. Although this latter procedure has imposed a tremendous burden on corporate taxpayers, I believe that the Treasury will soon be in a position readily to ascertain whether taxpayers with foreign operations are satisfying their proper tax liability. With this information becoming available, the Treasury should be able to make suitable recommendations as to what type of statutory provision is necessary to correct improper tax avoidance without penalizing legitimate foreign investment which is beneficial to the national economy.[1]

"One example which was cited by the junior Senator from Tennessee to illustrate a tax haven abuse referred to a corporation manufacturing electric controls which sells its products in many foreign markets. Prior to 1957, he said that all foreign sales constituted exports negotiated from the United States; subsequently, a tax haven subsidiary was established in Venezuela. He reported:

"There was a very low markup on sales to the Venezuelan corporation, and a high mark-up on sales from the Venezuelan corporation to the real customer. In this way over $1 million of income which was really earned in the United States was diverted to Venezuela, completely escaping U.S. taxation, over a period of less than 3 years."[2]

Certainly the Commissioner of Internal Revenue has the authority to reallocate income under such conditions between the United States parent and the Venezuelan base company.

The many witnesses from the business community who appeared before the House Committee on Ways and Means, without exception urged that any necessary steps be taken to curb the use of tax havens as a means of illegally evading taxes or furthering tax avoidance through procedures which divert income earned in the United States into tax havens.

I was particularly impressed by the statements from certified public accountants. As an example of the attitude expressed by accounting firms, I shall refer to the testimony of Mr. Leon O. Stock, a principal in the national accounting firm of Peat, Marwick, Mitchell & Co. Mr. Stock even offered his services based on widespread experience gained through servicing accounts all over the world in assisting the Internal Revenue Service to develop a training program for its agents assigned to auditing returns involving foreign corporations.

Mr. Stock said:

"We feel that the sham transaction ought to be eliminated—the sham company, rather, ought to be eliminated—and we think it can be eliminated, and we, in practice, are ready to cooperate with the Internal Revenue Service. We are prepared to assist in their training program, to expose ourselves and our experience so that these sham transactions can be picked up."[3]

Furthermore, he referred to several sections of the existing code which, if properly implemented, might eliminate the difficulties which have been experienced in dealing with the small minority who seek to evade their taxes. Mr. Stock first referred to section 7701. He believes that the application of this section, which clearly defines a domestic corporation, would be useful in detecting improper transfers of profits from a U.S. corporation to a tax-haven company. Once again, he said:

"I believe that any foreign corporation which is controlled and managed in the United States, where all substantial functions are performed in the United States, ought to be redefined as a domestic corporation, so that between the two prongs we ought to be able to successfully wage a war against the sham and knock it out of existence."[4]

Mr. Stock then urged that a broader application be made of section 482 which requires arm's-length transactions involving a domestic corporation and a foreign subsidiary. He also referred to the sections of the code which the Congress recently enacted and which I have already discussed; namely, 6038 and 6046. Finally, he urged that the Commissioner of Internal Revenue make full use of section 367, which prohibits a tax-free transfer of property, tangible or intangible, to a foreign corporation without prior approval.[5]

All of these suggestions should be aggressively pursued, and if evidence shows the need for future legislation in order to deal with specific abuses, recommendations to curb them should be transmitted to the Congress. I can assure every Senator that as a member of the Finance Committee I will certainly analyze them carefully, and if it seems likely that they will curb abuses without creating new deterrents that impede proper commercial activities, I will certainly support the enactment of appropriate legislation.

For example, it may be necessary to redefine the income test of foreign personal holding companies.

The whole area of so-called tax havens is so complex that I believe it will simplify our consideration of this problem if we do not concentrate our attention on the problems of tax avoidance and evasion. The administration and the distinguished junior Senator from Tennessee are proposing the elimination of a device which has proved beneficial to our foreign trade and commerce even though it has been used in an entirely proper manner. There is no evidence whatsoever that such a step is necessary in order to correct abuses which every Senator recognizes.

The second general type of so-called abuses portrayed by the junior Senator from Tennessee in my opinion does not constitute an abuse. On the contrary, so-called tax havens merely provide American enterprise with the same competitive positions throughout the world that foreign firms enjoy. Furthermore, their existence implements the expressed domestic and foreign policy objectives of most developed nations.

It is most unfortunate that the term "tax haven" has been applied to a type of business organization that serves a useful and worthwhile purpose. Many witnesses have suggested a more appropriate title for such companies; they describe them as base companies. In effect the term is applied to corporations that are located in countries which levy a lower rate of taxation on earnings derived from sources outside of the country of incorporation.

Switzerland and Panama are two countries whose laws encourage the incorporation of base companies. For example, "Swiss charters offer convenience for international holding companies which, to carry on business, must have subsidiaries chartered and taxed under laws of different countries. A Swiss holding company makes it possible to channel earnings from an established subsidiary in one foreign country into new investments in another foreign country without the imposition of U.S. tax."[6]

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[1] President's 1961 tax recommendations, hearings before the Committee on Ways and Means, House of Representatives, 87th Cong., 1st sess., vol. 4, pp. 2660–2661.

[2] CONGRESSIONAL RECORD, Mar. 1, 1962, op. cit., p. 3245.

[3] President's tax recommendations, op. cit., p. 3275.

[4] Ibid.

[5] Ibid., p. 3276.

[6] Ibid., p. 3325.

Normally a base company in Switzerland serves as the administrative, merchandising and technical service arm of all international operations for foreign firms whose headquarters are not located in Switzerland. The operations of these base companies are recognized by all European countries as serving their own international interests. Once again, I shall refer to the testimony of Mr. Stock. In order that his concise explanation of the operations of both Swiss and Panamanian base companies may be clearly understood, I quote an excerpt from his testimony before the House Ways and Means Committee:

"Now, a great deal has been said about Switzerland, the manner in which Swiss affiliated sales companies are being used to reduce the overall tax.

"The Secretary of the Treasury testified that, while the German tax may be 51 percent, by utilizing a sister sales company in Switzerland and having the sales company buy the German production for sale in the other parts of Europe, the Swiss company traps the selling profit in Switzerland, relieves the selling profit of the German tax of 51 percent, and substitutes for that 51-percent tax a Swiss tax of 8 percent or 10 percent, thereby reducing overall the German tax from 51 percent to something less than 30 percent.

"Now, that, gentlemen, is perfectly true. The German tax is reduced through the utilization of a Swiss company but, by reducing the German tax, we are enhancing the U.S. tax because if we had no Swiss tax we would pay our 51-percent tax to Germany and, on the remission of dividends back to the domestic parent company, there would be no U.S. tax on those dividends because of the offsetting credit for German taxation.

"By reducing the German tax or by accumulating profits in a Swiss company subject to a 10-percent tax on the distribution of dividends from Switzerland back to the domestic parent company there will be approximately a 40-percent tax paid here after allowance for the Swiss credit.

"Therefore, if we are talking about tax abuse in Switzerland, my query is, Tax abuse in respect to whose revenue?

"Now, the Germans do not object to this arrangement. As a matter of fact, I personally have negotiated in Germany an arrangement with the German authorities where they examined the intercompany pricing between the German company and the sister sales company of Switzerland and where they have satisfied themselves that the intercompany pricing is such that what the German company gets is a fair manufacturing profit subject to German taxation, and that is all it is entitled to, and what the Swiss company gets is a fair selling profit subject to the reduced Swiss tax, all of which inures to the benefit of the U.S. revenue.

"Now, I might also add that, where the German revenue is abused through a Swiss sales company, where the intercompany pricing is determined not to have been on an arm's-length basis, then to that extent the pricing is restated by the Germans and profit is taken away from the Swiss company and taxed to the German company.

"Under those circumstances, the Germans take the position that, to the extent that there has been an arbitrary shifting of profit to a Swiss company, that arbitrary shifting is reversed, but, since the money is lodged with the Swiss company, the Germans contend that there has been a constructive dividend to the U.S. patent and subject it to a 25 percent withholding tax.

"Under those circumstances the penalty in Germany for arbitrary pricing between a Swiss and German company is approximately 65 to 70 percent in additional German tax. That makes it imperative that pricing between the two be put on a third party basis.

"Now, we are also told that the proposed legislation is necessary in order to equalize the U.S. tax between the domestic company selling directly globalwise and the foreign subsidiary. Now, 'equalization' is a very elusive term and we can find in this case of equalization a lack of equalization. Equalizing with respect to whom? It has been testified here I assume for the last 3 days that the important thing is to equalize the controlled company in Europe or elsewhere with its foreign competitors and not with some domestic U.S. corporation.

"Now, if your foreign competitor is permitted to set up a company in Panama for export and which is recognized by the foreign government, then if we are not permitted to do the same thing we are obviously put at a competitive disparity and, gentlemen, the European countries do permit the utilization of foreign sales companies and the European countries do not tax undistributed profits to their nationals until it is actually repatriated."[7]

Although attention has been centered on so-called tax haven abuses, it is essential that every Senator recognize that all European countries encourage the investment and trading activities of their nationals in many ways.

France, Italy, the Netherlands, and Switzerland impose virtually no tax on profits derived from foreign branches and have easier rates on dividends from qualified foreign subsidiaries. Belgium reduces the proportional tax on foreign profits to a fraction of the regular rate. In Germany, the tax authorities can extend special treatment (up to complete exemption) to income generated by business activities abroad that are of interest to the German economy. France, Germany, and Sweden have negotiated tax treaties with other countries which provide that their citizens will be totally or partially exempt from taxation on income realized from investments in treaty countries.[8]

Furthermore, the United Kingdom, a country known for stringent taxes, extended tax deferral to so-called Overseas Trading Corporation in 1957. Such organizations are known as OTC. I am sure that most Senators will remember that a similar approach was proposed under the provisions of H.R. 5, 86th Congress, which was introduced by Representative Boggs, of Louisiana. This measure was approved by the House of Representatives, but it did not receive favorable consideration in this body. As we reflect on that proposal, it appears that many of the enforcement problems which confront the Internal Revenue Service in auditing tax returns prepared in foreign countries would be eliminated if base companies were incorporated in the United States and their books and papers were available for the scrutiny of the Commissioner of the Internal Revenue.

The distinguished junior Senator from Tennessee, during the course of his remarks on March 1 referred to the testimony given to the Ways and Means Committee by Mr. H. J. Heinz II on behalf of 19 companies. He submitted a memorandum for the record which had been prepared by Prof. Emile Benoit, of Columbia University. The distinguished junior Senator from Tennessee stated:

"Mr. Benoit expressed the thought, in a prepared memorandum, that it was a good thing for U.S.-owned corporations to avoid the taxes of foreign countries because this would mean, ultimately, more in U.S. taxes if this money ever came back to the United States through Switzerland or some other tax haven. Mr. Benoit could not see why there should be any objection in this country if our people overseas were successful in beating the taxes of foreign countries. He stated, 'It is mystifying that the Secretary of the Treasury should object to this.' In other words, it is not understandable to this economist that the United States, together with other trading nations, should want to police international brigands so long as these free-booters ultimately bring home to the United States a part of the loot. It is all right to be ugly so long as one is American."[9]

It indeed seems strange that American firms whose operations conform to the laws established in foreign countries should be described as international brigands and free-booters. The profits which they remit to the United States should be characterized ized as "loot." On the contrary, these profits were earned through expanding and developing markets throughout the world. They have been earned in competition with firms incorporated in every developed country, and it is most unfortunate to suggest that American enterprises who have committed stockholders' funds to enlarging our markets, improving our balance of payments and providing jobs for Americans should be characterized in that manner. These terms are not likely to improve the people-to-people relationships which dedicated Americans serving abroad as private citizens as well as the career diplomats in our State Department have sought to develop over a period of many years.

If most of the developed countries of the world extend special preferences under their own laws for foreign investment and, furthermore, encourage their citizens to establish base companies in Switzerland, it is futile for the United States to oppose such practices. There are two fundamental problems of concern to the Senate and only two. They are: our balance of payments position and the provision of more jobs for Americans. Certainly, it is not our function on a unilateral basis to attempt to alter the commercial and tax practices of all the civilized countries of the world.

Throughout the extended presentation of the administration's program for tax reform, there is a consistent reference to terms such as tax deferral which is always presented as a special privilege. It is idle for the Senate to debate the equalization of taxes between domestic and foreign investments of American firms if their competitors are accorded tax deferral without any question by their respective governments. We have an obligation to our citizens to insure that no unnecessary impediments are imposed upon them which make their efforts less competitive when they venture overseas.

Secretary Dillon in his testimony before the House Ways and Means Committee presented a theoretical example which showed that if his recommendations were adopted, remittances from oversea subsidiaries will be larger for 17 years if income is fully taxed when earned, rather than if the U.S. tax is deferred.[10] However, it is interesting to see what happens in the theoretical example after 17 years. If the entire income is subject to U.S. tax when earned, there is obviously a smaller amount of after-tax profit available for reinvestment. If, on the other hand, U.S. tax is deferred, more capital is reinvested, so that total investment—and, hence, remitted income—increases much more rapidly. While the Secretary recognized that remitted income would rise over a long span of years, the fact is that at the end of only 30 years total remittances amount to 39.3 percent more if there is deferral than without it.[11] In fact, we do not have to wait 30 years to see the full effect of the Treasury's proposals.

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[7] Ibid., pp. 3276–3277.

[8] Ibid., p. 3325.

[9] CONGRESSIONAL RECORD, Mar. 1, 1962, op. cit., p. 3245.

[10] President's 1961 tax recommendations, op. cit., p. 3322.

[11] Ibid., p. 3323.

Mr. Ernest W. Redeke, the comptroller of the First National City Bank of New York, testified that the taxation of undistributed profits of foreign corporations as recommended by the administration would result in a minor acceleration of remittances during the next few years but that this would probably result in a 40-percent loss in ultimate revenues over a period of only 30 more years.[12]

There are certainly compelling reasons to close loopholes, which diminish the receipts of the Federal Government, but I seriously doubt that the Senate of the United States should concern itself with increasing the tax revenues of other developed nations. At a time when the administration proposes to penalize all tax-haven or base-company operations, we find that the major developed countries of the free world take a completely opposite position.

I call attention to the following tabulation submitted by Mr. H. S. Geneen, president of the International Telephone & Telegraph Corp., before the House Committee on Ways and Means. It shows that virtually all of the developed nations not only allow so-called tax deferral on foreign investments by their nationals, but that they also recognize and encourage the use of tax havens.

Countries [1]	Do these countries permit use of tax havens? [1]	Do these countries tax unrepatriated earnings of foreign subsidiaries from other countries? [1]
Austria	Yes	No.
Belgium	Yes	No.
Denmark	Yes	No.
England	Yes	No.
Finland	Yes	No.
France	Yes	No.
Germany	Yes	No.
Italy	Yes	No.
Netherlands	Yes	No.
Norway	Yes	No.
Portugal	Yes	No.
Sweden	Yes	No.
Spain	Yes	No.
Switzerland	Yes	No.
Argentina	Yes	No.
Bolivia	Yes	No.
Brazil	Yes	No.
Chile	Yes	No.
Mexico	Yes	No.
Peru	Yes	No.
Puerto Rico	Yes	No.
Venezuela	Yes	No.
Australia	Yes	No.
Canada	Yes	No.

[1] President's tax recommendations, op. cit., p. 2905.

It is significant that all of the nations within the European Economic Community fall into this category. In view of these established facts, the enactment of the administration's proposals can only result in a decline in America's oversea activities to the ultimate detriment of the employment opportunities of our workers.

Mr. Eldridge Haynes, the president of Business International of New York, a respected research organization, in the course of his testimony reviewed a number of the tax incentives which other developed countries have provided in order not only to encourage foreign investment but more importantly to establish market positions for their industries.

The Senate, in considering the administration's proposals with respect to so-called tax havens, must apply a number of criteria as to their effectiveness which must be judged solely in terms of the public interest. I shall now state them:

1. Are tax haven companies helping or hurting our balance of payments?

2. Are they increasing or decreasing the number of jobs in the United States?

3. Are they helping the United States effectively to meet the Soviet economic offensive?

4. Will the U.S. Treasury receive more or less revenue than if they did not exist?

It is self-evident that, if these four questions can be answered favorably, the Congress would be ill advised to put them out of business as the Treasury proposes.[13]

Switzerland, a nation to whom we entrust our most delicate diplomatic problems, has frequently been mentioned as a country which permits tax haven abuses. When normal diplomatic relations are severed with other nations, as occurred during World War II and most recently with Cuba, we always look to Switzerland as an honorable nation to whom we can entrust the best interests of the American people. Nevertheless, the testimony by the Secretary of the Treasury in discussing the administration's tax proposals before the House Ways and Means Committee, as well as the remarks by the junior Senator from Tennessee, suggest that the tax laws of the Swiss Government permit the operation of "international brigands and freebooters" who are engaged in practices inimical to the revenue interests of the United States as well as to that of its European friends.

During the course of his remarks reviewing tax haven abuses on March 1, the distinguished junior Senator from Tennessee referred to the fact that in 1960 and 1961 official reports were received announcing the formation of 76 new subsidiaries in Switzerland. He subsequently said:

"Last year it was determined that between September 1, 1959, and December 31, 1960, at least 217 new U.S. subsidiaries were organized in Switzerland. A look at the cantons in which these new subsidiaries are located might give us an insight into the possibility of some of them having been organized purely as tax-avoidance devices.

"These 217 new subsidiaries are concentrated largely in 3 of Switzerland's 22 cantons. Geneva got 63, Zurich 36, and Zug 56. All of these three cantons have favorable cantonal taxes and are good tax haven locations." [14]

There are many reasons why an American firm embarking on a program to expand its market penetration throughout the world would logically concentrate its international operations in Switzerland. To be sure, this country's favorable tax treatment of earnings derived outside of its borders is a factor. The Swiss Government is well aware that at some future date these earnings will be remitted to the parent company whether it be an American firm or one incorporated in some other nation. However, the presence of a so-called tax haven does not constitute the principal reason for the rapid increase in the number of base companies established in Switzerland. There are at least 10 compelling reasons and perhaps many more which account for the attractiveness of Switzerland as a location for a base company by American industry. They include:

1. It is geographically located in the center of our market area.

2. The country has a long history of political stability.

3. Excellent transportation facilities exist.

4. There is a great availability of multilingual personnel.

5. The Swiss franc is one of the world's strong currencies.

6. Taxes on foreign (non-Swiss) income are low.

7. The Swiss currency is freely convertible.

8. Switzerland has tax treaties with most of the important industrial nations of the world.

9. Excellent banking facilities are available.

10. The integrity of the Swiss people is among the highest in the world.

The administration in its disparagement of tax havens has been especially critical of operations conducted under Swiss jurisdiction. President Kennedy in his message to the Congress of April 20, 1961, on the subject of our Federal tax system said:

"The undesirability of continuing deferral is underscored where deferral has served as a shelter for tax escape through the unjustifiable use of tax havens such as Switzerland." [15]

The Secretary of the Treasury, Mr. Dillon, in his appearance before the House Ways and Means Committee made a number of references to Switzerland which can readily be misconstrued. Again, I shall quote directly from the hearings:

"Thus, an American company operating in West Germany through a German subsidiary will be subject to tax there at the West German income tax rate of 51 percent, and hence it cannot benefit significantly from U.S. tax deferral. However, to the extent that the profits of the German subsidiary can be diverted from the sweep of the German system, a lower tax on profits can be attained. And this is precisely what is achieved through a proliferation of corporate entities in tax haven countries, like Switzerland.[16]

"The recent growth of U.S. subsidiaries in tax haven countries—and Switzerland and Panama are but two examples—suggests that their importance as a means of tax reduction and avoidance will rapidly increase if the deferral privilege is continued.

"An examination of the public records in Switzerland alone indicates that there are more than 500 firms there which can be identified as being owned by U.S. interests. About 170 of these were created in the year ending March 31, 1961.

"U.S. officials on the spot are of the opinion that in addition to these firms there are a substantial number of other U.S.-owned firms in Switzerland which cannot be readily identified as such on the basis of the presently available data. Increasingly, U.S. manufacturing subsidiaries operating elsewhere in Europe are being linked to subsidiaries in the tax haven countries." [17]

Most Americans who have traveled extensively in Switzerland are well aware of the character of the Swiss people, their industry and frugality. No responsible management would establish a base company in any country without carefully reviewing all of the favorable and unfavorable factors with regard to its economy and political stability.

Mr. Neil McElroy, chairman of the board of the Procter & Gamble Co. and formerly the Secretary of Defense, before the House Committee on Ways and Means reviewed some of the reasons which led to the selection of Switzerland as a center for his firm's international operations. I quote an excerpt from his testimony:

"Changing to another country, U.S. business operations based in Switzerland have received particular attention in the President's tax message. Switzerland is considered by some to be a tax haven. My view is that legitimate Swiss operations have materially helped both the United States and free-world economies.

"For example, let me cite the experience of our Swiss operation.

"We organized a business in Switzerland in 1953 in recognition of the need for a

[12] Ibid., p. 3330.

[13] Ibid., p. 2905.

[14] CONGRESSIONAL RECORD, Mar. 1, 1962, op. cit., p. 3247.

[15] President's 1961 tax recommendations, hearings before the Committee on Ways and Means, House of Representatives, 87th Cong., 1st sess., vol. 1, p. 8.

[16] Ibid., p. 29.

[17] Ibid., p. 30.

strategically located major marketing operation abroad, essentially to develop the markets which exist in small countries.

"We planned to export from the United States and from England into other countries as long as export was feasible, and to manufacture locally when necessary. For our type of products, the evolving pattern of foreign trade has been, first, export, then local manufacture; this pattern develops quickly as importing nations are able to force establishment of manufacturing facilities, which they do by making local manufacture considerably more attractive than import operations. In fact, it is often true that the only way to compete in these countries is through the advantages accruing from manufacturing there.

"We selected Switzerland as the headquarters for this portion of our oversea operation, which serves the small-market areas, because of many good business reasons, including of course a favorable tax climate with respect to foreign taxes.

"Here are some of the other advantages of Switzerland. Switzerland is centrally located for small-market type of business. Banking facilities and knowledge of international banking probably are unsurpassed anywhere in the world. There is a market in Switzerland for practically all currencies. The Swiss franc is an exceptionally stable, hard currency. Work and residence permits were easily available for non-Swiss employees. Transportation and communications facilities are excellent. Clerical help is good and multilingual. The Swiss Government is extremely business-minded and is interested in keeping Switzerland an attractive, workable, and profitable location for business.

"All of these combine to help us substantially in our ability to meet competition from foreign companies on even terms. Our Swiss organization employs more than 180 people of 21 different nationalities. Incidentally, they speak a total of 15 different languages.

"With minor exceptions, our Swiss organization is responsible for marketing our products only in smaller countries. It now markets in more than 140 different political entities. Where possible, the Swiss organization markets products produced in our plants in the United States. Since beginning operations in 1953, it has taken 46 percent of its volume from our U.S. plants with a value of $37.5 million. The remaining 54 percent of the products marketed by Switzerland have come from our other plants over the world." [18]

Mr. McElroy amplified the views contained in his prepared statement with respect to the benefits the American economy enjoys as a result of the locations of their base corporation in Switzerland. In response to questions from Representative CURTIS of Missouri, Mr. McElroy said:

"In the major countries where we have really quite a sizable market, say, England, France, Belgium, Italy, Germany, and so on, we have a local subsidiary and a complete organization which operates, except on a much smaller basis, as we do in this country, so it is a separate Procter & Gamble operating in that country. This is different, however, from the small-country operations like that I described in the case of Switzerland, where we have a great variety of different ways in which business is done in many small countries.

"You have to do that because of the rather unusual laws that you find in each one of these countries of a less developed nature.

"It has been our belief that Switzerland, which clearly has a low-tax environment as to non-Swiss income for a company that comes in there—there is no use saying otherwise—is serving our own national interest if the use of that low-tax environment can accomplish what our company has happened to do with it. That is, to generate capital which could then be used to go into high-risk countries such as these less developed countries many of which I have named, like those in the Near East and southeast Asia, some in Latin America, and so on.

"In my opinion, this is in the national interest, but again, we are willing to put our books open to anyone that you want to have this information, an economist or any objective person you please, for the United States to make adjustment about this. This is either right for the country or it is wrong. We think it is right." [19]

Furthermore, Mr. McElroy's testimony is of particular interest because the Procter & Gamble Co.'s primary competitor in world markets is the Unilever Corp., which enjoys all of the competitive advantages which the administration's tax proposals would deny American firms.

I quote a further statement by Mr. McElroy in response to questioning by members of the House Committee on Ways and Means:

"Moreover, the English company, and in our case there is the one with which we are competing directly as our major competitor in the world, has, through the authorization of an oversea trading corporation, is given by England itself the same sort of advantage from a tax standpoint that we are achieving through operating through a Swiss subsidiary, and so it is not at all necessary for our major competitor to have a Swiss subsidiary in order to be competitive. But if we are to be competitive with it, operating under its own laws with an oversea trading corporation, authorized by English law, we practically have to operate in the kind of a low-tax environment provided by Switzerland as to non-Swiss income for the business that we do in the small countries around the world." [20]

Another firm which has centered its international activities in Switzerland related the considerations which prompted it to do so.

Mr. Ray R. Eppert, the president of the Burroughs Corp., testified:

"I would like to say also that we have a Swiss management company. I do not know why but I sort of got the impression that today maybe some persons look with question at Switzerland. 'If you are operating there what is the ulterior reason for operating there?' I can assure you we have no ulterior reason. We have a very complete management operation responsible for Western Europe, Africa, the Middle East, and India, and it is a very going concern, believe me, and our international activities have profited greatly as a result of that central focal point management at that point. We have found Switzerland to be an ideal spot from the standpoint of American nationals overseas an also, from the standpoint of carrying our management activities vis-a-vis subsidiaries in other countries. Considering also airlines and transport facilities, it is a very natural operating point." [21]

Mr. Eldridge Haynes, president of Business International of New York, of whom I have already referred, also believed that it was necessary to correct the erroneous impression that sinister forces influenced American management to organize base companies in Switzerland.

I submit excerpts from Mr. Haynes' testimony:

"But first of all, we should be certain that we understand what is a tax-haven country and what is a tax-haven company. Nowhere in his statement did the Secretary of the Treasury give a definition of a tax-haven country. The nearest he came to it is this casual expression, 'In tax-haven countries, like Switzerland' presumably because Switzerland imposes a very small tax on income arising from outside its borders. Taxes on business conducted within the borders of Switzerland range from 21 percent in the canton of Zug to 32 percent in the canton of Zurich, plus a tax on dividends consisting of a 3-percent Federal coupon tax and a 27-percent Federal anticipatory tax. The latter two taxes are reduced in the case of dividends paid to U.S. shareholders by the double tax treaty that we have with Switzerland.

"So it is not because of internal taxes that Switzerland is a tax haven. It is a tax haven only and solely because under certain conditions the Swiss Federal Government and the cantons levy such a small tax on income arising outside of Switzerland. Panama, the only other tax haven mentioned by the Secretary of the Treasury, under certain conditions imposes no tax at all on income arising outside its borders.

"We may, therefore, define a tax-haven country as any country which reduces or eliminates tax on income earned outside its own borders.

"The Swiss system of taxing foreign income is not a special privilege given only to foreigners. The system was created for the benefit of the Swiss economy. Switzerland depends heavily upon foreign trade for its existence. The Swiss must import much of their food and almost all of their raw materials. Imports into Switzerland average $369 per year for every man, woman, and child in the country, compared to $86 for the United States. This means that the Swiss, on a per capita basis, must work 4½ times as hard as we do, earn 4½ times as much abroad per capita as we have to earn, just to cover their import bill. And they have practically no natural resources apart from waterpower and hard-working, industrious people of great integrity.

"The system of imposing very little tax on foreign income has encouraged Swiss businessmen to export abroad and to invest abroad to earn foreign exchange. The system has been eminently successful. The Swiss have achieved the highest standard of living in Europe." [22]

The distinguished junior Senator from Tennessee during the course of his remarks on March 1 questioned the location of U.S. base companies in the canton of Zug. Again, I shall quote directly from his statement:

"There could conceivably be legitimate reasons for some of these corporations setting up shop in Geneva and Zurich. But why would 56 U.S. corporations be organized in Zug in so short a time? This is a remote canton, having absolutely nothing to commend it to American capital, so far as I can see, except that the taxes imposed by the canton can be negotiated down to about zero. I question whether any American subsidiary has been organized in Zug for legitimate reasons." [23]

I have stressed that our most important consideration is to maintain a competitive position for American industry, its workers, and investors in terms of the practices and policies permitted other international firms who operate all over the world. I was very much impressed by the testimony of Mr. Louis Putze, president of Controls Co. of America, before the House Ways and Means Committee. Mr. Putze stated:

"For instance, in Europe, Control Co.'s largest competitor for home laundry controls (Controls Co. is the leading manufacturer of home laundry controls in the United States) is a German concern, W. Holzer & Co., K. G. Meersburg/Bodensee, West Germany. This company manufactures products of its own design and sells to home

[18] President's 1961 tax recommendations, vol. 4, op. cit., p. 2925.

[19] Ibid., pp. 2936–2937.

[20] Ibid., p. 2937.

[21] Ibid., p. 2836.

[22] Ibid., pp. 2905–2906.

[23] CONGRESSIONAL RECORD, Mar. 1, 1962, op. cit., 3247.

laundry and appliance manufacturers in all of the major countries in Europe.

"The Holzer Co., whose annual sales are $6 million, has recently established two base companies in Zug, Switzerland, which, incidentally, is the same canton in which Controls Co.'s foreign operations are headquartered. One is a holding company which holds shares in affiliated companies and handles licensing; the other is a trading company.

"We have a high regard for the Holzer Co.'s products, design, and sales ability. We think we can compete internationally with them as we would compete with a competitor here in the United States. However, it is inconceivable that our Congress would enact tax legislation that would give our German competitior a right to a tax haven in Switzerland by which it can accumulate capital for foreign reinvestment while we, as an American-owned company, would not be permitted the same tax advantage." [24]

So long as a well-established German firm manufacturing high-quality products enjoys the benefits of a base company incorporated in Zug, its American competitors should be accorded this same advantage. It is idle for the Congress to consider the factors which prompted a German firm such as W. Holzer & Co. to establish a base company in Zug. If we want American enterprise to enjoy equal competitive opportunities then it should be permitted to operate in the same manner as its competitors. The junior Senator from Tennessee has shown concern with respect to the organization of transportation subsidiaries by American firms. During the course of his remarks on March 1, he said:

"Here is an example. An importer of raw materials formerly used unrelated shippers to bring its raw materials to the United States. A few years ago this corporation organized its own transportation subsidiary in Panama. Although there is apparently no rigging of costs in this case, the Panamanian subsidiary pays practically no taxes and profits are not repatriated. It has been estimated that the United States has lost about $17 million in revenues during the past few years from this tax-haven operation." [25]

The full implication of this statement is of great importance to all Americans. Obviously, foreign producers utilizing these same raw materials are free to use a Panamanian corporation. By penalizing American firms, their competitive position, not only in world markets but here at home, is adversely affected. If the Congress should interfere with such transportation operations, it would destroy many American jobs. A further observation is in order. The statement by the junior Senator from Tennessee suggests that approximately $17 million in revenues for the U.S. Treasury had been sacrificed during recent years as the result of this transportation tax haven subsidiary. Once again, every Senator must remember that the sole object of operating abroad is to ultimately secure funds for the benefit of American stockholders. Any time there is a remittance from the Panamanian corporation to its domestic parent, and this is the only means whereby the U.S. stockholders of the parent may secure any return on their investment, the U.S. Treasury will collect a 52 percent tax inasmuch as the Panamanian tax is virtually zero.

The junior Senator from Tennessee makes a passing reference to Monaco, stating:

"Since business has fallen off at Monte Carlo, the almost sovereign principality of Monaco is making its bid." [26]

During the course of my review of the hearings before the House Committee on Ways and Means, I noted that Mr. J. D. A. Morrow, the chairman of the finance committee of the Joy Manufacturing Co., referred to a Panamanian "tax haven," Joy International S.A., which in turn conducted most of its operations in Monaco. During the course of his testimony he made several observations with respect to the operation in Monaco. He said:

"We are in Monaco because there are no material corporate income taxes there; also because that happens to be the crossroads of travel of our European companies and of our international representatives to various parts of the world. That airport at Nice, France, which is one of the great airports of the world, can take you nearly anywhere you want to go. It is only 12 miles from Monaco.

"The president of the company lives there. They have offices there. There is an office staff. The sales vice president of Joy International has his headquarters in Monaco at Monte Carlo. He is away from there 80 percent of his time because he travels all over the world to the different regions where that company is operating, sees our regional managers, calls on prospective customers of theirs, of the directors that are associated with them, that work with them." [27]

Subsequent to Mr. Morrow's appearance before the committee, he furnished additional information to the chairman, Representative MILLS of Arkansas, in a letter dated June 10, 1961. He said:

"As I explained to the committee, Joy International is not a tax dodge. It is a splendidly organized, hard working and most effective head of all Joy's foreign business. Some committee member asked me how many employees we had at Monte Carlo. I answered, '40'. Mr. Wheeler tells me that a number of employees formerly stationed there have now been moved out to permanent locations elsewhere. At present, therefore, there are 27 employees located in Monte Carlo and there are 27 others located in different parts of the world, including 3 regional managers. These 27 are made up of 7 in Asia, 7 in Europe, 2 in Africa, 8 in Latin America, and 3 at large.

"The following nationalities are represented by Joy International employees: American, Australian, English, French, Philippine, Belgian, Dutch, Italian, Indian (Asian), Swedish.

"Most of these employees are field engineers, largely mining engineers, but with some electrical and mechanical engineers. Another group comprises Joy International's installation engineers, who see that every Joy machine is properly uncrated, put together, adjusted and tuned up to work as it should. This is very important.

"In addition to sales promotion and installation work, employees of Joy International arrange visits of prospective customers to properties elsewhere around the world, where they can see the machines under consideration working in conditions similar to those the prospect has. These are visits not only to the United States, but to mining fields in all other parts of the free world. Consequently, Joy International has become familiar with the strata, mineral formations, mining methods, and problems of machine adaptation and installation in all the major mining areas of the world." [28]

It is easy to criticize the efforts of others, but those Americans who are willing to leave their homes and move their families to a strange land in order to develop new outposts for American industry are performing a service that benefits all of us.

An article which appeared in the March 10, 1962, issue of Chemical Week, entitled "Getting in Shape To Take on the World," presents some of the problems American firms encounter in developing oversea markets. Many of our leading corporations have established base companies in Switzerland, as it presents so many latent and obvious advantages in trading with other countries. A statement in this article attributed to Mr. David Conklin, the assistant general manager of DuPont's International Department, is worthy of note:

"It's much more difficult to make a buck overseas—you have communications problems, personnel problems, hundreds of different laws and currency situations to keep in mind. You have to give someone the responsibility." [29]

The someone to whom Mr. Conklin referred is normally the president of the base company which some attempt to disparage with the term "tax haven."

Nevertheless, of one fact we can be sure, any action taken by the U.S. Congress will not deter foreign firms from utilizing companies located in Switzerland, Panama, Monaco, or in other countries. Our concern should center on the elimination of any abuses that may exist which facilitate tax evasion by virtue of the use of base companies which are more popularly known as tax havens.

As I have indicated on many occasions, I have no interest in defending those firms who concentrate their efforts in developing legal means of tax avoidances rather than devoting their energies to the development of new products and securing additional sales that will provide jobs for American workers. There is ample evidence that those who wish to find so-called loopholes in our tax code for a time will be successful in doing so. However, as these procedures become apparent, I have enough faith in the Congress that adequate legislation to close such loopholes may be enacted without hampering legitimate business activities.

The distinguished junior Senator from Tennessee cites a number of practices which should be carefully reviewed by the Finance Committee. They include interest-free loans from tax haven companies to the U.S. parents, as well as many reinsurance plans which he believes have been established within recent years and are operated through so-called tax haven companies. He cited a dummy company that was chartered in the Netherlands Antilles.

Every conceivable abuse should be ferreted out and curbed, but let us not loose sight of the important benefits our economy derives from the operation of base companies. They further our foreign policy objectives and contribute to our Federal revenues.

Prof. Robert Anthoine, of the Columbia University Law School, during the course of his testimony stated that our tax laws should require a neutrality of treatment for all investments whether they be made in the United States or abroad. Excepting the criteria of neutrality, he raised some questions which the Senate must resolve in its consideration of H.R. 10650.

I submit an excerpt from Professor Anthoine's testimony:

"Neutrally requires that the tax treatment of foreign investment should be neutral in its effects on capital flows. Applying these criteria, the Treasury concludes that a dollar earned by a Swiss corporation in Geneva or in Africa should bear the same U.S. tax burden as a dollar earned by a New York corporation in New York, even if that requires taxing the U.S. shareholder of the Swiss company on his share of the

[24] President's 1961 tax recommendations, vol. 4, op. cit., p. 3172.

[25] CONGRESSIONAL RECORD, March 1, 1962, p. 3246.

[26] CONGRESSIONAL RECORD, March 1, 1962, p. 3246.

[27] President's 1961 tax recommendations, vol. 4, op. cit., pp. 3256–3257.

[28] Ibid., p. 3261.

[29] "Getting in Shape To Take on the World," Chemical Week, March 10, 1962, p. 28.

undistributed income. But taking into account the fact that the Swiss corporate income is still in foreign corporate solution; that a heavy burden of indirect taxation not eligible for the foreign tax credit may have been sustained; that in some areas in which the Swiss corporation operated, the hazards may be far greater than in New York; that the U.S. shareholder has not received his share of the corporate income and perhaps cannot compel the distribution; is it not possible that the proposal is inequitable and unneutral in discriminating against foreign investment? The question of equity is also involved in changing the ground rules after substantial investment has already been located abroad in reliance upon the stability of the tax system." [30]

There is an understandable reluctance on the part of the directors of many American corporations to authorize the establishment of an operation in an underdeveloped country where the economic and social climate may not be too stable. After all, these individuals are committing funds belonging to stockholders, and they have a high sense of responsibility and trusteeship. Perhaps subconsciously, they would be more liberal in their approach to an investment that was financed with funds that had been earned overseas and could be transferred from a base company to this new operation.

Mr. Stock expressed this view during the course of his testimony, and I shall quote directly from his statement:

"If, as, and when dividends are paid from that Swiss company back to the domestic parent company, there is going to be an overall tax of 52 percent. Therefore, the Swiss earnings as far as the domestic parent company is concerned is only worth 48 cents on the dollar. There is a deferred tax liability of 52 percent against that money.

"Now, if I were a businessman, I would be more inclined to put a 48-cent dollar to risk in a less developed country than I would to take a dollar after tax which is a solid dollar and put that to risk because, if I go into a less-developed country and if I lose my money, then there will be no U.S. tax because obviously there cannot be any dividends. So I have as a partner anytime, as I go into a less-developed country using Swiss earnings, the U.S. Treasury. To that extent I have minimized my risk but the U.S. Treasury stands to share my profits and likewise share my losses." [31]

Let me emphasize that any earnings resulting from investment abroad, whether it be through a tax haven, a foreign subsidiary, or a branch, will ultimately be taxed at the same rate as if they had been earned here in the United States. There is no foundation for this statement which has been made on many occasions that funds invested through so-called tax havens escape taxes unless we adopt the premise that American publicly owned firms are placing their stockholders' moneys overseas without any economic justification nor any prospect that they will furnish a base for future dividends to domestic stockholders. It is inconceivable that any responsible management would adopt such a course.

My evaluation of the testimony before the House Ways and Means Committee shows that base companies are not only accepted by all other developed nations but that their operations are encouraged. They contribute to a favorable balance-of-payments position for the United States. Their activities also generate exports which in turn provides additional job opportunities here in the United States. However, if there are any genuine loopholes, let us close them. It would be a tragedy for the Congress to enact legislation which would in effect kill the goose that lays the golden eggs in order to deal with a small minority of unscrupulous individuals.

This statement is the sixth in a series directed to the seven questions which I raised in my introductory statement on the broad subject relating to the taxation of foreign source income. I intend to complete, at a later date, my portrayal of the facts, as I see them, for the benefit of my colleagues.

[30] President's 1961 Tax Recommendations, vol. 4, op. cit., p. 3375.

[31] Ibid., pp. 3277–3278.

SOCIAL SECURITY FINANCING

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed in the RECORD, in connection with my remarks, an article published in the Freeman in June 1960 by the Honorable J. Edward Day, our able and distinguished Postmaster General.

In this article he gives a very clear insight into social security financing. Although the hospital and medical bill discussed at that time is not the proposal that is before us, his excellent basic statement merits our attention.

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

WE CAN'T AFFORD IT

(By J. Edward Day)

As the new decade dawned, we saw many predictions of the bold new things needed for the surging population of the sixties. There was mention, of course, of new plants and facilities to provide new jobs, of more homes, and of more new products to go with those homes. But where in another era this awakening to rapid growth ahead might have meant expanded farm output, new rail lines, more steel capacity, and the like—financed in the past by private capital—the top needs now emphasized are highways, schools, airports, rapid transit, water resources, public housing for the elderly, more hospital beds, more capacity in colleges and universities, space research, closing the missile gap, aid to underdeveloped countries—all of which must be financed in whole or to a predominant degree by public funds.

We are used to hearing it said that even though a certain program might be desirable for adoption by a city, county, or State government, the particular government unit simply can't afford it. Each of us is familiar with situations where local governments have made do with older public buildings, or with something less than perfection in quality of services, pay levels for public employees, and modernization of streets, sewers, and schools.

There have always been those, of course, who insisted the Federal Government could not afford this or that new or expanded program. But the fact that the Federal Government can go hugely into debt without voter approval of bond issues (States and cities usually can't), has made the ceiling on Federal spending highly flexible. So on Federal spending, those who could make a good case for desirability could almost always prevail over those who asked, "Where's the money coming from?" For the Federal money was always forthcoming—even if it meant, as in fiscal 1958–59, a $12 billion deficit in a peacetime year.

Suddenly, at a time when pressure for public spending at all Government levels was never greater, the day of reckoning has arrived. Eighty billion dollars of the Federal debt must be refinanced in 1960 at a time when 5 percent Federal bonds have appeared on the scene for all to see. All at once we hear about gold drain and deficit in international payment balances and even flight from the dollar. Getting Federal spending and debt under control is no longer a matter of argument—it is a crystal clear necessity.

Near term Federal tax reduction seems less and less a sensible possibility. State and local taxes seem bound to continue their upward climb. The theory that the Federal Government was going to confine itself to certain kinds of taxation and the State and local governments were going to confine themselves to others, has proved to be just that: a theory. State income taxes (with ever higher rates), school district income taxes, and city payroll taxes are competing for the same net earnings dollar as the Federal income tax. And by 1969 the social security tax, even to support the program as it now stands, will be 9 percent of taxable payroll—with half to come from the employee (and not deductible from the employee's Federal income tax).

We have to face up to our total needs for future spending at all levels of government, assign priorities among programs and projects, do some major retrenching in existing public programs to preserve solvency, and then decide whether we can afford to open the door to a vastly expensive, expansive federally financed health care program.

The Forand bill would amend the Social Security Act to provide broad hospital, nursing home, and surgical benefits for all persons—already 13.7 million—receiving payments from the social security program. This group includes not just those men over 65 and women over 62 who are entitled to benefits, but also widows with children under 18, and totally disabled persons entitled to benefits and their beneficiaries.[1]

To provide the benefits proposed to the limited group described would cost over $2 billion the first year and between $6 billion and $8 billion by 1980. It would mean that social security costs would increase by 26 percent on a long-term basis. Where social security will cost nearly 9 percent of payroll by 1969, just as it now stands, the Forand bill would bring the overall cost to 11 percent of taxable payroll.

What is more, (1) the Forand bill, if enacted, is bound to be only a first step to an enormously expanded and still more expensive Federal health care program, (2) invariably these publicly financed health care plans (such as in England and Canada) have cost far more than was estimated when they were proposed, (3) other expensive liberalizations of the social security program are in the offing, (4) the social security program as it now stands may be so badly underfinanced that major tax increases may be needed just to pay for benefits already promised.

NO FURTHER LEEWAY

Let us face up to another new fact of life that has overtaken us fairly recently. Where in the past our Federal Government had a large amount of leeway, through deficit spending and increased debt, to conduct a crash spending program in case of war or depression, the leeway is now gone. In view of our situation on Federal borrowing difficulties, it is clear we are gambling there will be no international blowup and no economic blowup.

If we did have either, the money would have to come from practically confiscatory tax increases superimposed upon the wartime tax levels we have continued into peacetime.

Present-day taxpayers will find it ironic to be told that Government financial leeway exists only in still higher Federal taxes. But that is the sad fact. And even that weak reed, that inadequate leeway, is being weakened still further by rising social security tax rates. Social security taxes must

[1] Editor's Note: What may have happened with regard to the Forand bill by the time this article appears in print is anyone's guess. But there need be no doubt about the economic consequences of any such political measure.

come out of the same pie (i.e., tax base) as taxes for missiles, Federal debt service, highways, schools, city police, county jails, or whatever.

For obviously 100 percent of the public's earnings is the whole tax source pie: the complete, final, nonexpandable tax base, no matter what the tax or the tax purpose or the taxing entity is called. It doesn't help to say that social security taxes are special purpose or not in the Federal budget. Except for a capital levy (an unthinkable device) all taxes, no matter what they are called or where they are budgeted, have to come out of earnings of the public.

Many have a mistaken belief that social security is a savings plan, with the payroll taxes saved up to provide for the employees' future benefits. The fact is that social security is a pay-as-you-go plan—or, more accurately, an underpay-as-you-go plan.

We have graciously provided that employees of 1969 shall pay a 4½-percent rate for the benefits for which employees of 1959 paid 2½ percent (3 percent beginning with 1960).

The social security trust fund is in fact only a contingency reserve. Some estimates, based on the existing program, say the trust fund will be used up entirely by the year 2000. But, big as the trust fund seems, it would have to be three times as big as it now is just to pay future benefits to the 13.7 million people already on the benefit rolls. And other tens of millions are qualified to become new recipients in the future.

Already we are postponing the evil day on paying for the present social security benefit structure. When it comes to the multibillion dollar addition to the structure proposed by the Forand bill—we can't afford it.

RUSK, McNAMARA WIN PRAISE FOR NATO PERFORMANCE

Mr. PROXMIRE. Mr. President, many of us have been disappointed by the failure of the North Atlantic Treaty Organization—NATO—to do the important job we had hoped it would do, and which we still hope it can do; namely, to provide in Western Europe an effective shield for freedom against tyranny. We are particularly disappointed by the failure of NATO to develop the kind of military potential, especially with conventional forces, that we know it must have.

For this reason, Mr. President, it was very encouraging to read this morning in the New York Times a report on the splendid job which our Secretary of State, Dean Rusk, and our Secretary of Defense, Robert S. McNamara, have done at the NATO conference in Athens. The report is so encouraging, so fresh, and so remarkably different from what we hear about Secretaries of State and Secretaries of Defense who have served over the years—in other words, about the various persons who have occupied those positions in the past—that I should like to read at this point a small part of the article:

As they sought planes to take them back to their capitals or to places to spend a few days in the sun, diplomats said, some grudgingly, some enthusiastically, that they had witnessed a striking demonstration both of the U.S. reasons for leading the West and of its ability to do so.

"For the first time in 10 years," a Scandinavian diplomat said, "I know where America wants to go and I am content to follow."

REMARKABLE DEMONSTRATION

"It really was a most remarkable intellectual demonstration," a Canadian said.

"The whole world knows the United States is strong. It's encouraging to find that the brainpower has been mobilized, too."

The protagonists in the demonstration of American leadership were Secretary of State Dean Rusk and Defense Secretary Robert S. McNamara.

What they did at the meeting of the Council of Ministers of the North Atlantic Treaty Organization was simple. By combining sometimes brutally frank exposition and a reasoned political argument, they reestablished the basis for American political and military leadership of the alliance.

They did not bully, they did not heckle. They were frank to admit American doubts and difficulties. When they drew attention to their allies' shortcomings, they made it clear they understood the reasons. But they kept the urgency of the problems caused by the Soviet Union's ambitions before the ministers.

Mr. President, I ask unanimous consent that this brief article be printed in full at this point in the RECORD.

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

[From the New York Times, May 8, 1962]

NEW LOOK IN NATO—RUSK AND McNAMARA REINFORCE THE ALLIANCE BY DESCRIBING U.S. POWER

ATHENS, May 7.—Peace, Milton wrote, hath her victories no less renowned than war. The United States won one of these in the North Atlantic alliance in the last 5 days. As they sought planes to take them back to their capitals or to places to spend a few days in the sun, diplomats said, some grudgingly, some enthusiastically, that they had witnessed a striking demonstration both of the U. S. reasons for leading the West and of its ability to do so.

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The main result they sought, without ever saying so, was to place in proper perspectives the power positions of the United States and its allies.

Mr. McNamara gave NATO on Saturday what one colleague inelegantly called "a bellyful" about U.S. nuclear power.

When it was over none of Mr. McNamara's listeners, including the Germans and the French, could ever again regard any future NATO nuclear deterrent as more than a marginal and expensive addition to existing United States.

Mr. Rusk's task was in a way more difficult. He is dealing with the most intricate and explosive issue between the Soviet bloc and the West—the future of Berlin. He has the support of the British, the acquiescence of the West Germans and the tolerance of the French.

The Secretary of State, according to one diplomat, showed he was sensitive both to the interests of his allies and to the harsh facts of Soviet policy.

There is now greater confidence, even among the most skeptical members of NATO, in Mr. Rusk's ability to see if there is a basis for negotiations in the Berlin situation.

The alliance has been left with a new sense of values.

Britain's special relationship remains. It was clear that both Mr. McNamara and Mr. Rusk understand the sacrifices made by Britain for defense without condoning Britain's failure to make good a commitment to reinforce the British Army of the Rhine.

But the description of U.S. strength, nuclear and conventional, placed Britain's proudly proclaimed independent nuclear deterrent in perspective.

West Germany now has, as some of Bonn's diplomats conceded, less reason to clamor for nuclear arms or to doubt the U.S. ability to handle the talks with the Soviet Union on Berlin.

However, the demeanor of the German delegation indicated that the political situation in Bonn was changing fast and that the rate would accelerate as Chancellor Adenauer grows older.

France's image of herself as "le grand nation" of old was undiminished. What Mr. McNamara and Mr. Rusk did was to explain the difference between the image and the reality of American strength. The French could not be expected to like it. But they are logical enough to accept that this is the way things are.

ADLAI STEVENSON RESPONDS TO ATTACK ON U.N.

Mr. PROXMIRE. Mr. President, our distinguished Ambassador to the United Nations, Adlai Stevenson, has just written a thoughtful, perceptive comment on recent Western criticisms of the international body. Entitled "The Attack on the United Nations," it appears in the May 1962 issue of the Progressive.

Mr. Stevenson details the charges that have been uttered against the U.N.—that it is too preoccupied with colonialism, too responsive to an Afro-Asian majority; and that as a consequence it is neglecting its real function—which is to keep the peace and uphold collective security.

These are, of course, serious charges. Mr. Stevenson comments:

But are they true? They seem to me to be born, at best, of serious misconceptions about the world in which the powers and the United Nations alike have to live. At worst, they are the products of malice and pique. And whatever the motive behind them, they do not stand up to closer examination.

In the body of the article Governor Stevenson details, point by point, the success story for American policy that has been chalked up in the past year in the United Nations.

I ask unanimous consent that the entire 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:

THE ATTACK ON THE UNITED NATIONS

(By Adlai E. Stevenson)

In all the criticism leveled at the United Nations by various Western critics in recent months, I think I can detect two recurrent themes. The first is that the United Nations has fallen into an unhealthy and obsessive concern with colonialism, that its Afro-Asian majority can see no further in international life than the liquidation of the last remnants of the old European empires. As a result of this obsession, they are said to miss other, more dangerous threats of Communist infiltration and subversion and end up in a posture which is dangerously one-sided—treating the Western democracies with biased hostility and letting the Communists get away with the benefit of every doubt.

The second line of criticism—which follows in some measure from the first—is that the United Nations is neglecting its real function—which is to keep the peace and uphold collective security. Lured from the United Nations' true path by their anticolonialist obsession, the new nations, so goes the argument, are destroying the United Nations' fundamental value as a mediator and conciliator. Disputes are being exacerbated and blown up by ill-considered meddling, meddling which always ends up in bias against the West.

These are serious charges. They have been uttered by responsible people on both sides of the Atlantic, and if they are true, then we have to admit that the value of the United Nations as an instrument of world peace is gravely compromised.

But are they true? They seem to me to be born, at best, of serious misconceptions about the world in which the powers and the United Nations alike have to live. At worst, they are the products of malice and pique. And whatever the motive behind them, they do not stand up to closer examination.

Let me take first the issue of colonialism. The United Nations, obviously, did not invent it. The issue is there, darkening men's minds with fears and suspicions, whether the United Nations takes any notice of it or not. You may say that it is unfair to the Western powers that the obsession with colonialism should still be so strong after 15 years of such wholesale decolonization—the millions of subject peoples freed from Western tutelage, the scores of new states brought into being, freely and largely peacefully, in the process.

But before we lump all the anticolonialists together, let us try to be more precise. Loudest of all are the Communists—and least entitled to respect. When Eastern Europe enjoys self-determination, we will listen to them, and not before.

As for the non-Communists, it is neither fair nor wise to lash out at a supposed Afro-Asian bloc, lumping all the new African and Asian states together as irrational critics of a supposed Western bloc. These geographical terms do not define solid blocs at all. They refer to a many-sided array of free nations, each with a wide area of freedom to pursue its own interests and express its own historical experience.

And that experience, of course varies widely. Among the Asian nations are some whose concern about European colonialism, however deep and active, is somewhat more patient and less fierce than it once was. In fact, the whole subcontinent of Asia—Pakistan, India, Nepal, Ceylon, and Burma—has been almost entirely free of Western control for about 15 years. And these 15 years of independence have moderated passions and turned many Asian eyes to other issues—especially economic development and security against the menace of atomic destruction.

The shift of interest is far from complete—nor will it be complete as long as colonies remain. There will be dangers for years ahead, both from those who try to stand unmoved against the winds of change and those who are willing in the name of progress to whip the winds of change up to hurricane force. These dangers were all too vividly illustrated in the recent action against Goa.

Certainly we cannot take Asia's moderation too much for granted. Asia was dominated for well over a century by Western overlords whose rule, whatever its virtues in many cases, might have been expected to leave deeper scars of resentment than has in fact proved to be the case. Westerners can easily forget their dominion in 15 short years. What is more remarkable and admirable is the fact that so many Asians appear to be ready to do so as well. If occasionally some anticolonialist resolution strikes a chord in their minds, we in the West should not be too surprised. They, after all, were at the receiving end of the colonial experiment. The remarkable fact is how quickly and with what realism and dignity the vast majority are prepared to let the past slip without regret or resentment into history.

But in Africa, we in the West must remind ourselves that colonial control is still a fresh memory or a direct, brutal fact. We do not blame a man for being obsessed with a toothache. We can rise above his discomfort. We don't feel it. But for him it is a dark, angry fact. So colonialism still is in many parts of Africa.

The passions unleashed in Africa minds—particularly young African minds—by bloodshed and exploitation, by discrimination and delay, by the violation of human rights—cannot but color African thinking about general international events. So would such conditions color our thinking if our own neighbors were the sufferers. We demonstrate a comparable feeling when we argue that peace cannot be secure so long as the Hungarian people are tyrannized and oppressed. Why should such a sentiment be acceptable and understandable, and a similar feeling among Africans for their brothers in Angola, say, be called irresponsible and obsessed?

We shall make no sense in our international relations if we seek to banish obstinate realities simply by reading the new nations lectures on their unadult behavior. For Africans to care profoundly about colonialism in Africa is not unadult. It is simply and directly human.

Given this background, it would perhaps not have been surprising if the new African states had allowed their votes to be swayed wholly by the colonial issue. Distinguished critics have accused them of such obsessive behavior, but I cannot see how the voting record bears out the accusation. Let us look at the facts. What do we find? Consistent hostility to the West? Consistent support—out of pique and anger—for Soviet resolutions? Utter inability to follow moderate paths on the colonial issue? Complete African—and even Asian—extremism compared with the moderation of Western views? One might expect it, judging by the attacks.

What in fact we find is something wholly different. Take the crucial issue which has confronted the United Nations for a year, and on which Mr. Khrushchev himself staked his personal prestige—an issue, incidentally, made more inflammable by the tragic death of Mr. Hammarskjold. I refer, of course, to Russia's determination to end all independent executive action by the United Nations and to substitute instead a secretariat hamstrung by the veto from top to bottom. This Communist ploy has been largely defeated, and we have a new and effective Secretary General appointed with no impairment of his powers.

I can testify to the fact that this favorable outcome was not secured by Western pressure and support alone. The West, unaided, could have produced nothing but deadlock. The rescue of an independent, responsible U.N. Secretariat was accomplished because an overwhelming majority of the United Nations, including virtually all the new Asian and African states, would not go along with an emasculated organization. If this is anti-Western irresponsibility, then we must revise the dictionary.

But even on the specific issue of colonialism, it is, I think, a gross perversion of the facts to accuse the new states of universal irresponsibility. When the resolution calling for a rapid end to colonialism was passed last November 27, it took the place of a much more violent Soviet resolution which the Soviet delegation had withdrawn because the Afro-Asian bloc would not support it. In the form in which it was passed, the United States and such members of the British Commonwealth as Canada and Australia voted for it, which surely suggests that it represented a moderate, unobsessed view of the issue.

When sanctions were proposed against South Africa, the resolution, largely under Asian influence, failed to pass. One cannot, therefore, dismiss as irresponsible extremism the resolution which did pass, condemning South Africa's racial policies and commanding the support of the entire Assembly, save for Portugal. In face, can anyone doubt that its tone represents what every modern member of world society accepts and supports?

The same moderation appeared on all the leading issues in this most recent resumed session of the General Assembly.

On Angola a moderate resolution, sponsored by 44 countries of Africa and Asia, was adopted by 99 votes to 2—and a more drastic resolution offered by the Soviet bloc on the same subject was overwhelmingly defeated.

On the ticklish problems of independence for Ruanda-Urundi, Soviet attempts to get all Belgian troops out by July 1, and thus to court another Congolese explosion, were soundly defeated.

On Cuba's charges against the United States, not one African or Asian country—in fact not one country outside the Soviet bloc itself—voted to sustain them or even to take official notice of them.

And when the Soviets went to the Security Council in January to demand a new round of shooting in Katanga, they did not even get the support of the two African states on the Council—Ghana and the United Arab Republic—which are among the most emphatic of the anticolonialists. There is general evidence here not of obsession but of a careful weighing of words and votes. As for the states singled out for strongest criticism—Portugal and the Union of South Africa—they have flouted the strongly held views not just of the Afro-Asian states, but of nearly the whole of the Community of Nations.

I do not, therefore, find that the criticism of obsessive and biased policies in the United Nations can be substantiated. I would go further and say that in concerning itself with the colonial issue, the United Nations is not being diverted from its proper function and purpose of safeguarding the peace and providing the machinery of conciliation. On the contrary, it was inevitable from the beginning that the issue of colonialism, both in the intention of the Charter and in the actual hazards of world politics, would for a time occupy the center of the stage of the United Nations.

When the charter was elaborated, it stated as a fundamental of international life the equal rights of nations great and small. This democratic principle is, of course, always under attack by those—now on one side, now on the other—who prefer the Orwellian gloss that some nations are more equal than others. But it stands among the charter's first principles. Again, the 51 founder members undertook to give due account to the political aspirations of their dependent peoples and to help them to secure free political institutions. In pressing them to carry through this commitment, the United Nations cannot be said to exceed its terms of reference. The blame should rather be with those nations which have failed and still fail to make any progress towards fulfilling obligations they solemnly undertook.

This is, in some measure, an academic issue. A much more immediate and dramatic justification of the United Nations' concern with colonialism lies in the fact, proven a thousand times in history, that the ending of empires becomes all too easily the beginning of wars. It is a point I hardly need to elaborate. Examples are strewn, like wrecks, on the seabed of the human record. When one system of power collapses—whether from external pressure or internal decay—other systems, aspiring to enjoy its earlier influence and control, move in to fill the vacuum. And in the twilight zones of power, between systems collapsing and others emerging, the dangers of war are at their most acute.

Seen in this light, one of the most dangerous crises in our world today—the future of Berlin and Central Europe—in some measure reflects a post-imperial interregnum. We have still to work out stable alternatives to the old jostling for power between the decaying Turkish and Hapsburg empires and the expanding German and Russian imperialisms. Mr. Khrushchev may not accept the analogy, but Communist power in Eastern Europe, far from representing the vanguard of a new and revolutionary world, is the tail end—we hope—of man's oldest international system, which is imperial control.

In this century we are making audacious and heroic efforts to bring the system of imperialism itself to an end. There are three discernible elements in the attempt—all genuinely revolutionary. The first is to apply to nations and peoples the principles we are trying to apply—with comparable ups and downs—to individual citizens: the principle of their equality before the law and of equal weight given to their ultimate political decision. One man, one vote; one nation, one vote.

The efforts of this system can be very strange. No one supposes that, in spite of equality of voting rights, the head of the United States Steel Corp. has no more influence on American society than an unskilled laborer in one of his plants. There is an element of fiction in the equality.

In the same way Nepal, shall we say, does not pretend to carry the same weight in world society as, for instance, its neighbor, India. Yet its equal vote in the United Nations is a first step toward a covenanted political recognition, by international society, of its right to separate statehood and its right not to be handed over to the political control of more powerful neighbors.

The right of small nations to independence in a new post-imperial age is as astonishing as the right of commoners to protection and due process of law in a post-feudal age. And it is an essential part of the struggle to end imperialism—for it substitutes constellations of independent communities, great and small, for the old imperialist penumbra or "spheres of influence" within which most small peoples have hitherto had to live.

The second principle is that great powers recognize this new right of the weak not to be engulfed. Like the coexistence of rich and poor, of influential and weak, inside domestic society, international laws and constitutions only partially safeguard the freedom of small nations. The powerful have, in proportion to their power, a duty to play the game.

I believe that the Western nations on the whole recognize this restraint. Much of the retreat from Western colonialism in the last two decades springs, I believe, from a genuine revulsion against the idea of domination. And it is my hope that the United States, which has a giant's strength, will always abstain from using it like a giant to coerce or overawe the weak.

The third line of attack is most relevant to the peacemaking functions of the United Nations. If, in the dissolution of empires, we are left with nothing but the choice between competing systems of power, then it is hard to see how the world can avoid staggering on from one Balkan-type crisis to the next, each time lurching closer to the hideous rim of Armageddon. If every European retreat from direct control threatens to bring in as direct a control by the Communists, or to abandon local populations to the outdated paternalism of white settlers—in either of these events we are in for strife.

It is here, as I see it, that the peacemaking functions of the United Nations are most vital and most urgently in need of being systematized and expanded. To my mind, the Congo operation, far from representing a usurpation of power by an arrogant Secretariat, is precisely the type of operation which the United Nations should dare to undertake, and in which we must pray to see it succeed. And the courage of the United Nations and its backers in rescuing the Congo, through all the chaos and all the fog of fanatic propaganda, will stand—let us all hope—for years to come as a warning against those who would prepare the tinder box for other Congos.

Without the United Nations, might not central Africa already offer a total polarization of hostile power? Might we not find Katanga, ranged on one side with white southern Africans and some Europeans, and on the other side African nationalism in Leopoldville and Stanleyville, supported by most of black Africa and all of the Soviet bloc?

This is precisely the kind of crystallization of conflict every continent must seek to avoid. The long, patient effort of the United Nations to foster unity and stability in the Congo, under leadership which cannot be accused of partisanship with either world bloc, may yet represent the United Nations' most significant triumph and the clearest pointer to where its influence and its spirit can most effectively extend. Here is a lesson in statesmanship and reconciliation which, for the sake of peace and freedom in Africa and the world, should be taken to heart by all who struggle today—both rulers and ruled alike—from Luanda to the cape.

We cannot undo the world which science is making over for us. With or without an embryonic instrument of international order, the overwhelming need for order remains. It is written into our conquest of space, our instant communication, our common neighborhood of potential atomic death. We can no more live without an attempt at international order than we can run New York's traffic without rules of the road. Critics so often speak and interpret events as though there were some ideal alternative from which we have slipped or which we can attain simply by letting the United Nations fade away.

There are no such alternatives. However much like-minded groups of states may concert closer understandings, they must still live in the world with all their neighbors, friendly or hostile, alined or neutral, and struggle for that minimum of order, conciliation, and peaceful change which this jostling world ineluctably requires.

If we had no United Nations, it would be necessary to invent one—and it would not differ very greatly from what we have now. This is just about all the law and order our anarchic world will swallow today. If we are to advance to higher standards or greater security, we must work on patiently from the spot we have already reached and not jettison our few working examples of genuine international action in favor of something more ideal—which we shall not get—or more innocuous, which will not meet our needs.

What we have is man's first sketch of the world society he has to create. He can build better than this—so much is obvious. But will he go on building at all if we are forever tearing up the foundations? The experiment of living together as a single human family—and we can aim at no less—is more likely to grow from precedent to precedent, by experience and daily work and setbacks and partial successes, than to spring, utopian and fully formed, from the unimaginable collective agreement of world minds. Let us go on with what we have. Let us improve it whenever we can. Let us give it the imaginative and creative support which will allow its authority to grow and its peace making capacities to be more fully realized.

COUNTRIES RECEIVING U.S. AID BUY MADISON AVENUE ADVICE

Mr. PROXMIRE. Mr. President, the Wall Street Journal of this morning reports an alarming trend that has been developing among countries which have been receiving foreign aid from the United States. The article points out that a prominent Madison Avenue public relations firm—Kastor, Hilton, Chesley, Crawford & Atherton—has been hired by South Vietnam to improve the image of South Vietnam in this country; and the article states that that concern is being paid $100,000 a year, plus expenses.

The article also points out that among other countries which have signed such contracts with American public relations firms are the Ivory Coast, Iran, Nigeria, and the Netherlands Antilles, in addition to South Vietnam.

In other cases, the article states, foreign nations set up their own information offices in the United States; and these, in turn, frequently retain public relations counsel here.

Mr. President, as the article points out, it is ironic that American taxpayers' money is used—although indirectly, it is true—to persuade the American people to continue foreign-aid programs of the generosity and the kind which our people have been providing.

I called attention to this same practice nearly a year ago, when I placed in the CONGRESSIONAL RECORD a comprehensive, well-documented article from the Reporter magazine, written by Walter Pincus and Douglass Cater, entitled "The Foreign Legion of American Public Relations." On the basis of that article and today's report in the Wall Street Journal, I believe that this is a situation which well merits full study and investigations by Congress.

I ask unanimous consent that the full text of the article in the Wall Street

Journal be printed at this point in the RECORD.

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

PROPAGANDA PUSH—FOREIGN EFFORTS TO WIN SUPPORT IN UNITED STATES GROW, SCORE SOME SUCCESSES—SOUTH VIETNAM, NIGERIA HIRE PUBLIC RELATIONS MEN HERE—CONGO RIVALS PRESS VIEWS—U.S. TAXPAYERS SELL SELVES

(By Edmund K. Faltermayer)

NEW YORK.—For American reporters in embattled South Vietnam, the men to see to arrange interviews with Vietnamese officials are two on-the-scene representatives of the New York public relations firm of Kastor, Hilton, Chesley, Crawford & Atherton. The Kastor-Hilton operatives perform many such public relations chores for President Ngo Dinh Diem's government, always with the goal of enhancing the regime's image in the United States. For these services, South Vietnam pays the concern $100,000 a year, plus expenses.

South Vietnam's efforts to arouse broad support and sympathy in the United States is part of a growing phenomenon: The use of Madison Avenue talent and techniques to "sell" foreign countries and causes to the American public. In some cases, foreign interests hire American public relations firms to run their propaganda campaigns. In others, foreign nations set up their own information offices in the United States, and these, in turn, frequently retain public relations counsel here.

Ironically, many of the nations spending dollars this way are countries receiving U.S. aid. Americans thus are indirectly paying for some of the propaganda being beamed at them. Another note of irony: Some of the nations spending dollars to woo American opinion—Vietnam, for example—are at the same time spending heavily to win the support of large segments of their own population that are apathetic or even hostile to their government.

The foreign campaign to cultivate the good will of Americans—who themselves have been working for years through the U.S. Information Agency to win friends and influence people abroad—has intensified greatly in the past year or so. During that period, the Ivory Coast, Iran, Nigeria, and the Netherlands Antilles, as well as South Vietnam, have signed contracts with American public relations firms. So have the government of West Berlin and a group of Portuguese companies operating in the colony of Angola, where African nationalists are seeking to break away from Portugal.

ADOULA VERSUS TSHOMBE

Both sides in the dispute between the central government of the Congo and secessionist Katanga Province are pleading their causes in the United States by means of vigorous public relations efforts. At its office on Fifth Avenue here, Katanga Information Services, headed by a Belgian named Michel Struelens, cranks out press releases aimed at winning friends for Katanga. Recently, Mr. Struelens was busy disseminating the story of the temporary detention of Katangese President Moise Tshombe when he tried to leave Leopoldville, the Congo's capital city, to return to his own capital at Elisabethville, following inconclusive talks with Congolese Premier Adoula on ending Katanga's secession.

To tell its story, the Leopoldville government recently opened the Republic of the Congo Information Bureau here. This organization has hired Milburn McCarty & Associates, a New York public relations firm only five blocks away from Mr. Struelens' office, to assist it.

Other dissident movements abroad besides Katanga's are active in the United States. The public relations firm of Lem Jones Associates, called the "foxhole on Madison Avenue" when it handed out communiques for the abortive U.S.-backed exile invasion of Cuba a year ago, still represents anti-Castro Cubans. More recently the firm of Harold L. Oram, Inc., has taken up the cause of political refugees from Ghana who oppose the leftist policies of President Kwame Nkrumah.

SPENDING RISES

Alongside these relatively new propaganda efforts, such long-time public relations users as Liberia, Chile, Nationalist China, Mexico, Italy, Britain and South Africa are continuing their programs. All this activity is pushing up total outlays for foreign-sponsored propaganda in the United States. Precise spending totals are impossible to come by, however, since some expenditures undoubtedly are concealed and in other cases it's impossible to separate outlays for political propaganda from those for such things as trade promotion.

A minimum figure for all sorts of foreign propaganda and information spending here except tourist promotion can be obtained from an examination of the statements that representatives of foreign interests must file with the Department of Justice. These statements show the total was at least $5 million in 1960, the last full year for which records are available. But most authorities are sure the actual total is much higher than this.

The biggest single spender by far is the British Information Service, with reported outlays of $1,169,006 in the United States in 1960. The BIS is concerned mainly with supplying facts on British affairs to the press and interested individuals; it hardly ever distributes arguments in support of British political positions. The Information Service of India ranked second in spending in 1960, with expenditures of $305,747. One of the Indian office's major efforts of late has been to defend India's invasion of the Portuguese enclave of Goa last December. A sample Indian background statement: "Portugal's conquest of Goa has been a long story of barbarity, atrocity and horror."

Two other active—and constantly conflicting—foreign propagandists in the United States are the Arab States and Israel. The Arab Information Center, jointly financed by 10 mideast nations, spent $183,172 in 1960. Israel's outlay was reported at $108,764 for the same year.

With the exception of the British Information Service's expenditures, all these outlays seem certain to be topped by the Portuguese companies in Angola. Their contract with the public relations concern of Selvage & Lee calls for disbursing up to $500,000 a year for such things as combating "false and misleading information" about recent internal strife in the African colony. Last year's fighting in Angola, says a booklet put out on behalf of the Portuguese companies, wasn't a rebellion at all but "part of the International Communist conspiracy, a part of the plan to destroy the United States itself."

Why do so many foreign countries think wooing American public opinion is worth hiring specialists from Madison Avenue, where much of this country's public opinion molding talent is concentrated? The reasons are both psychological and economic. Leaders of many newly independent nations are acutely conscious of their lack of international status; to them, projection of their national personality or image is vitally important.

And in the long run, U.S. public opinion does greatly affect congressional foreign aid votes and State Department decisions on how aid money—$3.9 billion in the current fiscal year—will be divided. A favorable climate of opinion also is deemed important, at least by many foreigners, for attracting private investment overseas.

The techniques used by propagandists to mold favorable attitudes toward a nation—or darken the image of its enemies—vary widely. The most time-honored device, of course, is the press release. But work hardly stops there.

MOVIES FOR NATIONALIST CHINA

For their foreign clients, U.S. public relations firms prepare brochures for libraries and schools, arrange for sympathetic lecturers to speak before all sorts of luncheon clubs and civic organizations and publicize visits of foreign officials. Lem Jones talked the caretakers of Independence Hall in Philadelphia into keeping the place open late one night last year so a touring group of anti-Castro Cuban women could be photographed beside the Liberty Bell. The Hamilton Wright Organization, working for the Nationalist Chinese Government, has concentrated on producing films emphasizing accomplishments of the Formosa government; at least one of these films was shown by New York's famed Radio City Music Hall.

Most public relations practitioners make a point of staying out of the spotlight themselves when working for a foreign client. Says James J. Larkin, whose firm was retained by Nigeria at the start of this year to handle such chores as press relations and preparation of a weekly radio program for free distribution to stations: "Our particular concept of government public relations is to remain as far in the background as possible. Everything that we put out has the masthead of the Consulate General of Nigeria."

Some firms don't even issue press releases or other publicity material, preferring to stick to an advisory role. The Roy Bernard Co., which has represented West Germany since 1949, confines itself to keeping Chancellor Konrad Adenauer's government posted on trends in American public opinion and to suggesting ways the West Germans can best tell their own story in the light of this opinion.

Frequently a public relations firm does much of its work through an independent committee composed of American citizens. Thus, Selvage & Lee has helped prepare and distribute some booklets that were issued by the Portuguese-American Committee on Foreign Relations of Boston. Such booklets, because they're issued by an American organization, don't have to carry a notation indicating they contain foreign propaganda; such a notation would be required by Federal law if the booklets were put out directly by Selvage & Lee, a registered representative of a foreign interest.

CRITICAL NEWSMEN

Most public relations firms handling foreign government accounts operate both in the United States and in the client country. Sometimes a Madison Avenue crew will travel abroad to collect the first meaningful statistics a client nation has ever had. Kastor-Hilton does all its work for South Vietnam abroad—not always, it appears, to the unmixed satisfaction of American newsmen stationed there. Uruguayan-born Jorge Ortiz, the firm's chief in South Vietnam, on occasion has confronted newsmen on the streets of Saigon with copies of their stories with unfavorable passages heavily underlined; though the United States is heavily backing South Vietnam's fight against Communist guerrillas, President Diem's regime has been criticized for its authoritarian tendencies. On the other hand, some correspondents argue that the presence of U.S. public relations men in Saigon makes President Diem more accessible.

Does foreign-sponsored propaganda pay off? Because of the nebulous nature of most public relations work, its effectiveness is usually difficult to measure. It seems reasonably clear that in the pre-Castro days the Washington public relations firm of Samuel

E. Stavisky was influential in helping win a greatly increased sugar sales quota for Cuba by flooding local newspapers around the United States with stories dramatizing how much their communities would benefit from increased trade with the island.

The State Department figures, somewhat unhappily, that the work of Katanga publicist Struelens has widened U.S. public support for that province's independence from the Congo Republic. It's highly doubtful this public sentiment will alter the basic U.S. commitment to United Nations policy in the Congo, which most emphatically doesn't include Katangan independence. But the Congo controversy is far from over and secessionist Tshombe may well wind up with a better deal for Katanga than would have been the case if he'd had no public backing in the United States.

"This sort of propaganda is mainly a nuisance," says a State Department official, "but in the case of Katanga it can be one hell of a nuisance. It doesn't change policy but it keeps people so busy countering it that they can't get to other things they should be doing."

There's a limit, public relations men say, to what even the most astute publicity campaign can do. The huge sums spent in this country by the late Gen. Rafael Trujillo, former dictator of the Dominican Republic, didn't in the end prevent the United States from agreeing to economic sanctions which hastened the overthrow of his family dynasty. Among other things, General Trujillo spent $650,000 on an inquiry, arranged by the Sydney Baron public relations firm, which cleared the Dominican Government of charges it had kidnapped and killed an anti-Trujillo professor at Columbia University.

FEDERAL AID FOR THE TREATMENT OF NARCOTICS ADDICTS

Mr. JAVITS. Mr. President, I wish to call the attention of the Senate to the new attitude which now has been taken in regard to the treatment of victims of narcotics addiction. In the Federal Government and also in State governments there is now a great impulse and movement to bring about the medical treatment of these unhappy people; and, indeed, the Department of Justice has declared itself as being in favor of this type of commitment. But, Mr. President, this will fall upon barren ground, indeed, if there are no medical facilities to deal with the problem. It is for that reason that in the companion measure which I have introduced with my colleague from New York [Mr. KEATING], of which I am the principal sponsor, we are proposing a hospital where it is most needed; namely, New York. This is not speaking in derogation of the hospital at Lexington, but, as is not true of the facilities in the Blue Grass country, this situation will be taken care of by civil commitment for those who are narcotic addicts and who are brought into criminal courts without being dealers or pushers of narcotics.

I urge the attention of our Government in giving consideration to the complete package program, by pointing out this provision is already the law in New York and it is the law in California. These two States are the ones principally impacted with the problem. Therefore, we need a narcotic hospital in New York with Federal aid, which is the purpose of the bill to which I have referred.

I ask unanimous consent to have printed in the RECORD as a part of my remarks a news story from the New York Journal-American, which refers to the Kings County American Legion support for the proposal. That group is located in Brooklyn, N.Y., which has a population greater than that of most American cities, being several million. The Legion urges the building of such a hospital in accordance with the program I have described. I hope very much the fine campaign being conducted by the Hearst newspapers and the New York Journal-American in this matter may at long last result in action on the two bills to which I have referred.

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

KINGS LEGION URGES HOSPITAL FOR ADDICTS

(By James D. Horan, Dom Frasca, and John Mitchell)

The Kings County American Legion added its voice today to increasing demands for additional hospital facilities for narcotics addicts in New York City.

With the county's 18,000 Legionnaires behind him to lend weight to his words, County Commander William T. Bellard declared:

"The immediate construction of a new hospital or the rehabilitation of an existing one is urgently required to care for the thousands of sick addicts who will be eligible for medical treatment in New York State during 1963."

Mr. Bellard referred specifically to a provision of the recently enacted Metcalf-Volker law which will allow certain arrested addicts to elect commitment to a hospital rather than jail.

His demands for a new hospital came less than 24 hours after Queens District Attorney Frank D. O'Connor sent a telegram to Governor Rockefeller describing the Metcalf law as a "dust-catching blueprint."

Mr. O'Connor criticized the State's "overly cautious approach" to the narcotics problem and asked the Governor to order immediate additions to the department of mental hygiene's existing addict treatment wards. Total bed capacity in the wards is only 155.

These and other protests were touched off last week when the New York Journal-American revealed that Dr. Paul Hoch, commissioner of medical hygiene and chief administrator, narcotics program, planned no immediate expansion of existing narcotic hospital facilities.

MANY ARE WAITING

It was also disclosed that more than 400 addicts voluntarily seeking admission to municipal narcotic wards are now faced with waiting periods of 2 to 4 months.

The need for a special hospital was also advanced today by Assemblywoman Aileen B. Ryan, Democrat, of the Bronx.

Mrs. Ryan said a survey she conducted recently among the mothers of 51 Bronx dope addicts indicates practically all favor the establishment of a narcotics hospital in New York City.

"It is our moral responsibility to care for these addicts," said Mrs. Ryan, a member of the Committee of 500 Against Teenage Dope Addiction.

Last Friday, the committee's cochairman, Kings County Judge Hyman Barshay and Assemblyman Stanley Steingut, charged that 6,000 to 8,000 addicts would be "denied" their legal right to hospital beds in 1963 unless existing facilities were drastically expanded.

SUMMER ADJOURNMENT FOR CONGRESS

Mr. McGEE. Mr. President, if I read my calendar correctly, not only is this the month of May, but we are on the brink of another summer season, with the Senate still very much in the prospect of a full summer tour of duty here in the Capital. The Senate has been in session throughout every summer since I have been a Member of this body.

As my colleagues may recall, a year ago I submitted a concurrent resolution, Senate Concurrent Resolution 16, which would adjourn the Congress during the summer months, which would in effect be a summer recess. The proposal was motivated not only because of the weather in this part of the country at that time of year, but was also motivated fundamentally because of the opportunity it would afford the families of Senators and Representatives to be together at the one interval of the year when it was possible. The resolution provides that Congress would reconvene in October, or at the call of the majority and minority leaders, and then continue until we had proceeded through the cycle of our business endeavors.

This concurrent resolution has not been pressed vigorously this year. This is an election year. Midterm elections are on tap.

One of the reasons why pressing for the resolution has not been undertaken by me is that the suggestion has been made that in an election year Congress will be under some determination to get out of here and get back to its constituency in order to mend fences in time for the November showdown. However, it is difficult for me to see anywhere on the legislative horizon or in the confines of this Chamber the fact that the impetus of a forthcoming election will in fact spur us on to a more rapid end to this session.

However eager some of us may be to return to our home States to renew our ties with our constituents, there is no indication we are going to come to this. It is now quite evident, in fact, Mr. President, that, elections or not, this body is unable to avoid stretching its deliberations well into what are commonly called the dog days.

I should like to emphasize two points about this resolution. First, it would provide more time in session, rather than less. This is not an attempt to get the Senate of the United States out of work. It is, rather, designed to keep it at work.

More and more, it is becoming abundantly obvious to those of us in this body that the business of the greatest power on earth, the most prosperous nation on the globe, is a full-time job, and not a 6-month, or 8-month, or 9-month job. And since we are to be in session around the calendar, anyway, I can see no reason why our periods of adjustment for a recess should not come at a time when it would be most convenient to our families and the school schedules involved, as well as ourselves personally.

In the second place, I would suggest that this resolution has a broad base

of support, both in this body and in the other body, the House. Thirty-two Senators are cosponsors. It should be pointed out that almost half of the Members of the Senate have children of school age, and nearly all the remaining Members of this body have grandchildren of school age. I am sure that the domestic harmony in the licenses that are accorded to grandparents would be reflected favorably in the enactment of and the living up to such a resolution. This is not to say anything of the recuperative powers of a rest from the summer heat and a vacation midpoint in our hectic schedules. I am sure we would approach our duties with renewed vigor and determination upon our return in the fall.

The PRESIDING OFFICER (Mr. METCALF in the chair). The time of the Senator has expired.

Mr. McGEE. I ask unanimous consent that I may continue briefly, in order to conclude my remarks.

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

Mr. McGEE. On the House side, there has been manifested an active and broad support for such a recess on the part of Congress. I think the moment is propitious to serve notice that an assault on this problem in the form of vigorous pursuit of the resolution will be undertaken when we reconvene next January.

I should not omit the implications in this proposal for all staff members as well. While I have dwelt upon the subject of the children of Members of the Senate and of the House, I think we ought to remember that more than 600 or 700 children of school age of Senate staff members alone likewise would be affected by this proposal.

The moral incentive and plain good sense combine to render favorable action on the part of the Congress of the United States on this proposal.

I am confident adoption of the resolution will increase the efficiency of Congress and likewise will be a more realistic facing up to the fact that being a Member of the House or of the Senate in the United States of America in these days is, in all truth, a full-time job, and not a part-time job. The quicker we face this reality, the more effectively and the more efficiently will we operate on the business of the Nation that is at hand.

JAMES M. NORMAN — LITERACY TEST FOR VOTING—AMENDMENT

Mr. KEATING. Mr. President, I send to the desk an amendment to the amendment known as the Mansfield-Dirksen amendment, on behalf of myself and Senators DOUGLAS, JAVITS, SCOTT, HART, CASE of New Jersey, BUSH, and MORSE, and I ask that it be read.

The PRESIDING OFFICER. The amendment will be stated by the clerk.

The legislative clerk read as follows:

Amendment intended to be proposed by Mr. KEATING (for himself, Mr. DOUGLAS, Mr. JAVITS, Mr. SCOTT, Mr. HART, Mr. CASE of New Jersey, Mr. BUSH, and Mr. MORSE) to the amendment in the nature of a substitute proposed by Mr. MANSFIELD to the bill (H.R. 1361) for the relief of James M. Norman.

On page 3, line 3, add immediately preceding the present text of section 2, a new subsection to read, as follows:

"(a) Subsection (a) of section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended, is amended to read, as follows:

"'(a) All citizens of the United States who are otherwise qualified to vote in any State election, shall be entitled and allowed to vote and shall not be deprived of the right to vote at such election on account of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State, or Territory, or by or under its authority, to the contrary notwithstanding. Deprivation of the right to vote shall include but shall not be limited to (1) the application to any person of standards or procedures more stringent than are applied to others similarly situated and (2) the denial to any person otherwise qualified by law of the right to vote on account of his performance in any examination, whether for literacy or otherwise, if such person has not been adjudged incompetent and has completed the sixth primary grade of any public school or accredited private school in any State or Territory, the District of Columbia, or the Commonwealth of Puerto Rico.

"'"State election" means any general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for any office established by or under the constitution or laws of any State, Commonwealth, territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision.'

"(b) Designate the present text of section 2 with the subsection symbol '(b)'."

Mr. KEATING. Mr. President, I ask that the amendment be ordered to be printed and to lie on the table.

The PRESIDING OFFICER. Without objection, the amendment will be received, printed, and will lie on the table.

Mr. KEATING. Mr. President, the provisions of the present civil rights laws are codified in title 42, section 1971, of the United States Code. Subsection (a) of section 1971 guarantees the right to vote in State elections without distinction of race, color, or previous condition of servitude. Subsection (b) of section 1971 guarantees a similar right in Federal elections. Subsection (c) authorizes injunction suits by the Attorney General to enforce the right to vote in both State and Federal elections.

The pending amendment to H.R. 1361, which contains the provisions of S. 2979—the literacy bill—would amend subsection (b) of section 1971 and would be applicable only to Federal elections. My proposed amendment would amend subsection (a) of section 1971 and would apply to State elections the same prohibitions which the pending amendment would apply to Federal elections.

Subsection (a) of section 1971 of title 42 now reads as follows:

(a) Race, color, or previous condition not to affect right to vote.

All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

My amendment would revise this text so as to spell out the specific deprivations of the right to vote in State elections in the same terms as appear in the pending Mansfield-Dirksen amendment. In order that the proposed changes in the text be clear, I ask unanimous consent that the text of my amendment be printed at this point in the RECORD with the new language enclosed in black brackets.

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

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

(a) All citizens of the United States who are otherwise qualified to vote in any State election, shall be entitled and allowed to vote [and shall not be deprived of the right to vote] at such election on account of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State, or Territory, or by or under its authority, to the contrary notwithstanding. [Deprivation of the right to vote shall include but shall not be limited to (1) the application to any person of standards or procedures more stringent than are applied to others similarly situated and (2) the denial to any person otherwise qualified by law of the right to vote on account of his performance in any examination, whether for literacy or otherwise, if such person has not been adjudged incompetent and has completed the sixth primary grade of any public school or accredited private school in any State or Territory, the District of Columbia, or the Commonwealth of Puerto Rico.

["State election" means any general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for any office established by or under the constitution or laws of any state, commonwealth, territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision.]

Mr. KEATING. Mr. President, I also ask unanimous consent that the present text of section 2 of the pending amendment be printed at this point in the RECORD with the new language it proposes in subsection (b) of section 1971 of title 42 in brackets.

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

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

(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any other person for the purpose of interfering with the right of such person to vote or to vote as he may choose in any Federal election, [or subject or attempt to subject any other person to the deprivation of the right to vote in any Federal election. "Deprivation of the right to vote" shall include but shall not be limited to (1) the application to any person of standards or procedures more stringent than are applied to others similarly situated and (2) the denial to any person otherwise qualified by law of the right to vote on account of his performance in any examination, whether for literacy or otherwise, if such other person has not been adjudged incompetent and has completed the sixth primary grade of any public school or accredited private school in any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico.

["Federal election" means any general, special, or primary election held solely or in part for the purpose of electing or selecting any

candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegate, or Commissioner from the territories or possessions.]

Mr. KEATING. Mr. President, it is apparent from a comparison of these provisions that the language of my proposed amendment would make the precise changes in the present voting statute for State elections as the language of the pending amendment would make in the present voting statute for Federal elections. Furthermore, because the amendment is offered as an amendment to sections of the Civil Rights Act of 1957 and 1960, all of the other pertinent provisions of those acts, such as the right of injunctive relief and the procedure in contempt cases, will be applicable.

Mr. President, the purpose of the literacy bill is to help insure that no citizen, of whatever origin or race, is arbitrarily denied the right to vote in this country. We must guarantee that right by providing safeguards against the willful abuse of power. Our objective is to enforce the command of the Constitution against racial discrimination at the ballot box. We are attempting to fulfill a solemn obligation by making certain that qualified citizens are not arbitrarily denied the privilege of the franchise. Our Constitution was not designed for display on national holidays. Its commands are not to be treated as slogans for patriotic speeches. It is a living document for every day's affairs, and it is up to us to breathe life into all its provisions.

The goal of this debate is clear: The guarantee of the right of all our citizens to participate through the ballot in the operation of their government. Without this right, a free society stands only on the quicksand of caprice, and our ideal of a representative government of the people is tarnished.

A representative government of freemen was the motivating force behind the Declaration of Independence. The 13th, 14th, and 15th amendments embraced our fellow Americans of the Negro race within this concept. What this proposal is attempting to carry out is the promise made by another generation in the 15th amendment, a promise that for far too many generations now has been breached.

The amendment now before us will only get the job half or less than half done, since it is specifically limited to Federal elections. We must not stop at this point. The measure should apply to both Federal and State elections. The discriminatory practices to which this proposed legislation is directed are not confined to Federal elections. If the amendment as now written is adopted, we will provide additional guarantees for voting for Federal offices, while at the same time leaving a great void in protecting against arbitrary practices in State and local elections. Are we to guarantee our citizens a voice in Washington and then deny them the same guarantee in the election of officials in the State and community in which they live? The answer must surely be "No."

Actually, the enactment of such a measure limited only to Federal elections would impose unwarranted and unnecessary burdens upon our States. With only two exceptions, there is no State in which there are separate registration procedures or separate ballots for Federal and State elections. Ordinarily, voting for Federal officers occurs as part of a general election at which State and local officers are also elected. All officials to be voted on—Federal, State and local—are listed on the same ballot.

The PRESIDING OFFICER. The time of the Senator from New York has expired.

Mr. KEATING. Mr. President, I ask unanimous consent that I may proceed for an additional 3 minutes.

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

Mr. KEATING. Mr. President, should we only apply this measure to Federal elections, separate ballots would have to be drawn up, one for voting in Federal elections, one for voting in both Federal and State elections. Two different procedures for voting would have to be set up by the States, unless, of course, the States would voluntarily comply by applying the provisions of this bill to their own elections as well as to Federal elections. Unfortunately, we have no such assurances.

In order to correct this situation, I have presented today an amendment to the literacy bill which would apply its provisions to both Federal and State elections.

The right to vote in a State or local election is often of greater practical significance to the individual voter than is the choice of a Representative or Senator. This should need no argument for any Member and particularly those Members deeply concerned with safeguarding States rights. If we are to guarantee the right to vote, we must not do a halfway job. We must apply the provisions of this bill to all elections. If we do not, the problems that this halfway completed task can create will force us to once again face this issue.

Applying this bill to both Federal and State elections will not run counter to the Constitution, but, in fact, will be carrying out the expressed scheme of the fundamental law. The 15th amendment clearly applies equally to State and Federal elections. This fact has not been contested, not even by our colleagues who so strongly oppose this measure. As will be seen in the hearings, the distinguished Senator from North Carolina [Mr. ERVIN] who, of course, contends that the present proposal is unconstitutional, concedes that to add State elections would be no more unconstitutional than the present proposal. In other words, they are on a parity. The 15th amendment plainly states that no citizen of the United States shall be denied the right to vote by the United States or by any State on account of race or color. The amendment encompasses the right to vote in all elections, whether State or Federal. Thus, the Constitution does not limit our action to Federal elections. It is only those responsible for the pending amendment who are posing that limitation.

We faced this same problem 2 years ago when the Congress enacted the voting referee bill. That measure also originally applied only to Federal elections. However, during hearings on the bill, the difficulties such a halfway approach would create, the same difficulties I have pointed out in reference to the bill before us, were brought out. We recognized these difficulties then, realized we were only attacking half the problem, and then enacted a bill that applied to both Federal and State elections. Thus, there is clear precedent for applying this measure to all elections, State and Federal.

I cannot be too emphatic on this point. If we enact the bill as now drawn, we will be attacking only half the problem and creating difficulties that we will have to resolve another day. The goal which we seek to obtain will still be far around the corner, still awaiting realization.

I am quite aware that enactment of this bill with or without my amendment will not solve all the problems of voting discrimination. We are not so naive as to believe that once this measure is behind us we will have succeeded in suppressing all of the devices and tactics which the opponents of constitutional government may contrive. But without this measure, without this additional guarantee, we will be condoning the invidious practices which already exist. With it, we can continue our steady progress toward a truly free and just society.

The right to vote, in all elections, is basic to this quest. Once we vouchsafe the franchise to all Americans, our efforts to eliminate discrimination in education, employment, housing and the administration of justice will be greatly aided. For, once these citizens who are now disenfranchised gain the equal enjoyment of the right to cast their ballots, their voices will be heard, and heeded.

There is much that needs to be done to strengthen civil rights in America. Yet I do believe that the most reprehensible form of discrimination is that which denies Americans equality at the polling booth. The right to choose one's representatives is at the very heart of our form of government. It is difficult to understand how any State could willfully and flagrantly deny this right to any of its citizens, when its very justification as a State rests upon active and diligent participation in its affairs by all its citizens.

Our colleagues who oppose this proposed legislation bemoan the fact that such bills come before this body each year. It would be helpful if they would consider the problems which make such measures necessary. It is because, and only because, some of our States continue to devise means to deny the rights of all Americans that these bills are necessary. When the abuses cease, no new bills will be offered. But until all our States cease to indulge in such invidious practices, Congress must continue to seek ways to enforce the Constitution and insure all Americans the equal enjoyment of their rights.

Much has been said by some of our colleagues on what our Constitution means. We have been subjected to long dissertations designed to prove that we are tearing asunder the foundation on which this Nation rests. These arguments misconceive the nature of our Republic and reflect a meager grasp of the American heritage. The plain fact is that Americans are being arbitrarily denied the right to vote because of the color of their skin. The suggestion that Congress is powerless to remedy such conditions does violence to our Constitution.

Some of our colleagues have quoted at length from the opinions of that great Chief Justice John Marshall in an attempt to prove their assertions that the Constitution is being tampered with. They remind us that "we must not forget that it is a Constitution we are expounding." I commend to my colleagues these words of that same great *Justice:*

The subject is the execution of those great powers on which the welfare of a nation essentially depends. It must have been the intention of those who gave these powers to insure, so far as human prudence could insure, their beneficial execution. This could not be done by confining the choice of means to such narrow limits, as not to leave it in the power of Congress to adopt any which would be appropriate, and which were conducive to the end. This provision was made in a constitution intended to endure for ages to come and, consequently, to be adapted to the various crises of human affairs.

It is a crisis which we are facing now—a crisis of equal rights and human dignity. It is a challenge that we must not shirk—a challenge to guarantee the right to vote to all Americans in all elections. My amendment is designed to make certain that we meet that challenge at every level of government. It will be offered at the appropriate time in this debate, and I hope it will be overwhelmingly approved.

THE PEOPLE'S RIVER

Mr. YARBOROUGH. Mr. President, in a recent editorial the Washington Post stated:

What needs to be immediately established is a concept of the Potomac as the people's river.

I agree wholeheartedly with this statement, insofar as the protection of the waters, shores and adjacent landscape in the National Capital area is concerned.

The Potomac River is too much a part of our Nation's mainstream for its scenic beauty to be neglected or its waters to be polluted.

The Washington Post suggested that Congress give the National Capital Planning Commission authority to review plans and control the building along the Potomac in and about the District.

In the years that I worked for Senate approval of a National Seashore Recreational Area on Padre Island, to preserve a part of that island off the Texas Gulf Coast, I learned the necessity for careful pre-planning.

I also learned that efforts to preserve one small natural wonder for the public in one section of the country benefits greatly from support in faraway places, for ours is an increasingly mobile population.

Our National Capital is no longer remote from anyone. Thus, the Potomac River is more than ever a river of the people and I support whatever action is necessary for the preservation of its beauty.

I ask unanimous consent to have printed in the RECORD an editorial entitled "People's River," from the Washington Post of Saturday, May 5, 1962.

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

[From the Washington Post, May 5, 1962]

PEOPLE'S RIVER

The time has come, in our opinion, to provide a larger measure of protection over the Potomac River, its shores and adjacent landscape. The Potomac is the greatest scenic asset of the National Capital area. All planning for the Capital of the future begins with preservation of the river as the center of the city's recreational and scenic resources. But current events are proving that plans may be readily upset and the beauty of the river may be gravely impaired by decisions in real estate offices—decisions over which the public has no effective control.

Congress decided more than 30 years ago that the shores of the Potomac in this area should be in public ownership and that these natural parklands should be opened to public enjoyment by parkways extending from Great Falls to Mount Vernon on the Virginia side and from Great Falls to Fort Washington on the Maryland side. It is a reproach to Congress and the city that this dream has not yet been fully realized and that funds are still being withheld for the southeastern leg of this project. The first step in any comprehensive plan for preserving the people's river would be to acquire these missing parcels of land for parks and the parkway.

Beyond this is the question of protecting property still in private hands, but close to the river, from unsightly or incongruous developments. This problem has been flaunted in the face of the city by the proposal to clutter the Potomac Palisades with 17-story apartment buildings on the Merrywood estate above Chain Bridge. Under the terrific pressures that all such projects generate, the Fairfax Board of Supervisors caved in and granted a change of zoning which obviously imperils the whole concept of preserving the natural beauty of the river.

No one should suppose that this special privilege of building high-rise apartments on the Potomac Palisades would end at the Auchincloss estate. Already many other properties on or near the Potomac are threatened, including areas at Hatton Point and Indian Head. Historic Mount Vernon has been menaced by efforts to construct a sewage plant across the river. In our opinion, the public has a vital concern in what is built on or near this river.

We suggest, therefore, that Congress give the National Capital Planning Commission authority to review plans and control the building of any structure, other than a single-family residence, within say, 1 mile of the Potomac for at least 25 miles above and below the District. There is ample precedent for public control over the development of areas deemed necessary to the attainment of esthetic aims in the Nation's Capital. It would also be highly desirable to control the residential development of areas adjacent to the river so as to avoid stripping away the trees or otherwise marring the natural setting. This could be done by requiring low density and by forbidding any major change in the natural landscape.

What needs to be immediately established is a concept of the Potomac as the people's river. Its shores and adjacent areas should not be open to exploitation that will either contribute to pollution or spoil its natural beauty. The city cannot afford to let a few individuals impair this great asset which belongs to the millions who live in the area and other millions who will live here in the decades ahead. Prompt action seems to be imperative if this heritage of water, vegetation, cliffs, and an uncluttered riverside skyline is to be passed on to future generations.

THE SITUATION IN LAOS

Mr. MUNDT. Mr. President, the unhappy and distressing news reaching us recently concerning Communist advances in Laos certainly points up the fact that this administration needs to reappraise and revise its curious attitude toward the anti-Communist forces in Laos. Instead of trying to starve or force the anti-Communist Lao leaders into capitulating to the demands of the Lao Communists by withholding and delaying American aid to Laos, it would appear that if Laos is not to be lost or virtually given to the Communists we should step up rather than withhold the aid the loyal Lao so desperately need in this critical era.

The American people have never been given a satisfactory or convincing answer from our State Department or from the White House as to why our present Government seems intent upon forcing the loyal Lao leaders to form a coalition Government with Lao Communists in view of the sorry history lessons of history which clearly indicate a coalition with Communists is the first step toward inevitable control by the Communists.

In this connection, Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks an informative and interesting transcript of a recent radio report made by David Wills as part of the nightly issue of the "Three Star Extra" newscasts provided through the courtesy of the Sun Oil Co.

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

THREE STAR EXTRA

(By David Wills)

The Royal Government of Laos is sending urgent delegations to some of its Asiatic neighbors in desperate search of economic aid. We cut off our aid 2 months ago, in a drastic attempt to force the Royal Government to merge with the neutralists and the Communist factions in a coalition government. Such a government, committed to neutralism in foreign affairs, was recommended by the Geneva Conference on Laos last year. But ever since then, the Royal Government has refused to swallow the medicine brewed for it at Geneva. The Royal Government accepts the principle of a coalition government but refuses to turn over to either the neutralists or the Communists the two key cabinet posts of defense and interior. Surrender of these two posts would open the way for the rapid Communist capture of all Laos. During the many months that these arguments have been continuing, we have put every kind of pressure upon the pro-Western Royal Government to force it into the neutralist embrace. By contrast the Communists of Viet Minh and of Red China

have been increasing their assistance to their factions within Laos, and the Soviets have been steadily airlifting economic and military supplies. Thus daily it becomes more and more likely that a coalition government would in fact mean the surrender of Laos to the Reds. There is a sharp contrast between our policy in Laos and what we are doing in neighboring Thailand and southern Vietnam. We have guaranteed Thailand direct military assistance in case of Communist threat. We are deeply committed in Vietnam to provide all the military and economic aid to defeat communism. Laos, lying between these two countries, is being used by the Reds as a channel of military subversion against these neighbors. Yet our policy toward Laos is helping to frustrate our aims in Vietnam and Thailand. No wonder the Lao Government is baffled.

Mr. MUNDT. Mr. President, during the same "Three Star Extra" newscast, its editor in chief, talented and highly regarded Ray Henle, discussed the situation in Indonesia and called attention to the public pronouncements of Sukarno which indicate his faith and confidence in the Communists. It is a "confession of infidelity" very similar to the one Castro belatedly made when he finally admitted his longstanding Communist membership. It is a statement of position and policy which all Americans should read—especially those who might be planning to support substantial amounts of additional American aid for Indonesia. I ask unanimous consent that the Henle report be printed in the RECORD.

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

THREE STAR EXTRA

(By Ray Henle)

President Sukarno of Indonesia must be given this much credit—occasionally he speaks so frankly one gets a clear view of where he stands.

Such was the case in Jakarta today. He spoke at the closing session of the Communist Party Congress. He claimed that he had brought respectability to the Communists of Indonesia.

"I am very happy," he said, "to have removed the Communist phobia from the minds of our people." Two years ago communism was regarded as Satan and the Devil by the majority of the Indonesian people. Now there is a general acceptance of the role they play.

Sukarno patted the Communists on the back. "They have beome strong," Sukarno said, "because of their opposition to imperialism." He went on to say—"You may say I give room to Communists and that I encourage them. But I often have emphasized I am serving the people's interest."

He ended up by calling on the Communists to join him. "Let's us go ahead together to complete our revolution."

So President Sukarno revealed himself. And here in the United States we see precisely the type of man who has been played up to by our Government—invited to Washington, wined and dined, as they say, and generally given the red carpet treatment.

We may have thought we could keep Sukarno from going arm in arm with the Indonesian Communists. Now we see by his own words that he lies in the same bed with them—and quite comfortably, at that.

SUPPORT FOR THE WILDERNESS BILL

Mr. HUMPHREY. Mr. President, as one who for many years has advocated and sponsored legislation to establish a National Wilderness Preservation System, I am most pleased that hearings begin this week in the House on the Senate-passed wilderness bill.

I am hopeful that this legislation which would preserve in its natural state for this and future generations those few remaining wilderness areas of our country will be approved this year.

This morning's New York Times lends its editorial support to such legislation and asks that the House strengthen the bill as passed last year by the Senate.

Certainly, Mr. President, this legislation deserves the support of this Congress. We have delayed far too long in acting on this conservation measure which has the overwhelming support of those who wish to preserve our country's natural beauty and landscape.

The bill as passed by the Senate makes most adequate provision to meet the various objections raised by certain commercial groups. This is a moderate bill, and I do not see how anyone looking at it in an objective fashion can refuse to give it full support.

I ask unanimous consent that the editorial from the New York Times be inserted at this point in the RECORD.

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

A STRONGER WILDERNESS BILL

The House should write a stronger charter for wilderness preservation than the bill passed last year by the Senate. This it can do by keeping sight of the real purpose of the legislation, which is to protect those treasured remnants of the original American landscape that, by reason of geographical circumstance or good fortune, have survived to date in some of our national forests, national parks and wildlife refuges.

The purpose is not to provide exceptions or to write in ambiguities through which the areas may in the future be invaded for commercial purposes or have their beauty eroded by misuse.

The strengthening process can begin in the House Public Lands Subcommittee which has scheduled hearings and executive sessions on the Senate-passed measure this week. The subcommittee should remove the Aliott amendment that gives the Federal Power Commission the right to permit the building of dams in the wilderness areas. It should also remove the loopholes and vague language pertaining to "prospecting" for "mineral and water resources" and "the completely subsurface use of such areas." These weakening provisions are not needed; if it should become imperative in the national interest to harness a stream or extract the minerals in a wilderness area the President could under the act authorize such uses.

We urge the House to close the gaps left by the Senate and to resist the inevitable attempts to open new ones, thus assuring for future Americans "the benefits of an enduring resource of wilderness."

WITHHOLDING TAX ON INTEREST AND DIVIDEND INCOME

Mr. WILEY. Mr. President, the House-passed bill H.R. 10650—now before the Senate Finance Committee—contains a great many controversial features.

Prominent among these is the proposal for withholding taxes on interest and dividend income—as reflected in the tremendous volumes of mail now flowing into Congress.

Personally, I feel that this proposal should be stricken from the bill, either in committee or in the Senate.

Recently, the Janesville Daily Gazette published a fine, analytical editorial on this issue. I ask unanimous consent to have it printed at this point in the RECORD.

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

UP TO THE SENATE

On the theory that withholding can be applied to investors in the same manner that wage earners suffer checkoffs on their wages, the House has approved a dividend withholding tax.

Aside from the obvious argument in favor of tax withholding—namely that the Government gets its money first regardless of anybody or anything else—there is nothing to be said for the whole system. At best it represents Government distrust of its citizens' ability to handle their personal affairs. At worst, it is a form of confiscation and an encouragement to reckless and unbridled political spending.

Insofar as wages are concerned the system at least can be made to work, utilizing the Nation's payroll machinery and personnel to do the tax collector's job. Unless by choice, there is hardly a taxpayer who contributes in withholding more than his actual tax liability, even though some odd ones have converted the tax collecting system into a sort of savings bank and greet their refund—loaned to the Government without charge over a period of several months—as a happy windfall.

The dividend withholding, however, has provisions which will have a punishing effect upon investors, and particularly upon the aged who depend upon dividends to support themselves. The bill now pending in the Senate calls for an automatic deduction of a flat 20 percent of dividend payments.

An elderly person with $2,000 income from such sources would be docked $400, and income reduced to $1,600. At a final showing of no tax liability, this could be recovered but meanwhile Washington would have had use of the $400 for months while the rightful owner of the money would have been impoverished by that much.

Quarterly refunds are in view, but in order to obtain them, investors will have to make claims each time, and those with higher incomes cannot claim quarterly refunds at all. Neither can churches, pensions funds and similar investors. They will have to wait until the end of the year to obtain release of dividend funds which never were subject to taxation in the first place.

Trust fund investors, who normally apply dividends to the purchase of additional shares, will come up with a 20-percent cut in their investments, representing the automatic "take" of the Government, even though these individuals may meet their tax obligations from other funds yearly, and many suffer investment loss.

The payoff, under the philosophy of the bill, may be best illustrated from the fact that the really small, and probably needy investors, with refunds of less than $10 quarterly, are barred from even making application for their money. This constitutes naked confiscation of the use of their money until such time as the Government gets around to give it back.

At the same time, it is a back-door confession of the Washington tax thinkers on the subject of administration costs of the bill. The reason the small refund claims are barred, of course, is that there would be thousands of them. Even when these are barred, the prospective cost of handling the withholding system is staggering. The

excuse for the plan is that dividends which now escape taxation will be taxed—but whether the cost of collection will exceed the additional revenues to be realized is open to question.

The decision is now in the Senate, and all shareholders and investors have a vital interest in the action there. Those with special interest are owners of a few shares of stock who need the income from it, those who have the handling of church, pension, and related tax exempt investments, and owners of trust shares. They will suffer directly and heavily. Larger investors, of course, will be hit to the extent of losing the use of a portion of their investment returns for extra periods of months, giving the Government the financial advantages which they now have for themselves.

Senator WILEY and Senator PROXMIRE ought to be on record on an issue of such importance to so many Wisconsin citizens, and expressions from citizens on their personal interests would be in order. The administration, and the House of Representatives have already spoken out for the selfish interests of the Government.

BIRTHDAY GREETINGS TO FORMER PRESIDENT TRUMAN

Mr. LONG of Missouri. Mr. President, I know that Americans from every walk of life, and men from all the countries of the world, join with me in sending "many happy returns of the day," to our friend and honored elder statesman—President Harry S. Truman, on this, his 78th birthday.

Few men of this or any time have been called upon to make decisions as grave as those which confronted President Truman, and no man has met his problems with greater courage, wisdom, and vision of the future of mankind, than he has. His rise from the most modest of circumstances to the highest and most important office in the world, did not come about by accident or chance. No, Mr. President, this was the inevitable result of the rare combination of the qualities of integrity, compassion, diligence, and sense of duty, found in Harry S. Truman.

We Missourians proudly describe our State as being "in the heart of America." That description could not be more appropriate than it is today when the "hearts of America" go to Independence to say: "Happy birthday, Mr. President."

ALASKAN MOTION PICTURE PIONEER, WILLIAM DAVID GROSS

Mr. GRUENING. Mr. President, William David Gross, who might well be called the father of motion pictures in Alaska, has died at the age of 82.

The facts of his life as told in Jessen's Weekly, published in Fairbanks, are that Mr. Gross was born in Russia on December 25, 1879, and was brought to the United States in early childhood by his parents, Zalmain and Annie Gross. He was educated in Seattle schools.

In 1900 he married Hansine Campen at Fairbanks. Survivors include a son, Zalmain D. Gross, of Seattle, and three daughters, Mrs. Zelma Gross Wheeler, of Juneau; Mrs. Sonja Gross Entner, and Romelle C. Gross, both of Seattle.

One of Mr. Gross' great interests in recent years was the annual collection of Christmas funds for Alaska Pioneers at the Pioneers Home in Sitka.

Mr. Gross came to Alaska on the *City of Seattle* and established a clothing store, Red Front, at Dyea, near Skagway, in 1897. He moved to Dawson, Yukon Territory, in 1898, where he also established a clothing store under the same name.

In Seattle on a buying trip, he noticed the growing popularity of animated photographs and bought a projector and some reels of film, leading toward the introduction of moving pictures at Dawson in early 1900—admission $1, three showings nightly, each show 15 to 20 minutes long, depending on the speed of the projector.

He sold his Dawson business in 1904 to attend the Louisiana Purchase Exposition at St. Louis, Mo., and he went to St. Paul, Minn., where heavy clothing for Alaska was manufactured.

He then returned to the territory and established Gross Clothing Store at Fairbanks and also introduced movies there. In 1910 he sold the Fairbanks businesses and went to the Jeffries-Johnson heavyweight boxing championship at Reno, Nev., returning to Alaska at Nome in 1910, where he introduced motion pictures with nightly showings.

He described these early motion pictures as having neither plot nor continuity but simply representing crying children, horseback riders, windblown flags, moving trains, and vessels.

He established the first "picture house" and introduced movies in Ketchikan in the fall of 1911 at the Coliseum Theater and within 2 years had established theaters by the same name at Wrangell, Juneau, Petersburg, Skagway, Haines, Douglas, and Sitka, all of which have been in operation since, except at Juneau, where the 20th Century replaced the other theater destroyed by fire in 1940, and at Wrangell, where the theater also burned.

Admission to the Sitka theater has been free to Pioneers' Home residents, with wheelchair and other aids provided when necessary.

He was a member of the Moose Lodge, and for many years he maintained a home both in Juneau and Seattle.

Gross embodied in his life the epic of America as the land of promise and the land of fulfillment.

Coming from the Old World, from a country then under the tyranny of czarism—and which, it might be added, was succeeded by an even more oppressive rule—as a poor boy, he found in this land of freedom the chance to develop talents which would never have flourished in the Old World he had left.

Thousands of Alaskans who, in the early territorial days, far distant from the cultural currents of the 48 States, were able to enjoy motion pictures almost as soon as they were invented are in his debt. Gross was perhaps not as well known in recent years in Alaska as he should have been because he spent his later years in Seattle. He and his children were responsible for bringing to Alaska the only statue which exists in Alaska, a splendid piece of sculpture in heroic size portraying the Alaska pioneer, and, which, over a decade ago, was dedicated in Sitka appropriately located in front of the Pioneers' Home. I was privileged, as Governor of Alaska at the time, to make a few dedicatory remarks on that occasion.

It is well at this time, when tyrannical totalitarianism exists over a large portion of the globe, and seeking to extend its oppressive control over other nations, to recall again and again with both pride and humility, both for ourselves and the rest of mankind, that ours is the land of liberty, the land of equality, and the land of opportunity, especially for those who know how to appreciate this priceless heritage.

We are all, Franklin Delano Roosevelt once remarked, the descendants of immigrants. These descendants should be everlastingly grateful to those forefathers who had the vision to pull up stakes in their homeland, and to embark on the greatest adventure of history in their quest for freedom. William David Gross and his parents traveled across two continents and the ocean in between to reach "the last frontier" in their quest.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, is there further business in the morning hour?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. JAVITS obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator yield to me, without losing his right to the floor, so that I may suggest the absence of a quorum?

Mr. JAVITS. I am glad to yield.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

JAMES M. NORMAN—LITERACY TEST FOR VOTING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate and made the pending business.

There being no objection, the Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. JAVITS. Mr. President, we have heard more than 2 weeks of discussion of the pending bill. We are approaching a cloture vote tomorrow, which will be a historic vote. It seems to me that the proponents of the bill might very well endeavor to give a rather complete summary of their argument at one time and one place so that Senators who may be called upon to vote tomorrow may, if they choose, have the arguments all together, especially the arguments in opposition to the bill.

I think those arguments are epitomized—and I do not believe any of my

colleagues will feel themselves excluded if I endeavor to epitomize them—by the argument made by the distinguished Senator from Georgia [Mr. RUSSELL] at page 7139 of the debate, on April 24, 1962. The Senator from Georgia said:

My attitude toward the proposed legislation is based on the fact that I am completely convinced—and I am not referring in any invidious fashion to the two authors of the bill—that this is an attempt by force to bring the bill to the Senate in an effort to rewrite the Constitution without going through the amending process that is prescribed in that document.

In short, an effort has been made to dress up what I call unilaterally a filibuster, and keep it from being naked by dressing it with the clothes of an allegedly legitimate argument on constitutionality.

Senators in opposition have been eloquent upon that score. They have charm, learning, and great experience in this body. An effort has really been made—and I make that statement quite sincerely—to make out a case on the constitutionality of the bill which is before the Senate, on some theory that the Senator from Georgia expressed, as he usually does in such cogent and, indeed, vivid words, that we are seeking to force the bill out in an effort to rewrite the Constitution without going through the form of a constitutional amendment.

It is to that subject that I would like to address myself. In the first place, it bears directly upon the issue which is before the Senate, including the issue of cloture. It also bears upon the amendment which my colleague [Mr. KEATING] submitted earlier today as the chosen instrument of those on the civil rights side, in respect of this particular voting matter, to make the bill come to its true compass in constitutional terms, that is, to apply it as well to State elections, for it is the contention of those who I feel are identified with this point of view that the action by the Congress in passing the pending literacy test bill, including the amendment that would extend its provisions to State elections, is an entirely proper exercise of the powers of Congress based upon the three fundamental policies on which it must rest:

First, the fact that there has been actual denial of the right to vote by the misuse of literacy tests in certain of our States;

Second, the impracticality of the case-by-case approach of individual civil suits, or criminal actions under criminal law;

Third, that the Congress has the authority and power to choose the means by which this abuse shall be ended, and that the Congress can choose a means which will give a maximum test for literacy without displacing other tests which individual States may have if people can qualify under them.

It is this basic and fundamental issue to which I should like to address myself.

Let me say first that I must look with some admiration on our southern colleagues in the Senate in their great effort on the question of unconstitutionality, because it is only fair to say, in all honesty, that I have rarely ever seen so many Senators make so much of so little in terms of the constitutionality argument.

Mr. President, the civil rights struggle now being waged on the Senate floor over the literacy test is a historic opportunity for the Senate and the Nation.

As the matter is now before the Senate, much more is at stake than the pending bill itself, because the civil rights groups and others interested in civil rights do not put this bill at the top of their list. They and I believe that there are one or two other bills which are far more important, as is also an Executive order to end discrimination in housing. That, too, is extremely important. So, Mr. President, the pending bill is important, but it is not the most important bill. Nevertheless, the vote that we will take shortly will be a historic vote. The vote will be on the cloture motion, and it will be extremely important because never in the history of Senate rule XXII has cloture been imposed on a civil rights measure, and very rarely have we had cloture imposed on any measure.

So, clearly, it is an effort to redress an evil. Nearly everyone agrees, even the opponents of the proposal agree, I am sure, that every American should have the right to vote. We may have grave differences as to what should be done about it, but certainly, this is such a basic proposition that everyone agrees that something should be done about it, as there should be in terms of jobs and housing. However, the basic right to vote should not be inhibited.

So this will be a crystal-clear test on whether it is possible under cloture to enact a civil rights measure.

The vote will show whether the Senate is able to work its will under rule XXII of the Senate, as the majority leader has so eloquently stated.

Mr. President, the effort of the opponents is nothing more than an effort on the part of a relatively small minority to frustrate the will of Congress, and inhibit and restrict the ability to act by a majority of the Senate, as called for by the Constitution.

Mr. President, it will also be a test of the majority in its ability to run the Senate's business. It is not an idle matter in which the majority leader is now engaged. He is a very able Senator and a distinguished American. He understands only too clearly that if a party is in the majority, it is the job of the majority to get its business done, especially when the President, a member of the same party, has pledged himself to get the job done. If the rules inhibit the majority, then the rules will have to be changed.

Mr. President, let us not forget that we were frustrated at the end of 1961 in our effort to enact even a modest amendment of rule XXII, by the apparent unwillingness of the Senate to do anything about it; also, in all fairness it should be said, by the failure of any real fire to be attracted to it. So, as I say, it will be a test for the majority in the Senate.

It will also be a test for the minority, as the bill before us explicitly is a part of the Republican national platform of 1960. This is a rather unique circumstance. The Republican national platform, in so many words, calls for the enactment of the pending bill. I believe the country has the right to determine to what extent Republicans on my side of the aisle in the Senate will back up that pledge. The Nation will be watching the performance of both parties. That is as it should be, and as it is represented by the sponsorship of the amendment which my colleague from New York [Mr. KEATING] has at the desk, and which was read to the Senate this morning.

The civil rights fight has always been a bipartisan effort. It is one of the ornaments in this fight that both parties have been careful not to seek partisan advantage, and in particular have they sought to avoid the partisan imprint with respect to it.

We have not sought to make a distinction between Republican and Democratic Presidents, although we have called attention to what Presidents have done, but never on a partisan basis; and we have never sought to make a distinction as between Democratic and Republican Senators. We have felt that this type of legislation transcends those lines of division.

So, as I say, the Nation will be watching the performance of both parties.

It is therefore essential that the arguments of the bill's proponents be clearly marshaled, for I am convinced that the bill is a constitutional exercise of the powers of Congress, and should be enacted into law.

As I have said, seldom have so many made so much of so little with respect to constitutional arguments.

I should now like to take these arguments in turn and analyze them.

It has been contended that the pending measure is patently unconstitutional because article I, section 2, and the 17th amendment of the Constitution permit the States to set the qualifications for electors for Members of the U.S. House of Representatives and Senate, respectively. Many cases for this proposition decided by the U.S. Supreme Court are cited in support of that argument. However, what is not noted with respect to those cases is the fact that these same cases also hold that the States cannot set or apply qualifications which are in violation of the 14th, 15th, and 19th amendments to the Constitution. Yet it is exactly the view of the proponents that by the demonstrated abuse of literacy tests, certain States have deprived thousands of Negroes of the right to vote on the ground of color, in violation of the 15th amendment.

Let us understand that, Mr. President. It is argued that the States have the sole right to set the qualifications of voters, but what the proponents fail to note is that inherent in every one of the decisions they cite, and expressed in a decision like that in the Lassiter case, is the assertion of the Supreme Court, in effect, "Yes, the States have this right, provided they do not use that right in violation of other sections of the Constitution."

The bill which is before the Senate is based expressly upon the fact that States are proceeding in violation of the very rights given by the 15th amendment under the Constitution, specifically to Negroes.

Mr. President, as proof of the facts—and facts always precede a discussion of the law—we have a volume entitled "Voting," issued by the U.S. Commission on Civil Rights, an authoritative governmental body. I respectfully submit that if and when the pending bill is passed and becomes law and is tested by the Supreme Court, the Supreme Court will have a right to say, and I believe will say, that an authoritative inquiry such as that conducted by a U.S. commission, subject to appeal to the courts against imposition with respect to searches and seizures, and other practices which the law gives with public hearings and the printed record, together with the opportunity of examination and the opportunity for cross examination, is certainly an adequate factual record upon which Congress may proceed.

The findings in this document, it seems to me, are crystal clear as the basis of congressional action. It is that which is always avoided in this discussion—the fact that a case has been made out for the abuse of the literacy test in State after State, and not just in one State.

For example, the U.S. Civil Rights Commission, under the heading "Findings," at page 135 of this volume, states the following:

> There are reasonable grounds to believe that substantial numbers of Negro citizens—

Note the fact that these are Negro citizens, expressly within the terms of the 15th amendment—

> Negro citizens are, or recently have been, denied the right to vote on grounds of race or color in about 100 counties in 8 Southern States: Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.
>
> Some denials of the right to vote occur by reason of discriminatory application of laws setting qualifications for voters. Other denials result from arbitrary and discriminatory procedures for the registration of voters; still others occur by reason of threats and intimidation, or the fear of retaliation.

In other words, the finding is that there is a widespread practice extending through a number of States, a practice which Congress is called upon to deal with. That not being enough, the Commission itself recommends the remedy; and the remedy is precisely the bill before us, except for that section of it which deals with those who qualify in the Spanish language because of their schooling in Puerto Rico. Other than that, the Commission's report is precisely, almost word for word, the recommendation which is contained in the bill now before the Senate. That recommendation, let us remember, is approved unanimously by the whole Commission, a Commission which we all know—and it is a matter of which the courts can take judicial—is composed of three members from the North and three from the South. Yet that particular recommendation by those distinguished men, a number of them extremely distinguished lawyers, was unanimous.

One of the items of evidence which is produced in that record—mind you, the hearings are printed; everyone can read them; and the tables of the percentages of registrations are contained in the report in the appendix—one of the items, by way of indication as to the factual basis for the legislation and the needs for it, concerns the findings in one county in Alabama. This is the finding I referred to. It is on page 85 of the Civil Rights Report on Voting:

> The first finding of a pattern or practice under the Civil Rights Act of 1960 came in the case of *United States* v. *State of Alabama*, on March 17, 1961. Like the Raines case before it, the Alabama case involved a massive factual presentation. Over 70 witnesses testified and there were approximately 250 exhibits.

I now read the pertinent paragraph:

> The court pointed out that Macon County has a total population of approximately 26,700 persons, of whom 22,300 are Negroes and 4,400 are white. The county is divided into 10 voting districts or beats. The largest of these, beat 1, contains about 60 percent of the county's population; 75 percent of the population of beat 1 is Negro. The city of Tuskegee is located in beat 1. Less than 10 percent of the Negroes of voting age were registered; virtually all of the voting age white persons in the county were registered.

Then, on page 86 of the report, the following appears:

> Despite the fact that Negro applicants arrived first, the 1960 board "invariably made certain" that white applicants got priority. Because of the time-consuming nature of the qualification tests, Negro applicants were not reached. Assistance was given to white but not to Negro applicants. Negroes were invariably required to copy out a provision of the Constitution and "more often than not" were required to copy in full article II of the U.S. Constitution. On the other hand, white applicants either took no writing test or were permitted to copy shorter provisions of the Constitution. No white applicants were rejected for errors in their application forms, but Negro applicants were rejected because of "formal, technical, and inconsequential errors," despite the fact that white application forms showed the same errors.

The record is replete, both in the oral testimony and in this report, with cumulative evidence of this nature. I respectfully submit that Congress has an absolute right to proceed along this line.

I shall now devote a little attention to the cases; then I shall continue with the remainder of my argument.

As early as 1844, in *Ex parte Yarbrough* (110 U.S. 651, 644), the Supreme Court explicitly so stated in regard to the 15th amendment, which prohibits denial or abridgement of the right to vote "by the United States or by any State on account of race, color, or previous condition of servitude."

Yet that is precisely what is occurring; the denial of the right to vote by reason of race or color in the States to which I have referred.

Section 2 of the 15th amendment authorized Congress to enforce the amendment by appropriate legislation "whenever that is necessary," as the court also stated in Yarbrough. Subsequent decisions of the Supreme Court have rigorously maintained this position, where the Court has found as a fact discrimination on account of race or color in violation of the 15th amendment. (*Gwinn* v. *United States*, 238 U.S. 347 (1915), literacy test; *Smith* v. *Allwright*, 321 U.S. 649 (1944), white primary; *Davis* v. *Schnell*, 81 F. Supp. 872 (S.D. Ala. 1949), aff'd 336 U.S. 933, literacy test, and in *dicta*, where such discrimination has not been charged or found to be the fact; *Lassiter* v. *Northampton Election Board*, 360 U.S. 45, 53 (1959), literacy test. Cf. *Breedlove* v. *Suttles*, 302 U.S. 277, 283 (1937)).

One very clear indication of the situation with respect to the law is found in the Lassister case, which it seems to me is peculiarly in point in this particular situation. I wish to read a quotation from that case:

> Of course, a literacy test, fair on its face, may be employed to pursue that discrimination which the 15th amendment was designed to uproot. No such influence is charged here.

In short, in that case. But the Court clearly contemplated, it seems to me, the possibility of such a case and clearly forecast that an exercise of legislative power in respect of correcting that kind of situation would certainly receive the favor of the Court.

My second argument is that some opponents of the pending bill go so far as to contend that there is no deprivation whatever of the right to vote because of literacy tests. Such an argument will not stand in view of the 1961 Report on Voting, of the U.S. Civil Rights Commission, to which I have referred. Therefore, the question becomes: Is the number of suits which would have to be started in such a situation so great, so cumbersome, or so burdensome as to require general legislation? In that regard, I produce two very important pieces of evidence. The first is the testimony of the Attorney General of the United States himself before both the Senate and House committees, in which he said that this situation, to which I have referred, the situation of discrimination, demands a solution which cannot be provided by lengthy litigation on a piecemeal, county-by-county basis:

> Until there is further action by Congress, thousands of Negro citizens of this country will continue to be deprived of their right to vote.

Also, we have a most interesting chronology in one case, entitled "United States against Lynn." It is a case against the registrar in Forrest County, Miss., based upon just the state of facts which I have described, namely, the discriminatory application of literacy tests. The case was begun by none other than the Attorney General of the United States in August 1960. That was almost 2 years ago. After going through the courts, including an appeal to the Circuit Court of Appeals for the Fifth Circuit, the case is now, at the end of April, which is the last time we have a report on it in 1962, in the following situation: The registrar still persists in his discriminatory use of literacy tests, and the Federal Government has charged him with contempt for violation of the order of the circuit court of appeals. That is the present posture of the case. It has advanced no further since then.

One of the allegations of contempt is that the registrar rejected, for an alleged failure to read an interpretation of the State constitution, 57 graduates, among them one who had been awarded a Na-

tional Science Foundation scholarship to Cornell. According to that ruling, one has to be a super Ph. D., not merely a Ph. D., in order to vote in any of those areas.

It seems to me that it is very clear that when the Congress has a factual basis for acting because individual litigation becomes practically impossible in terms of redressing grievous wrongs, Congress has the right to legislate in a situation of that nature. Even the most ardent opponent of the proposed legislation, the distinguished senior Senator from Georgia [Mr. RUSSELL], referred to this fact. I refer to his interesting speech on April 24, 1962, in which he said:

> If voting rights are withheld and denied, it is a criminal offense. We know that the Department of Justice of the United States has a vast horde of lawyers at its disposal. My latest information is that there are almost 2,000 such lawyers in the employ of the Justice Department and are supported by the taxpayers.

Mr. President, I should like to hear the outcry if 2,000 lawyers from the Department of Justice were sent into the 100 counties in the South where this authoritative report of the U.S. Commission on Civil Rights says there are discriminatory applications of literacy tests, and thereby denials of the right to vote. The roof of this Chamber, which has heard much oratory, would, under those circumstances, really quiver and shake. Talk about filibusters: there would really be a man-sized one if anything like that should happen.

Yet it is contended that hundreds of Government lawyers can be used to try these particular cases, which often last for months, and, indeed, for years—for let us remember that in each of the cases the Federal Government is opposed by all the power of a State, and the resources of the State are employed in order to provide its defense in those actions, and in each of these situations the entire State is dealt with.

Therefore, it seems to me that in the interest of elemental public order and the comity between the Federal Government and the State governments, when the Federal Government has this constitutional right—and I certainly believe it has in this instance—it should be exercised in this situation.

It is said that the existing provisions of the Civil Rights Acts of 1957 and 1960 are adequate to deal with the abuses. The answer is that, despite 125 enforcement activities in approximately 100 counties, including suits filed, voting records under inspection, and FBI investigations, there are still either no Negro voters or a miniscule percentage of them registered in many counties of the South.

The tables for the various counties in the Southern States are available as an appendix to the volume prepared by the U.S. Civil Rights Commission. It would be a waste of funds to go to the expense of printing all the tables in the RECORD, but I shall cite a few of the overall figures which are illuminating in connection with this situation.

For instance, let us consider the entire State of Mississippi—not just one part of it, but the entire State—and let us see what the tabulations show. Table 8, among the charts, shows that of the voting-age population of Negroes in Mississippi, 6.2 percent are registered to vote; and that of the voting-age population of the white citizens of Mississippi, approximately 40 percent are registered to vote. Later, I shall supply the exact figure in that connection.

The table shows that in Alabama, 63.6 percent of the white citizens of voting age are registered to vote, whereas only 13.7 percent of the Negro citizens of voting age are registered to vote—viewing the matter on a statewide basis.

Table 10, as prepared by the Civil Rights Commission, gives a sampling for South Carolina, by referring to four counties; and it shows that 4.7 percent of the Negro citizens in those four counties in South Carolina are registered to vote, as compared with 84.5 percent of the white citizens in those counties who are registered to vote.

Mr. President, again I refer to the conclusion reached by the U.S. Civil Rights Commission—namely, that in 100 counties in 8 southern States, stretching from the Atlantic to the Mississippi, there is outright disenfranchisement in connection with denial of the right to vote by reason of the discriminatory application of laws setting the qualifications for voting.

The reason for this is clear: The test of "understanding" or "comprehension" is so subjective that it is an overwhelming task to present such a case with formal legal proof. One such case, in Montgomery County, Ala., took a week to try, and required over 160 witnesses for both sides. The Government was required to have a staff of 5 analyze 36,000 voter registration applications, over a period of 3 months. It had three to five lawyers working on the trial. Even if the Government succeeds in satisfying the court that this subjective standard has been abused, how can the resulting injunctive order be enforced? To establish contempt of court, the Government would again have to cope with the vague, elusive standard of "understanding" or "comprehension." In another case, in Forrest County, Miss., the Attorney General has been proceeding against the voting registrar since August 1960; and at this point, despite diligent efforts at every stage, he is still attempting to prosecute a contempt action against the registrar.

I have referred to that case as being that of United States against Lynd. I gave its history a minute ago. The registrar is now charged with violating a court of appeals order by refusing to register every Negro applicant, many for "illiteracy," including five college graduates, one of whom had been awarded a National Science Foundation scholarship at Cornell. Finally, it must be noted that these suits account for only 2 of the 67 counties in that State alone, none of the remainder of which will consider the decrees in those cases as binding upon themselves, as we know only too well.

Obviously, Mr. President, where such legislation is constitutional—and I strongly contend that it is constitutional in this case—we strongly contend that Congress may use a proper measure of power in order to effect some standard basis by which such protracted legislation may be avoided, in order that a constitutional result may be achieved. Let us remember that the constitutional result to be achieved is assurance of the right to vote without discrimination against Negroes, as guaranteed by the 15th amendment. Let us never forget that.

To this, the opponents of this bill reply by pointing to the more than 3,000 counties around the country in which no discrimination in the application of literacy tests is alleged, but to which the pending measure would apply. In other words, it is argued that the bill would apply throughout the country, whereas it is alleged that the abuse referred to exists in only a certain number of counties. However, it has often been held that the Congress has a wide choice of means for implementing its constitutional power to safeguard the right to vote. (*United States* v. *Classic*, 313 U.S. 299, 320 (1941) and cases therein cited.) Similar arguments were made against the Civil Rights Act of 1957 and 1960, to which the opponents themselves now allude with satisfaction.

Let us remember that as to the choice of means, similar arguments were made against the Civil Rights Acts of 1957 and 1960. Yet the opponents of the pending measure now refer to those statutes as proper ones, whereas at the time when they were under consideration, the same persons argued as heatedly that those measures would destroy the Constitution and the rights of the State governments.

Congress has often applied a general rule throughout the Nation, although the need was only local. A prime example is the Landrum-Griffin Act, in which Congress found abuses in a few unions, and applied safeguards to all. Finding a voting requirement beyond certain limitations to be excessive and unreasonable and establishing a maximum literacy test for States which choose to use such tests is an equally legitimate method by which to eliminate the abuses which have been documented in at least eight States.

I have referred to them by quoting from the Commission's report.

Now, Mr. President, let us remember, too, that this statute, if it passes, will not upset the normal literacy test procedures of all our States. They go ahead and do business just the same. It will only set a standard where that standard must be repaired to if any person feels he is being discriminated against. There he may use a certificate. In New York State we call for an eighth grade education. The Federal Government will reduce that requirement to a sixth grade certificate, if this bill passes.

An important thing to remember in that regard is that the Supreme Court of the United States will have to find that it is a reasonable test, a reasonable means for ascertaining the capability of a voter to vote. It is interesting that in all this debate I have not heard questioned the validity of a sixth grade certificate in terms of qualifying a person to understand what he is voting for. So I do not think there is much question

about the fact that the Supreme Court will hold it to be a perfectly reasonable test.

I revert to the first point I made, the critical need of a cloture vote limiting debate on the amendment. In my opinion, it is going to be one of the most important votes on civil rights ever cast in the history of civil rights, and it is also *going to be one* of the most important votes of any kind cast in this Congress. Let us be very clear on that.

If the cloture motion fails, despite the fact that a majority of the Senate supports it, and if it ultimately fails on the second vote, and this bill has to be taken down, then we shall have had a clear demonstration, for all the world to see, that the will of the majority, even after reasonable debate, can be defied by a minority and a filibuster. It will show that the failure to get the Senate rules amended in January, 1961, and again in *September*, when the issue was shelved, was a grave error; and it will provide a powerful argument for amending the rules when there is another opportunity at the opening of a new session in January, 1963.

If, happily, the cloture motion should be successful, then it also would be historical, because it would demonstrate that, on the Democratic and Republican sides, there is enough determination and enough fidelity to the pledges of our respective parties and to the crying injustices in the country to effect cloture, which many Senators are not happy about, in order to bring about elemental legislation.

If this happens, we shall have a historic milestone in terms of the balance of power; and the power of a minority to frustrate, not only in civil rights, and not only by filibuster, but merely by threat of one in many issues, will finally have been broken.

I am not for limiting debate unreasonably or for adopting rules used in the other body. The Senator from Illinois [Mr. DOUGLAS] and I, in all our efforts, have not suggested that. The most we have suggested is a limitation of 30 days of debate, not even under germaneness rules, and that then cloture could be brought about by a majority of 51 Senators. We have been reasonable in our approach, and understandably, because this is a great deliberative body, but it has come to a historical turning point in these dangerous days. We are either going to be able to do that or we are going to show demonstrably that we cannot go forward as a body which is ruled by a minority. I hope that will not happen. I do not want it as an argument for January 1963. I would rather we would be successful on a cloture motion. But if we are not, I think the country will have clearly written before it one of the major issues of the political campaign of 1962.

I thank the Senator, and I yield the floor.

Mr. HUMPHREY. Mr. President, I join the debate today on the amendment in the nature of a substitute which has been offered by the majority leader and the minority leader.

During the past 2 weeks of this debate on voting rights legislation, almost everything that can be said on both sides of this issue has already been said. A year from now much of our rhetoric may be forgotten, but the testimony which has been printed in this volume of hearings on S. 480, S. 2750, and S. 2979, by the Subcommittee on Constitutional Rights of the Committee on the Judiciary of the Senate, reveals certain information that cannot be forgotten.

I will find it hard to blot out of my mind the recorded testimony that reveals the image of the Negro citizen with a graduate degree who had to copy page after page of a State constitution on five separate occasions, only to be rejected each time because she omitted a word or some of the punctuation.

I will not forget the case of the Negro applicant who failed to explain "due process of law" to the satisfaction of a registrar who not only had no legal training, but who had less formal education than many of the applicants.

I know that I will remember the Negro applicant who was rejected for misspellings by a registrar who misspelled the word misspellings.

These are a few of the human situations embodied in the Attorney General's testimony before the Senate Subcommittee on Constitutional Rights that there are 16 counties in which Negroes of voting age are the majority but where no Negro is registered to vote, and 49 counties in which Negroes are the majority and less than 5 percent of these eligible are registered.

These are a few of the injustices behind the Civil Rights Commission's dry statistics that there are 129 counties in 10 States where less than 10 percent of the eligible Negro citizens are registered.

So it seems to me, Mr. President, that there can be no real argument about the need for legislation. That much is conceded. There does not have to be a situation in which citizens in all of the counties, or in half, or even in one-third of the counties, are being denied their rights in order to have a need for legislation. We pass bills here to remedy wrongs against a single person and wrongs which are much less fundamental than the denial of a person's right to choose his own government.

I would call to the attention of my colleagues the Senate Calendar. On that calendar are a number of what we call private bills. Those private bills frequently refer to claims of citizens against the Government of the United States. Members of the Senate and of the House of Representatives take justifiable pride in righting the wrongs, in seeing to it that claims of citizens against this great Government of ours are paid, or that there is justice done with respect to the claims.

Now Mr. President, I am not a lawyer so I can not enter the scholarly debate about the constitutionality of this bill on the same terms as some of my distinguished colleagues. But I have read the words of the 15th amendment "that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude," and that "Congress shall have power to enforce this article by appropriate legislation."

This proposed legislation does not impair the power of States to impose literacy requirements, but merely substitutes an objective standard for loose rules which have been discriminatively applied. I want to make it quite clear that the Constitution establishes the unequivocal right of the States to set standards for voting. That same Constitution provides that those rights cannot be applied in a discriminatory manner. In other words, a right for one or a standard for one person must be applied equally to another.

If this pending measure is not "appropriate legislation," then I am not sure how the 15th amendment can be effectively enforced. And I might add that I have some pretty fair constitutional lawyers on my side—among them Dean Griswold of the Harvard Law School, a member of the Civil Rights Commission.

Nor am I impressed with the argument that this proposal would demean the value of the vote or adversely affect the quality of government in the United States. I would even venture to say that there may be illiterate persons in this Nation better able to judge candidates and the issues than some who have mastered the arts of reading and writing. In fact, there are 30 States in this Nation—my own among them—which do not require literacy at all as a prerequisite for voting, and I would be hard put to say that these States are not as wisely governed as the 20 which do impose literacy requirements. The Mansfield-Dirksen amendment would not abolish literacy as a requirement. It merely provides that literacy tests must be applied equally, without discrimination. The Mansfield-Dirksen amendment states that any person who has completed six primary grades in public school or in any accredited private school cannot reasonably be denied the right to vote on the grounds of illiteracy or lack of sufficient education. And I find that a perfectly reasonable factual basis on which to legislate.

Mr. President, let us keep this proposed legislation in perspective. It is only a small step toward assuring Americans their constitutional rights. It will not be of any direct help to the millions of Negro children who are being denied their constitutional rights by being kept in segregated schools or who are being denied other privileges under the law. It will not help the millions of nonwhite Americans who cannot buy or rent a home on the same terms as whites. It will not break down the barriers of discrimination in employment which keep so many Americans in impoverished circumstances.

All the Mansfield-Dirksen amendment will do is to take a useful, moderate, reasonable, and effective step toward assuring all Americans the right to vote. This is a promise we made to ourselves almost 100 years ago in the 15th amendment. Let us take a step to keep this promise today.

I should like, if I may, to put the matters we have been discussing in a wider context.

Last month we had a visit from Prime Minister Macmillan of Britain. I vividly recall how, 2 years ago, he spoke to the Parliament of the Union of South Africa. He warned them that a "wind of change" was blowing throughout their continent.

That wind of change is blowing not only in Africa, but also throughout the world. Hundreds of millions of people are attaining freedom and its most essential right—the right to vote.

There have been times in the past when, looking at our actions in the United Nations, I wondered whether we knew which way the wind was blowing.

I think that we do now. In the United Nations, we are voting with freedom and the future, not with colonialism and the past.

We have given pain to some of our oldest and best friends because of the votes. That could not be helped. We were on the side of what was right, what was just. We were on the side of what was inevitable, a much-needed change.

When Mr. Macmillan spoke to the South Africans, he did not expect that his words woud give them any pleasure, and they did not.

In fact, he was sharply criticized, but he spoke courageously. He spoke as a statesman. He spoke properly.

Our European friends, however, do from time to time make one point that sticks, and hurts, particularly as we cast our votes in the United Nations for freedom and against colonialism. They say we should apply the same standard to ourselves that we do to them. They say, and rightly, that we should practice at home what we preach abroad. They say we should practice what we say at the United Nations and the way we vote at the United Nations.

After all, the wind of change, the freedom wind, does not stop at the boundaries of the United States. It does not divide and flow around us, leaving us becalmed in the midst of the hurricane.

People are speaking up for their rights, here at home as well as in Africa, in Latin America, in Asia, and everywhere else.

They are demanding the right to vote.

I am happy to say that people behind the Iron Curtain are speaking up for their rights. The other day I read an article which said that students in universities in Czechoslovakia had spoken out against the totalitarian regime. Workers in Spain have been striking for better benefits: better wages and better living conditions. All over the world people are demanding that they be treated as human beings, with the qualities of dignity and decency to which humankind is entitled.

I have been saddened to read, in the report of the U.S. Commission on Civil Rights, of the petty and pathetic stratagems which have been used to keep Americans from gaining, or even holding, the right to vote.

Registrars have vanished. Tricks have been played with cards. Even passages from the Constitution, the hallowed charter of our liberties, have been used in a kind of "heads I win, tails you lose" game.

We are seeking to do away with only one of these petty tricks, a so-called literacy test administered in such a way that any of us here in this body could easily fail it, but for the color of our skin.

It is a small thing we are seeking to do, a first step in the right direction.

It will still require determination, persistence—yes, and often, in some places, courage—to register to vote. But it will be a little harder to say "no" and to make it stick.

We have the opportunity to show that we know which way the wind is blowing, and that it is blowing within our own beloved country.

Democracy is under attack today, every hour of the day and night. A world of coercion, of tyranny, confronts our world of free choice.

But democracy can be sapped from within as well as besieged from without.

Democracy is an end, or objective, but it is also a means. It must work as a means by which people can meet their problems, or its survival as an end is less than certain.

I would like to meet Rev. John Henry Scott of East Carroll Parish in Louisiana and talk with him about democracy. On page 51 of the Commission's report on voting it says that Reverend Scott "noticed the streets where they vote; they were fixed * * * I noticed the people that vote, the officers of the law respected them and treated them different from the people that didn't vote. * * *"

I do not know whether Reverend Scott would have passed the literacy test we are talking about today; he did not get that far.

Although he had lived in the same place all his life, he was not able to find two registered voters to vouch for his existence. He had lived in one area all of his life, yet could not find two registered voters to vouch that he was alive.

Yes, he was "the invisible man"—and it was not science fiction, but plain, hard, disagreeable fact.

These facts were testified to before the Civil Rights Commission under oath. That is a body constituted under law passed by the Congress.

I think Reverend Scott had a good down-to-earth grasp of the meaning of democracy, and why he wanted it. To him, it meant both a better life materially, and also an ampler measure of human dignity.

We have the opportunity today to show that democracy can work, right within this Chamber. The issue before us has been thoroughly explored, investigated, debated, and dissected.

We must—unless there is something self-destructive, something almost suicidal about the rules under which we are functioning—be able to vote on this issue.

The members of the South African Parliament listened to Prime Minister Macmillan and then proceeded to ignore his solemn warning, with results which are already tragic and which may, God forbid, become even more tragic.

The preacher and poet John Donne once said: "Any man's death diminishes me, because I am involved in Mankinde; And therefore never send to ask for whom the bell tolls; it tolls for thee."

Liberty is just as indivisible, democracy is just as indivisible. If the bell tolls against democracy in any corner of our country; if citizens are denied the vote without just cause, it tolls for us here in Washington, in our respective States, and here in the Chamber of the Senate, too.

Before closing, I wish to associate myself with the remarks made yesterday by our distinguished majority leader in regard to the Senate rules. If the Senate is unsuccessful in its efforts to obtain a vote on the moderate, reasonable, limited proposal known as the literacy test proposal, it will be manifestly and crystal clear that the rules of the Senate must be changed so that the Senate may exercise its will and its purpose to carry out the mandate of the Constitution, namely, to do the business of Government.

No one objects to full debate on the issues which come before this body. I would be the first to protest any effort to curtail full and complete discussion. But there comes a time when the Senate does have the right to bring the issue before it to a head and to vote it up or down. I do not believe that a minority of the Senate has the right to prevent the Senate from resolving the issue before it.

I wish to make it clear that the resolution of that issue may be contrary to what I believe may be right and contrary to my vote. But I, as a Member of the Senate, sent here by a sovereign State, believe that I have an obligation to fullfill the mandate of the Constitution, which requires that there shall be a majority for a quorum, and that a quorum is capable of doing the business of the Senate.

Rule XXII has been called the graveyard of civil rights. Those who have opposed any liberalization in rule XXII have denied that the present rule makes it impossible for the Senate to act.

The main argument in behalf of rule XXII is that it is still an effective rule. It permits the Senate to act. Those who speak up for rule XXII say that the rule does not deny the Senate the opportunity to act, but rather permits the Senate to act with due process and due consideration.

I sincerely hope that our vote will prove that rule XXII can work. We shall shortly have the opportunity to test the effect of rule XXII. If it does not work, if the cloture motion fails, and the pending literacy test proposal must be dropped for the present session of the Congress, it will be abundantly clear that the rule needs changing.

I repeat that the proposal before the Senate would do justice to the 15th amendment to the Constitution, which requires the Congress to take appropriate steps through legislation to enforce the mandate of the 15th amendment. If the present modest proposal of a literacy test is to be pushed into the graveyard of rule XXII obstruction, I say that the evidence is abundantly clear that the rules must be changed.

I think the record is equally clear that this Senator has urged for years that the rules be changed so that the Senate

can legislate, which is its primary duty. The Senate is not merely a public forum; it is a legislative body, and to legislate means that we must debate. But to legislate means also to decide, to make decisions.

If that be the case, if the vote on cloture should fail, I renew my pledge to work untiringly with our majority leader to see that rule XXII is changed in 1963.

I see in the Chamber my friend the minority whip, the Senator from California [Mr. KUCHEL]. For many years he and I, one a Republican and the other a Democrat, have urged liberalizing rule XXII, without any regard to partisanship. We have worked together to get what we have believed would be a sensible liberalization and modernization of rule XXII so that after many days of debate, a majority of the Senate would be able to bring the debate to a close and permit Senators to vote upon the substance of the issue before the Senate.

Whether cloture could be effected by majority vote, or whether there would be some modification of such a proposal which would liberalize the present rule, I repeat that if the vote tomorrow on cloture fails, there will be but one course for this Senator and, I hope, for a vast majority of other Senators to follow. That course would reopen the issue of rule XXII in the beginning of the 88th Congress, 1963—and we would see to it that the rule is modified, liberalized and modernized.

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

Mr. HUMPHREY. I yield.

Mr. KUCHEL. The Senator is exactly correct. If the RECORD discloses, as I am sure it will, not only a great majority of Senators prepared to vote in favor of the pending proposed legislation, but also the shameful fact that those Senators will not be given an opportunity so to vote, I prophesy that early in the next session of the Congress there will be adequate votes at long last to change the rules so that the majority of Senators can, after reasonable debate, exercise their judgment to vote in favor of or in opposition to whatever type of proposed legislation is pending in the Senate. I completely agree with my able friend that in the argument he makes there is no political distinction between us.

Mr. HUMPHREY. I thank the Senator. He has always approached problems of this nature in what I consider to be an objective and nonpartisan manner. On the subject of the rules of the Senate, there is no room for partisanship. The purpose of the rules is to permit the Senate to conduct the public business, insofar as we are empowered to do so, under the Constitution.

Mr. President, I pledge myself to work untiringly with our majority leader and with other Members of the Senate to see that rule XXII is changed in 1963. I am confident that our efforts will prove successful.

In conclusion, I ask unanimous consent that editorials from the New York Times and the Washington Post in support of the literacy test bill, as well as a telegram in support of this legislation from the legislative director of the AFL–CIO, Andrew J. Biemiller, be printed at this point in the RECORD.

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

[From the New York Times, May 8, 1962]

THE LITERACY TEST BILL

For more than 2 weeks a group of Southern Senators have been holding up a vote on the administration's literacy test bill. If this bill were to pass, it would forbid any State to discriminate against Negroes or anybody else in setting literacy standards for voting in Federal elections. This filibuster, like all other filibusters in the Senate, is intended to prevent a Senate majority from having its way. The bill's opponents are implicitly conceding that they do not care for majority rule.

How large a majority would support the bill if it were brought to a vote is uncertain. Supporters of the measure were claiming 54 votes at the beginning of the week and some of them thought, as Senator KEATING said, that the bill would succeed "if the full weight of the President were placed behind this cause, as it has been on others."

However, because of the Senate's traditional solicitude for its own minorities, a two-thirds vote is required for closure of debate—or the approval of 67 Senators when the whole Senate is present and voting. Yesterday the Senate leaders filed a closure motion, which will be taken to a vote on Wednesday. It is not expected to pass, but the Democratic leader, Senator MANSFIELD, is not yet ready to give up.

Nor should he and his colleagues who support the bill give up. The issue is as clear as it was nearly a century ago when the 15th amendment stipulated that the right to vote should not be "denied or abridged" on account of race or color. Literacy tests in the South have notoriously been used to disfranchise the Negro. It is time to abate this abuse.

This is a National and not a State issue. For the President, the Vice President, and the Members of both Houses of Congress act for all of us and should not be chosen by a discriminatory vote. This is a principle that no amount of sophistry can change.

[From the Washington Post, May 7, 1962]

TEST ON VOTING RIGHTS

While the debate over voting rights drones on in the Senate, the Department of Justice has moved against a registrar in Forrest County, Mississippi, for refusing to register Negro applicants despite a court order forbidding discrimination. This is a very promising effort to enforce the Civil Rights Acts of 1957 and 1960. If this venture for the opening of voting booths to Negro citizens had succeeded sooner there would be less interest in the controversial bill to prescribe that a sixth grade education will satisfy State literacy requirements for voting.

It is unfortunate that the Department's request that the offending Mississippi registrar be held in contempt of court was rejected by the district court. An appeal has been filed, however, in the Fifth Circuit Court of Appeals, and if it should fail there it will doubtless be taken to the Supreme Court. The case for contempt appears to be strong, since the official refused to register at least 19 Negro applicants, including a National Science Foundation fellow and three college graduates. If the registrar persists in his refusal to do his duty under the law, he can be kept in Federal custody until he complies with the orders of the courts.

The 1960 act also provides for bypassing recalcitrant State voting registrars if that should become necessary. Where a pattern of racial discrimination is found, the court can appoint a voting referee who could determine whether applicants are qualified to register and then provide them with voting certificates. This system created only 2 years ago ought to be tested to the full extent of the powers it provides.

MAY 8, 1962.

Senator HUBERT H. HUMPHREY,
Washington, D.C.:

AFL–CIO strongly supports passage of Mansfield-Dirksen bill providing that completion of six grades of formal education shall be deemed to satisfy State literacy tests as qualifications for voting in Federal primaries and elections. Such legislation is urgently nedeed to prevent discriminatory denial of the right to vote to Negroes in violation of guarantees of such right contained in the 14th and 15th amendments to U.S. Constitution. Of utmost importance Senate have opportunity to vote upon and pass this necessary measure. We especially urge you to vote for cloture and against any motion to table the literacy test bill.

ANDREW J. BIEMILLER,
Director, Department of Legislation, AFL–CIO.

YOUTH'S OTHER CORPS

Mr. HUMPHREY. Mr. President, the Washington Post recently expressed in its editorial comments support for prompt passage by the Congress of the Youth Conservation Corps bills which have been reported by both the House and Senate committees.

As the Senate sponsor of the Youth Conservation Corps proposal, I am hopeful that this legislation will be acted upon favorably before we adjourn. In my opinion, it would be a shame if this legislation which would help many young men and also be of such benefit for our conservation program in our State and national parks should be further postponed. I hope that this will not be the case.

I ask unanimous consent that the editorial from the Washington Post of April 28, 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:

YOUTH'S OTHER CORPS

The overwhelming bipartisan support in Congress for expanding the Peace Corps is the surest measure of the broad acceptance of an idea that was once regarded as a dangerous novelty. The applause for the Peace Corps ought to encourage Congress to approve the parallel proposal for a Youth Conservation Corps now sequestered in the House Rules Committee. This legislation would create a 12,000-member corps similar to the CCC of New Deal days and would give youngsters between the ages of 16 and 22 a chance to work in useful public projects such as reforestation at pay of $70 a month.

Comparable legislation before the Senate calls for a larger corps of 150,000 but once the House has approved its version a compromise can surely be worked out. One interesting provision of the House bill would also establish a "Home Town Peace Corps" of 25,000 in which youngsters could work on local public projects, living at home and earning up to $20 a week.

Passage of the legislation would enable Congress to give thousands of American youngsters a chance to make a contribution to their community and country—to do something for others as well as themselves. We can think of few more appealing ways of providing an outlet for the energies of youth, especially of adolescents who may be

restless, rootless, and jobless. While no corps can pretend to offer a cure to juvenile delinquency, the lack of affirmative programs for jobless youths is plainly part of the problem.

Significantly, the District Urban Service Corps has been a success in its first year of operation. This privately supported local program now has about 150 volunteer workers and will need 4 or 5 times as many to carry out its task of helping needy children. This small but useful corps has served as a pilot project and provides heartening proof that the desire to give is strong in a society where so much stress is placed on the delights of get.

COMMUNICATION FROM THE SECRET ARMY ORGANIZATION

Mr. HUMPHREY. Mr. President, I had a most unusual experience the other day in receiving a letter on which I wish to make a very brief comment.

Like many or all of my colleagues I have just received a communication from a group whose very name conjures up a picture of terror, violence, and brutal inhumanity. I am referring to the Secret Army Organization, which even as I speak is trying to provoke civil war in Algeria and to wreck the painstakingly negotiated cease-fire between France and the provisional Algerian Government.

Mr. President, the Secret Army Organization—which I shall refer to henceforth by its French initials, OAS, but not to be confused with what we call the Organization of American States of the pan-American area—had the insolence to write me that it is "completely devoted to the ideals and to the goals" of the Atlantic Convention of NATO nations, which met in Paris this January. As my colleagues will recall, the Atlantic Convention met under semiofficial auspices, and its chairman and guiding spirit was our distinguished former Secretary of State, Mr. Christian Herter. How, one might ask, could an underground organization such as the OAS have anything in common with the Atlantic Convention which represents the finest in the European and American tradition?

The OAS, Mr. President, claims that the "bloody struggle" in Algeria involves not only the vital interests of "Algerian Frenchmen," as they put it, but in the end envisages the overthrow of the Fifth Republic. In the final stage of this struggle, says the OAS, there will emerge a government consisting of "the healthy forces in France which will assure France a happy future and will give the Atlantic allies the certainty of a monolithic unity." The OAS indentifies itself with an "Atlantic culture" whose struggle against communism is the same as the anti-Moslem struggle in Algiers and Oran and the same as the mutiny against General De Gaulle, who is accused of treason.

Mr. President, whenever I read the term "monolithic unity," I become suspicious. People who talk in terms of monolithic unity generally have one-way minds. Generally they have a concept of unity which is based on the unity of compulsion, of coercion. Monolithic unity is not the pattern of Atlantic unity.

Mr. President, as a member of the Senate Committee on Foreign Relations and as a signer of the original "Declaration of Atlantic Unity" in July of 1961, I have only one reason to give this arrogant document the dignity of a public reference. And that is to refute the claim that the assassins of the OAS have anything in common with the spirit motivating the architects of Atlantic unity.

Mr. President, every morning when I read in the newspaper what the Secret Army Organization has been doing in Algeria, it makes me almost ashamed to be a human being. The beastlike actions and the incredible inhumanity of this organization is an insult to God's finest creation, man himself.

When I receive a letter suggesting that this organization has something in common with Atlantic unity, it is time, even as one who has obviously no control over an organization in a country as far away as Algeria or France, to speak up and to speak out against the incredible, inhuman activities of the members of that organization, which has shot children in the streets, patients in hospitals, which has acted with complete reckless abandon, and has murdered and pillaged and burned and injured and destroyed people and property.

Beyond the shadow of a doubt, some of our more gullible citizens will accept the claims of the OAS at face value and will welcome these blood-stained cowards as comrades in the fight against communism. But let me say that I am not one of them. The United States could never take part in an Atlantic cultural clique which trampled on the legitimate rights of non-European peoples. Atlantic Community is not a racist concept. It has nothing in common with neo-Fascist or neo-Nazi movements. It has no room for gangsters or for underground insurgents against governments freely chosen by the citizens of a great nation. Least of all can it speak a common language with an organization which openly proclaims that it "rejects the results of the referendum" in which the French people affirmed their support of the Algerian cease-fire.

I digress to pay tribute to Gen. Charles de Gaulle, who has demonstrated qualities of leadership and courage which have commanded the admiration and respect of people throughout the world. I also commend the people of France, who have suffered through many years of agony because of the terrible situation which has existed in Algeria and in other parts of the world. These people have given President de Gaulle a vote of confidence. They have asked for peace, they have asked for a settlement, and they have joined with Gen. Charles de Gaulle in seeking independence, with honor and with dignity, for the people of Algeria.

Consequently, Mr. President, whenever the OAS talks about its devotion to the idea of U.S. association with the Common Market, of its loyalty to NATO, or of its desire for "Atlantic cultural institutions," all I can think of are the groans of the dying and bereaved Moslems who have learned the meaning of OAS culture.

All members of the Christian community should bow their heads in shame for what has been done in the name of Christian civilization to the Moslem people in Algeria.

It is farcical for the OAS, its leaders imprisoned and under sentence of death, to claim that they are more European than the leader whom they helped to power in 1958. To be sure, President de Gaulle's "Europe of Fatherlands" may not appeal to the smaller or weaker members of the Atlantic Community or even to ourselves. But President de Gaulle is nevertheless a great European whose vision extends beyond the borders of his own country.

He is a great patriot. He is a great believer in freedom. He sees that there is no lasting future for a Europe which refuses to cement its ties with Africa and Asia. He has forged a generous and fruitful association with the former French colonies in Africa, now independent nations in their own right. An organization which attempts to frustrate the culmination of this policy in Algeria cannot rightfully call itself European. It cannot rightfully say that it is in step or in tune with so-called Atlantic unity.

Mr. President, I feel sorry for the self-deluded men who make up the Secret Army Organization. In their frustration and bewilderment at a seemingly unending series of French military reverses since World War II they have created a never-never land of their own. They have lost touch with reality.

Regretfully, there are other people in the world who have not as yet indulged in such delusions, but whose words bespeak them, and who have also lost touch with the realities of the world, and are also victims of frustration. They simply are the victims of their own incapacity to endure sacrifices and travail and hardship.

Every bomb or boobytrap that explodes in Algiers or Oran removes them one step further from reality. They cannot buy their way back into civilization by paying lipservice to the noble ideal of Atlantic Community.

As one of the signers of the Atlantic Unity Convention, I take the liberty of rejecting any possible association or affiliation with these men who call themselves brave men but who are in fact moral cowards and have become assassins and political derelicts and delinquents, and who ought not to receive any respect from any peace-loving people in any part of the world.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. KUCHEL. Mr. President, when my political party, the Republican Party, met in the city of Chicago, in 1960, at its national political convention, it made a series of promises to the American people. One of them was a specific commitment with respect to voter legislation. I read as follows:

Legislation to provide that the completion of six primary grades in a State accredited

school is conclusive evidence of literacy for voting purposes.

That was an honorable pledge to the Nation.

When the other great political party, the Democratic Party, met in the city of Los Angeles that same year, its representatives took similar action and promised the American people:

We will support whatever action is necessary to eliminate literacy tests and the payment of poll taxes as requirements for voting.

That, too, was an honorable pledge to the Nation.

The following January, when the new Congress convened, I joined a number of Senators on both sides of the aisle in sponsoring legislation to carry out that bipartisan commitment. A bill, S. 480, was introduced by us in the Senate on January 17, 1961.

Mr. President, I ask that the text of S. 480 be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. KUCHEL. Mr. President, S. 480 was referred to the Committee on the Judiciary; and there it has lain these 16 months. It will never be reported to the Senate. This year, our Republican leader, the distinguished junior Senator from Illinois [Mr. DIRKSEN], and the Democratic leader, the distinguished senior Senator from Montana [Mr. MANSFIELD], joined in sponsoring the same kind of proposed legislation. The bill was referred to the Committee on the Judiciary, although some of us objected to that action, contending that the bill would have precisely the same ugly fate as our bill introduced a year earlier, and that, therefore, the new bill should be referred to another committee, with equal jurisdiction over the subject matter, and with a fair chance of consideration. Nevertheless, the bill was referred to the Committee on the Judiciary, but a commitment was made, in honor and in good faith, by the leadership on both sides of the aisle that the Senate would be given an opportunity to vote on this specific issue. That opportunity is now before the Senate.

IS THERE A NEED?

It may be asked: Is there a need for this kind of legislation? The record discloses an unequivocal affirmative answer. It will be recalled that during the tenure of Dwight D. Eisenhower, the President of the United States appointed a commission of most distinguished Americans, from both the North and the South, constituting them the U.S. Commission on Civil Rights.

The Chairman of that Commission was and is John A. Hannah, president of Michigan State University. Its present membership includes Robert G. Storey, former dean of Southern Methodist University Law School, who serves as vice chairman of the Commission; Erwin N. Griswold; Father Theodore M. Hesburgh; Robert S. Rankin; and Spottswood W. Robinson III.

Father Hesburgh is a distinguished Roman Catholic priest and an outstanding American educator. In February 1960, commenting on some individuals who were denied their right to vote, although they were qualified to vote, Father Hesburgh said:

Some were veterans with long months of oversea duty and decorations for valor in service. Some of the people were ministers. Some of them were college teachers. Some of them were lawyers, doctors. All of them were taxpayers. Some were mothers of families who were hard pressed to tell their children what it is to be a good American citizen when they could not vote themselves. All of them were decent, intelligent American people, and yet they could not cast their ballots for the President of the United States. Some had gone through incredible hardships in attempting to register and had been subjected to incredible indignities. I don't know if any of you in this room have had to go through this experience, but vicariously we had to go through it in listening to their tales. They would go down to the courthouse and instead of going in where the white people registered, they would have to go to a room in the back where they would stand in line from 6 in the morning until 2 in the afternoon, since only two were let in at a time. Then people with Ph. D.'s and the master's degrees and high intelligence would sit down and copy like a schoolchild the first article or the second article of the Constitution. Then they would be asked the usual questions, make out the usual questionnaires, hand in a self-addressed envelope and hear nothing for 3 months. And then they would go back and do it over again, some of them five, six or seven times, some of them standing in line 2 or 3 days until their turn came.

That is the testimony of an honorable, courageous, devoted American, the president of a great American university, and a priest of his church. It paints a dark and ugly picture of America. It indicts registrars in various parts of the country for a cynical attempt to deny American citizens their right to vote because of the color of their skin.

In its report, the Civil Rights Commission describes the situation of a Negro minister in Louisiana. The report, in part, at page 50, states:

Rev. John Henry Scott is a lifelong resident of East Carroll Parish, on the Mississippi River in northeast Louisiana, where no Negro in the memory of the living has ever been registered to vote. Reverend Scott is pastor of the church organized by his great-grandfather. Neither he nor other Negroes ever had any difficulty being identified for any purpose other than registering to vote: "We are all very well known. * * * When you walk down the street, everybody knows everybody." Nevertheless, on each of the seven occasions when he presented himself for registration, he was told that he had to secure two registered voters from his precinct to identify him. Since only white people are registered, this proved virtually impossible: "I had a white friend * * * on the police jury at that time, and he told me that it wouldn't be any use because it was strictly made up not to register any Negroes."

"Reverend Scott's efforts to secure the right of the suffrage for himself and other Negroes of East Carroll cover more than a decade of disappointment. In 1950 one of their number secured a single white 'voucher,' but his supporting statement was not accepted. Another received assurance from a white voter, but later was told, 'I can't fool with that.' An optimistic Negro once told Reverend Scott, 'I have some white friends, and we are all Christians.' His answer was prophetic: 'But Christians and this registration business is different. Nobody's a Christian when it comes down to identifying you.' "

On the basis of what the members of the Civil Rights Commission saw and heard, they made a recommendation to the Government of the United States. It was a unanimous recommendation. There was no opposition to it by any member of the Commission. They recommended:

That Congress enact legislation providing that in all elections in which, under State law, a "literacy" test, an "understanding" or "interpretation" test, or an "educational" test is administered to determine the qualifications of electors, it shall be sufficient for qualification that the elector have completed at least six grades of formal education.

Mr. President, the record is replete with examples of why it is in the interest of American constitutional government for Congress to pass the kind of legislation which is now pending before it. I think that what I have said, little as it is, indicates the need for Congress to act, and to act now, to enable American citizens who are qualified to vote to have the opportunity to register and to vote, despite the fact that their color happens to be different from yours, Mr. President, or from mine.

IS IT CONSTITUTIONAL?

That leaves the question raised by some Members of the Senate and by some people throughout the country as to whether the proposed legislation is constitutional.

The 14th amendment to the U.S. Constitution provides, in its first section:

Nor shall any State * * * deny to any person within its jurisdiction the equal protection of the laws.

And equal protection of the law specifically applies in the equal opportunity of all citizens to equal treatment in registering to vote.

Section 5 of that amendment provides:

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

In providing that persons who have completed the sixth grade shall be regarded as literate under any State literacy law, Congress would be enforcing the equal-protection clause of the 14th amendment.

Mr. President, I ask unanimous consent that sections 1 and 5 of the 14th amendment of the Constitution be printed at this point in the RECORD, in connection with my remarks.

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

AMENDMENT XIV

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 to any person within its jurisdiction the equal protection of the laws.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Mr. KUCHEL. Mr. President, I read into the RECORD the 15th amendment to the Constitution:

AMENDMENT XV

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

The Attorney General of the United States has said, with respect to the power to Congress to act in this field:

I have no doubt that this bill is valid under that grant of power.

He was referring, Mr. President, to the 14th and the 15th amendments. I agree with him. That is the plain intent of these two amendments, each adopted after the Civil War.

The Attorney General then said:

There is no doubt that widespread deprivations of the right to vote because of race have occurred and continue to occur. The question is not whether this bill is valid, but whether it would correct the situation. Voting tests, which in this day of high educational achievement can exclude persons with a sixth grade education, are potential devices for discrimination. In my judgment, virtually no one with that amount of education has been turned down as a voter for other than racial reasons. Congressional action adapted to correcting this evil is not a questionable innovation. It is overdue.

I agree.

Mr. President, I am one of those who signed the petition for cloture, sponsored by the leaders of the two parties in the Senate. Tomorrow, we shall vote on the question of invoking cloture. I hope that, under the present rules, cloture will be voted. If it is not, then the Members of the Senate will have an opportunity, when voting on a motion to table, to demonstrate their feelings in regard to the issue involved.

It is my judgment that a clear and convincing majority of Senators will vote against the motion to table.

It is my judgment that, therefore, a clear and convincing majority will demonstrate, by their votes in opposition to the motion to table, that they favor this proposed legislation on its merits. They may be joined by others who, by their votes seek to becloud the issue, but, I repeat, I believe a majority of this Senate desire to support the pending bill.

But, Mr. President, if cloture is not invoked, notwithstanding the fact that a clear and convincing majority of the Members of the Senate want to vote in favor of this proposed legislation, if a filibuster prevents them from having such an opportunity to vote then I prophesy to you, Mr. President, that the Senate next January will see to it that the rules of the Senate are appropriately changed.

Those are some of the reasons, Mr. President, which convince me that the proposed legislation, sponsored by the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN], is in the public interest, is on all fours with the U.S. Constitution, and, beyond that, will demonstrate to the people of the world that we intend to let the banner of American freedom fly equally over all American citizens, no matter where they live, no matter where their forebears came from.

I thank the Chair.

EXHIBIT I

S. 480

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress finds that the right to vote is fundamental to free, democratic government and that it continues to be the responsibility of all Federal Government to secure and protect this right against all unreasonable and arbitrary restrictions.

(b) The Congress further finds that the right to vote of many persons has been subjected to arbitrary and unreasonable restrictions on account of race or color; that tests of literacy have been used extensively as a device for arbitrarily and unreasonably denying the right to vote to otherwise qualified persons on account of race or color; and that laws presently in effect are inadequate to assure that all qualified persons shall enjoy this essential right without discrimination on account of race or color.

(c) The Congress further finds that illiteracy is rapidly disappearing in the United States; that the quality of elementary education furnished by the Nation's schools is of high caliber; that persons completing six grades of education in a State-accredited school can reasonably be expected to be literate; that a literate electorate can be assured by affording the right to vote to any otherwise qualified person who has completed six grades of education; and that any test of literacy that denies the right to vote to any person who has completed six grades of education is arbitrary and unreasonable.

(d) The Congress, therefore, further finds and declares that the enactment of this Act is necessary to make effective the guarantees of the Constitution, particularly those contained in the fourteenth and fifteenth amendments, by eliminating or preventing arbitrary and unreasonable restrictions on the franchise which occur through the denial of the right to vote to persons with at least six grades of education and which exist in order to effectuate denials of the right to vote on account of race or color.

SEC. 2. Subsection (a) of section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended, is further amended to read as follows:

"All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude, and without subjection to any arbitrary or unreasonable test, standard, or practice with respect to literacy; any constitution, law, custom, usage, or regulation of any State or territory, or by or under its authority, to the contrary notwithstanding. 'Arbitrary or unreasonable test, standard, or practice with respect to literacy' shall mean any requirement designed to determine literacy, comprehension, intelligence, or other test of education, knowledge, or understanding, in the case of any citizen who has not been adjudged an incompetent who has completed the sixth primary grade in a school accredited by any State or by the District of Columbia."

Mr. ROBERTSON obtained the floor.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Virginia yield briefly to me, with the understanding that in doing so, he will not lose his right to the floor?

Mr. ROBERTSON. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Delaware, with the understanding that I do not lose my right to the floor.

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

DEFENSE DEPARTMENT DISPOSITION OF INVENTORIES AT INSIGNIFICANT PRICES WHILE PURCHASING IDENTICAL PARTS AT FULL MARKET PRICES

Mr. WILLIAMS of Delaware. Mr. President, today I wish to discuss another situation wherein the Defense Department has been caught disposing of some of its inventories which had been declared surplus at an insignificant fraction of their original cost while in another office it was buying at full market price these identical parts for the purpose of replenishing inventories.

On repeated occasions over the past several years the Comptroller General has called to the attention of the Congress numerous instances of such indefensible waste of the taxpayers' money by the Defense Department.

Under date of February 8, 1962, he submitted another report to the Congress, this one calling attention to the weakness in the management in the Ships Parts Control Center, Department of the Navy, Mechanicsburg, Pa.

In that report he cited numerous instances wherein the Navy was selling as surplus certain parts from its inventories at various supply centers while other centers were purchasing identical parts at full price.

Upon my request the Comptroller General pursued this investigation further, and obtained specific information as to which installations were selling the parts, to whom they were being sold, and the net price being received by the Government for each part, along with information as to the identity of the installations which were buying the identical parts to replenish inventories. I also asked for the amounts being purchased and the prices paid.

The latter report shows:

Example No. 1—see enclosure 2: The Navy sold as surplus 416 weight governors—16 went to Marine Engineering Specialties, Inc., New York City, for 1.6 cents per unit; 49 to Honolulu Supply Co., Ltd., Honolulu, Hawaii, for 12 cents per unit; and the other 351 were disposed of in scrap lots at unidentifiable prices.

While the Navy was disposing of these weight governors at prices ranging from 1.6 cents up to 12 cents each it was purchasing from Dravo Corp., in Philadelphia, 82 identical weight governors at a price of $64 each.

Here we find the Navy paying $5,248 for 82 weight governors which were identical to the 416 it had sold as surplus or scrap for a total of only $6.14.

Example No. 2—see enclosure 1: The Navy Department decided to decrease its inventory of a certain type of spring and

declared 1,040 of these surplus, and ordered their disposal. A spot check showed that 229 of these springs were sold to Pacific Diesel Co., Seattle, Wash., for 5.3 cents each; 134 were sold to J. & E. Diesel Engines & Parts, Inc., Ferndale, Glen Burnie, Md., for 5.4 cents each. The remainder were disposed of as scrap.

The Navy Department then purchased from Cooper Bessemer Corp., Mount Vernon, Ohio, 275 of the identical type spring, at a unit price of $5 each.

Here the Navy was paying $5 for a spring which it was selling as surplus for a nickel or throwing away as scrap.

Example No. 3—see enclosure 3—The Navy Department declared 2,906 bearing units as surplus, and authorized their disposal as follows: 90 were sold to Hatch & Kirk, Inc., Seattle, Wash., for 11 cents each; 450 were sold to S & W Machinery & Supply Co., Oakland, Calif., for 68 cents each; 407 were sold to Diesel Service Co., Seattle, Wash., for $1.32 each; 12 were sold to Allison Engineering Co., Grove City, Pa., for $10.10 each; 206 were sold to Illman Jones, Inc., Oakland, Calif., for 86 cents each; 206 were sold to Pacific Diesel Co., Seattle, Wash., for $1.13 each; 103 were sold to Hatch & Kirk, Inc., Seattle, Wash., for 88 cents each; and 325 were sold to S & W Machinery & Supply Co., Oakland, Calif., for $1.04 each.

Then, apparently on the premise that the Defense Department was running out of these bargains, the record shows that the Navy purchased from the Cooper Bessemer Corp., Mount Vernon, Ohio, 225 units of the identical bearings, with 20 of them being purchased at a price of $92.50 each, and 205 units at a price of $91.25 each.

Thus, in this instance we find that the Navy paid $20,556.25, or an average of over $90 each, for 225 bearing units, while selling as surplus 1,799 identical bearing units, upon which it received a total of only $1,812.98, or an average of just a fraction over $1 each.

These are not isolated cases but are being cited here today as examples of the manner in which the Defense Department insists upon ignoring its responsibility for maintaining proper control over its inventories.

Such examples can be multiplied many times, and the result is that hundreds of millions of dollars are being wasted annually through unnecessary expenditures.

While every American wants to furnish the Defense Department with adequate funds to protect the security of our country, the American taxpayers are getting tired of this continuous repetition of the Defense Department's shopworn alibi, when caught in one of these extravagant episodes, that in the future it will try to do better. For the past 10 years this excuse has been repeated again and again, but as yet it has never been backed up with appropriate action.

I fully recognize that in Defense Department procurement, equipment or parts that are purchased with the best of intentions will ofttimes become obsolete, and thereby become surplus. However, there can be no excuse for parts and equipment which are not obsolete being declared surplus, and then disposed of at a fraction of the original cost, while at the same time identical parts or equipment are being purchased in an adjoining office. In private business, someone would be fired.

I ask unanimous consent that the Comptroller General's letter of April 17, 1962, along with the three enclosures, be printed at this point in the RECORD.

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

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, April 17, 1962.

Hon. JOHN J. WILLIAMS,
U.S. Senate.

DEAR SENATOR WILLIAMS: This is in response to your letter of February 21, 1962, wherein you requested further information on certain items included in our report to the Congress entitled, "Review of the Supply Management of Ship Repair Parts by the Ships Parts Control Center, Mechanisburg, Pa., Department of the Navy."

The specific questions contained in your letter and the information you requested are set forth below. This information was obtained from the records of the Ships Parts Control Center (SPCC) and the Navy installations that disposed of the bulk of the items cited in your letter.

"1. (a) To whom were the 1,040 springs sold?

"(b) What was the unit price received for the 1,040 springs?

"(c) From whom were the 275 springs later bought?"

The springs that SPCC had authorized for disposal were located at 10 different naval installations. We visited four of these installations that had been directed to dispose of 64 percent of the 1,040 springs. We were not able to locate disposal records at all installations. However, where we did locate disposal records, we found that this item was sold as scrap along with numerous other items. Enclosure 1 of this letter lists the buyers and the average price received in those instances in which we were able to locate records of sales containing these items. Enclosure 1 also shows the supplier of the 275 springs that SPCC subsequently purchased.

"2. (a) To whom were the 629 weight governors sold?

"(b) What was the unit price received for the 629 weight governors?

"(c) From whom were the 85 additional weight governors purchased?"

The 629 weight governors were located at 14 naval installations. We visited six of these installations that had been directed to dispose of 62 percent of the 629 weight governors. We were unable to locate records of a sale of this item at two locations. At two other locations we were able to locate records of the sale; however, we found that these items were sold as scrap along with numerous other items and the price received for these items was not identifiable. We were able to locate records of the sales at the remaining two locations. We have included in enclosure 2 the buyers and prices received for these items to the extent that such information was available and the name of the supplier from whom SPCC purchased the additional weight governors.

"3. (a) To whom were the 2,906 bearings sold?

"(b) From whom were the 225 bearings purchased?

"(c) What was the unit purchase price of the 225 bearings?"

The bearings that SPCC had authorized for disposal were located at 12 different naval installations. We visited five of these installations that had been directed to dispose of 82 percent of the bearings. In all instances where we located records of sales of this item, we found that the bearings were identified as such in the notices of sale. Enclosure 3 lists the purchasers of the items for the instances in which we were able to locate records. We also have listed in enclosure 3 the supplier of the 225 bearings that SPCC purchased, and the unit price for this purchase.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

ENCLOSURE 1.—*Summary of information relating to disposal and purchase of springs*

DISPOSAL

Naval installation	Purchaser	Quantity		Price
		Authorized for disposal	Disposed of per available records	
Naval Supply Center, Pearl Harbor, Hawaii	Pacific Diesel Co., 340 West Nickerson, Seattle 99, Wash	229	229	$0.053 per unit.
Naval Supply Center, Norfolk, Va	J&E Diesel Engines and Parts, Inc., 600 West Drive Ave., Ferndale, Glen Burnie, Md.	134	134	$0.054 per pound as scrap.
Do	Scrapped	282	277	
Naval Supply Depot, Mechanicsburg, Pa	do	23	23	
Total at locations visited		668		
6 other installations		372		
Total authorized for disposal		1,040		

PURCHASE

Supplier	Quantity	Unit price
Cooper Bessemer Corp., Sandusky St., Mount Vernon, Ohio	275	$5

ENCLOSURE 2.—*Summary of information relating to disposal and purchase of weight governors*

DISPOSAL

Naval installation	Purchaser	Quantity		Price
		Authorized for disposal	Disposed of per available records	
Naval Supply Center, Oakland, Calif.	Marine Engineering Specialties, Inc., 556 Broome St., New York 13, N.Y.	12	16	$0.016 per unit.
Naval Supply Center, Pearl Harbor, Hawaii	Honolulu Supply Co., Ltd., 204 Sand Island Rd., Honolulu, Hawaii	37	49	$0.12 per unit.
Naval Shipyard, Long Beach, Calif.	Gordon S. Potter, 19201 Ronald Ave., Torrance, Calif.	148	161	Not identifiable, scrap lot.
Naval Supply Depot, Mechanicsburg, Pa.	Harrisburg Waste Paper Co., Box 541, Harrisburg, Pa.	10	11	Do.
Naval Supply Center, Norfolk, Va.	Scrapped	130	127	
Naval Shipyard, Norfolk, Va.	do	51	52	
Total at locations visited		388		
8 other installations		241		
Total authorized for disposal		629		

PURCHASE

Supplier	Quantity	Unit price
Dravo Corp., 1483 Suburban Station Bldg., Philadelphia 3, Pa.	[1] 82	$64

[1] We learned subsequent to our earlier report that, because of allowable variations in quantity permitted under the contract, only 82 weight governors were delivered and payment was made for that number.

ENCLOSURE 3.—*Summary of information relating to disposal and purchase of bearings*

DISPOSAL

Naval installation	Purchaser	Quantity		Unit price received
		Authorized for disposal	Disposed of per available records	
Naval Supply Center, Oakland, Calif.	Hatch & Kirk, Inc., 5111 Leary Ave., Seattle 7, Wash.	370	90	$0.1107
Naval Supply Center, Pearl Harbor, Hawaii	S. & W. Machinery & Supply Co., 980 77th Ave., Oakland, Calif.	475	450	.68
Naval Supply Center, Norfolk, Va.	Diesel Service Co., 740 Westlake, North Seattle 9, Wash.	407	407	1.32
Naval Supply Center, Norfolk, Va.	Allison Engineering Co., 505 Forest Dr., Grove City, Pa.	12	12	10.10
Naval Shipyard, Long Beach, Calif.	Illman Jones, Inc., 980 77th Ave., Oakland, Calif.	202	206	.86
Naval Shipyard, Long Beach, Calif.	Pacific Diesel Co., 340 West Nickerson, Seattle 99, Wash.	202	206	1.13
Naval Shipyard, Long Beach, Calif.	Hatch & Kirk, Inc., 5111 Leary Ave., Seattle 7, Wash.	99	103	.88
Naval Supply Depot, Mechanisburg, Pa.	S. & W. Machinery & Supply Co., 980 77th Ave., Oakland, Calif.	622	325	1.04
Total at locations visited		2,389		
7 other installations		517		
Total authorized for disposal		2,906		

PURCHASE

Supplier	Quantity	Unit price
Cooper Bessemer Corp., Sandusky Street, Mount Vernon, Ohio	225 { 20@ / 205@	$92.50 / 91.25

Mr. ROBERTSON. Mr. President, I ask unanimous consent that I may yield for not more than 5 minutes to the distinguished Senator from Illinois [Mr. DOUGLAS] for the purpose of making a statement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

SEGREGATION OF SCOTCH-IRISH

Mr. DOUGLAS. Mr. President, I felt compelled on April 25 to take the floor of the Senate and to protest against a movement developing in Mississippi to segregate the Scotch-Irish. I introduced into the RECORD articles from the Petal Paper, which made a vicious attack upon the Scotch-Irish and urged that they be segregated from all social events in that State, and, indeed, throughout the Nation.

I then addressed a letter to the editor of the Petal Paper, and, among other things, I said:

You have gone too far, and I shall have to defend the Scotch-Irish even if it takes the last drop of my blood. May I plead with you that you do not renew your efforts. In spite of all your errors, I like you very much and I only hope that we can convert you so that you will not advocate segregation of anybody. I must confess to you also that I am opposed to segregation of the Negroes. I hope that you will not take this amiss, and that you will hold fast to your former convictions in this respect, at least, even though you have been led astray by the Scotch-Irish. Come to your senses, my boy.

I had hoped that my message would affect beneficently the attitude of the Petal Paper, but it did not.

In fact, I noticed in an editorial which appeared in the New Republic for May 7 that a journalist writing under the name "T.R.B." endorses the segregation of Scotch-Irish. I ask unanimous consent that this editorial be printed at this point in the RECORD.

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

[From the New Republic, May 7, 1962]

YOU-KNOW-WHO

In Hattiesburg, Miss., Mr. P. D. East publishes a lighthearted journal called the Petal Paper. In recent months it has taken on a graver note. It has delved into what ails the country and has found the answer; Mr. East has come out in favor of segregation, segregation for the Scotch-Irish.

Not one to wince at grim facts, the Petal Paper notes the degree to which miscegenation has already gone; the Scotch-Irish threat, it reports, not merely menaces our bloodstream but our very way of life. Look at their morals, it cries; look at Mary Queen of Scots and Macbeth. They dance highland flings and drink usquebaugh. Let us go out straightway and segregate our schools and golf courses.

This column wishes to enlist firmly under the Petal banner. Tolerance can go only so far. Our motto: Act before it is too late. We wholeheartedly join Southern United Sons and Daughters for Segregation (Scotch-Irish chapter).

Our friend, Senator PAUL DOUGLAS, holds back. He insists that he is opposed to all race prejudice. This, we maintain, is simply sickly liberalism. Perhaps there is another more sinister reason. The libel law being what it is we shall merely hint. But note the name, "DOUGLAS."

We plan to lend full support to Senator RUSSELL's current filibuster against the civil rights literacy bill if he will include the you-know-who. Why should they be permitted to vote anyway; it strikes at the heart of our constitutional system. The Scotch-Irish are all right in their place, but would you want one to marry your daughter?

One point more. Louisiana freedom buses must be organized. The Scotch-Irish must be sent back where they come from. Since they come from practically everywhere this, at first sight, presents difficulties. Not at all. Give them free, one-way tickets to wherever they want to go. It will solve all America's racial problems overnight.

T.R.B.

Mr. DOUGLAS. Mr. President, only a day or two ago I received a letter from Mr. East which is so abominable that I think it should be exposed to public view where I think it will meet its due disapprobation.

Mr. East said:

MAY 1, 1962.

Hon. PAUL H. DOUGLAS,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR DOUGLAS: I have your letter of April 26 in which you take me to task for my efforts to segregate the Scotch-Irish. Needless to say, Senator, I was more than surprised by the position you have taken, your Scotch blood notwithstanding. While it is true that a few of the Scotch-Irish have risen above their normal station in life—notably, you, President Kennedy, and possibly three or four others, the fact is that the vast majority are a menace to our way of life. Just 2 days ago, while standing on a street corner, I heard a 6-year-old child rolling an "R." Now as a Senator, it is my belief that you have the responsibility to help Nathan Bedford Coocloose and me to stamp out, to eradicate, from the face of our Nation the kind of oppression to which I referred.

Those items contained in the paper which you so violently attacked on the floor of the U.S. Senate are factual and a matter of record. I shall not let my personal feelings enter into this discussion, but I cannot refrain from saying that for many years I have been one of your most ardent admirers. It grieves me deeply to see that you have made such an error in judgment as evidenced by your Senate speech. While I do not expect this remark to be my crowning argument, I am reminded by what my sainted mother used to say to me: "Son," she would say to me, "these folks just ain't our kind of people." So you see, Senator, I have not only the facts as reported in the news stories from Minnowsville, Miss., Blue Ribbon, Miss., and other areas, but I have the benefit of parental knowledge on my side. Senator, believe me, they just ain't our kind of people.

I hope this brief note will cause you to rethink, to reevaluate your judgment and perhaps rescind and even apologize for your emotional remarks made on April 25 on the floor of the U.S. Senate.

With kind personal regards,

P. D. EAST.

I wish to say that I do not apologize. I stand on what I said. We should not segregate anyone in this country. I realize that Macbeth, Lady Macbeth, and Mary Queen of Scots were of Scotch blood. I know that this is casting a blot upon the Scottish race, but I submit that the race as a whole should not be judged and should not be condemned for the derelictions of a few members of the race.

We have tried to live down the murders of Macbeth, and I have tried to live down the actions of the Black Douglases and the Red Douglases, who misbehaved in Scotland centuries ago. We may have done so imperfectly, but we should have a chance. Mary Queen of Scots should not be held against us.

NEGOTIATIONS ON BERLIN

Mr. SCOTT. Mr. President, will the Senator from Virginia yield to me for a few moments, with the understanding that he does not lose his right to the floor?

Mr. ROBERTSON. Mr. President, will the distinguished Senator from Pennsylvania more clearly define what he means by a few moments? Does he mean 1 minute, or 5 minutes?

Mr. SCOTT. I am glad to accede to the request of the distinguished Senator from Virginia. I have a statement of a page and a half. This is the only hour of the day that I am able to get to the Senate floor.

Mr. ROBERTSON. I ask unanimous consent that I may yield for the page and a half, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered, with that understanding.

Mr. KEATING. Mr. President, will the Senator yield further?

Mr. ROBERTSON. I yield.

Mr. KEATING. It was my understanding that the distinguished Senator from Pennsylvania was going to speak with regard to the Berlin situation.

Mr. SCOTT. That is correct.

Mr. KEATING. I had about a 2-minute statement I would like to make on that subject, if the Senator from Virginia would be willing to include that in his request.

Mr. ROBERTSON. I have been waiting here a long time. I want to be very generous with my friends. With the understanding that the first Senator will not take more than 3 minutes, and that the second Senator will not take more than 2 minutes, I ask unanimous consent that I may yield for 5 minutes.

The PRESIDING OFFICER. With the understanding that the Senator from Virginia does not lose the floor, the Senator from Virginia yields first to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, the regular spring ministerial session of the North Atlantic Treaty Organization Council, which was held in Athens, Greece, last week has come to a close.

The communique, which was issued at the termination of the Conference stated:

The Council examined the Berlin question in the light of the basic commitments of NATO in this regard. They took note of the most recent developments in the situation, including the fact that exploratory talks are taking place with the Soviet Union. They took the opportunity to reaffirm their attachment to the principles set forth in their declaration of the 16th of December, 1958, on Berlin.

It has been reported that Secretary of State, Dean Rusk, was pleased with the progress he made with Britain, France, and West Germany on his talks on Berlin with the Soviet Union. As we know, it is planned that the Secretary will resume his talks with the Soviet Ambassador sometime this month. I fully endorse the U.S. position of further probing with the Soviet in hopes that a peaceful settlement may be reached on the Berlin question.

On the other hand, as I pointed out last week, I am most concerned that, in the course of this probing we, the United States, do not give up any basic rights dealing with free access to Berlin. I would hope, Mr. President, that the administration and the appropriate committees of the Congress would carefully study any proposals that might possibly be made to the Russians during the course of these negotiations.

The timeliness of the concern voiced by Senators KEATING, JAVITS, and myself is highlighted by an article in the official organ of the East German Communist Party—Neues Deutschland—dated May 6. As reported by the New York Times correspondent in Bonn, Germany—Sydney Gruson—the Communist paper described as "unthinkable" the concept of an international authority on access to Berlin that gave East Germany anything less than absolute rights to control all traffic across its territory. The Communist paper has held fast to the position that the basic principle in a Berlin settlement must be an end of West Berlin occupation status.

As you know, Mr. President, the U.S. position is that the presence of allied forces in Berlin is nonnegotiable. This is commendable and a proper position, but I would hope that no negotiations on the part of our Government would tend to ultimately weaken that position. We are aware that Berlin is "an island of freedom in a sea of Communist tyranny." It is a democratic refutation of Communist success, and the Russians, the Communist East Germans, and the Soviet satellites would welcome a gradual weakening of its position as an outpost of the free world. The Communists, of course, are taking the extreme position in that they demand that the Soviet Union negotiate as a representative of the Allies with East Berlin on disputes concerning access routes. It is my feeling that any dilution of the rightful stand of free access, subject only to the rights that we legally, politically, and morally deserve, would be a violation of not only our commitments to a free people but a violation of our obligations to those who won and sustained those rights.

It is interesting to note, Mr. President, that in an UPI release yesterday, West German Chancellor Konrad Adenauer said he considered the 13-nation board proposed by the United States to settle Berlin traffic disputes "unworkable" and

that West Germany would prefer not to be a member.

I again reiterate, Mr. President, my hope that Gen. Lucius Clay, certainly the best advised individual on Berlin, be asked for his views by the appropriate committees of the Congress on any proposal affecting our access rights to Berlin.

I wish to call attention to the fact that it is now quite clear that this 13-nation proposal would have included 3 neutrals, Sweden, Switzerland, and Austria; that the proposal was actually a part of our plan; that it was intended to be proposed; and if it is not proposed, I assume we shall hear excuses to the effect that it was never seriously considered.

I am satisfied that it was seriously considered. I am satisfied that incidents concerning the recall of the German Ambassador, with the obviously irate position taken by the West German Chancellor, all point to the same conclusion, which is that the United States did contemplate inclusion of the three neutralists, and that the proposal would have put the control of the access routes to Berlin in the hands of neutralists and eventually the Communists; and that it was unwise. I hope the State Department is now prepared to withdraw this proposal, which I consider unwise, iniquitous, and unworkable.

Mr. President, I assume my time is up.

The PRESIDING OFFICER. The Senator from New York.

Mr. KEATING. Mr. President, I am happy that the Senator from Pennsylvania has called attention to this situation again.

Mr. President, Chancellor Adenauer's position that an international authority to safeguard access rights to West Berlin would be "unworkable" must seem to many Americans a very sensible point of view. The situation in Laos right now is just one example of how international commissions have failed to meet the problems of direct cold war confrontation.

There are strong indications that at least one element, probably the most objectionable element, of the American plan has already been modified. I understand now from State Department sources that we will not insist on including East Germany in any international body in the face of strong, and to my mind entirely justified, opposition. Certain trade and access agreements between the two Germanys may be useful, but there is no reason in the world to give any kind of international status to Ulbricht's puppet regime.

Incidentally, I have also been informed that the State Department is not responsible for the reportedly imminent recall of German Ambassador Grewe. If he is persona non grata anywhere in Washington, it is not at the State Department, I am told.

Basically, Mr. President, our policy in Berlin has been to react, and sometimes, as in the vital matter of the Berlin wall, to retreat. We have taken no initiative. We have not advanced or improved our own position.

We have put, and I am afraid we still are putting, too much faith in agreements and in documents. The Russians are not bound by such a legalistic position. They did not need a document telling them they could build a wall between East and West Berlin. They relied on the political judgment that they could build such a wall and get away with it. Unfortunately, they were right. Even if an international authority over Berlin access routes could be negotiated—which I doubt—I am sure the Communists would not respect the spirit of that agreement any more than they have respected previous quadripartite agreements on Berlin.

Finally, Mr. President, before any negotiations on access to West Berlin are undertaken, I would like to see an American effort to increase our access to East Berlin. That is a right we still possess, but if it is not vigorously exercised, it, too, will be eroded. A continued and strong American presence, through increased patrol in East Berlin, is an important part of our position. It should be emphasized and built up before we enter any negotiations with the Communists.

Mr. HUMPHREY. Mr. President, will the Senator from Virginia yield to me?

Mr. ROBERTSON. For what purpose?

Mr. HUMPHREY. I would like to make a response.

Mr. ROBERTSON. I yield 3 minutes to the Senator from Pennsylvania and 2 minutes to the Senator from New York——

Mr. HUMPHREY. Will the Senator yield me 2 minutes?

Mr. ROBERTSON. I yield 2 minutes to the Senator from Minnesota, with the understanding that I do not lose the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I had an opportunity to quickly scan through the text of the comments of the distinguished Senator from Pennsylvania [Mr. SCOTT], and I have listened to the comments of the Senator from New York [Mr. KEATING].

I think it should be manifestly clear that the situation relating to Berlin is one of the most complex and one of the most dangerous situations confronting this Nation. The Secretary of State seeks to do only one thing in the name of the President; that is, to secure and to make even more secure the freedom and the rights of the people of West Berlin. Any talk about any negotiations relating to access to Berlin is talk of negotiations designed to make even more secure and viable the lives and the economy of the people of West Berlin.

I do not think we help our country in these difficult days by letting it appear that we are about ready to negotiate away something which this country earned on the field of battle and in regard to which a commitment has been made by this Nation repeatedly.

Very frankly, I did not like the fact that there was a leak out of official German sources relating to some of the discussions the Secretary of State allegedly was to be holding. That is not the way to secure good, sound international relations. I am happy that the Chancellor of Germany, Mr. Adenauer, who is a great man, has seen fit to make every effort to be sure this does not happen again.

Let the record be clear. The United States made a commitment to Berlin in 1958. The United States made a commitment after the war. The United States made a commitment in 1948, after the airlift. President Kennedy and this administration have strengthened our position regarding Berlin, and have strengthened our National Defense Establishment even to the point that newspaper reports are that in NATO the foreign ministers were surprised by the incredible strength of the United States of America, as revealed in the Council of NATO in Athens.

There is no intention on the part of this Government, this Nation, or this administration to chip away or to sacrifice the rights of the people of Berlin, or our privileges and rights in Berlin.

Mr. SCOTT. Mr. President, will the distinguished Senator from Virginia permit me to propound a question to the Senator from Minnesota, since I have reason to have some disagreement with him on this subject?

Mr. ROBERTSON. I will yield for not more than 30 seconds.

Mr. SCOTT. I thank the Senator.

My question to the Senator from Minnesota is this: State Department sources, as the Senator from New York [Mr. KEATING] has said, have assured the Senator from New York that they are not now going to proceed with the inclusion of East Berlin in the so-called multinational, 13-nation, commission. If our Government has not been proposing a 13-nation international commission—and indeed it has—why would it be necessary for State Department sources to advise the Senator from New York [Mr. KEATING] that they are now changing their proposal by not including East Berlin as a member?

Mr. HUMPHREY. Mr. President, will the Senator from Virginia permit me 30 seconds for a reply?

Mr. ROBERTSON. I yield 30 seconds, so that the Senator may reply.

Mr. HUMPHREY. I say, in response, first, that for a government such as ours to talk or to negotiate it obviously must have a series of proposals. The purpose of those proposals is to safeguard West Berlin and the access rights of the United States and other countries to West Berlin.

Furthermore, Mr. President, there has been no finality of negotiation. What is more, I have no information whatsoever that the State Department at any time has intended to give official status to East Germany. To the contrary, I have heard from the lips of prominent officials in West Germany that they were prepared to undertake certain negotiations with East Germany, even as the finger was being pointed at this Government for being too soft about Berlin.

I was in Berlin. I was in Bonn, Germany. I talked to the Chancellor. I talked to the Foreign Minister. I talked to leaders of the Parliament.

While the finger is being pointed at this Government for its alleged softness on the East Germans, the West German Government itself frequently talks about what negotiations it is willing to conduct.

Mr. SCOTT. The Senator and I remain in disagreement.

Mr. ROBERTSON. Mr. President, the only comment the junior Senator from Virginia wishes to make about the Berlin crisis is that if the three distinguished colleagues who have been discussing Berlin will agree with me tomorrow in the debate on the pending proposal, the junior Senator from Virginia will start prompt hearings on the Defense Department appropriation bill, which will give us something with which to shoot if we have to shoot. With all due deference, the junior Senator from Virginia thinks that the Defense Department appropriation bill is more important to the welfare of this Nation than the Senate's consideration of a bill designed to wipe out literacy tests in Louisiana or Mississippi merely because it is a little tedious for the Justice Department to go into court to prove, under the 15th amendment, that a man has been illegally prevented from voting.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

Mr. ROBERTSON. Mr. President, I wish to say that Southern Senators who, for more than 2 weeks now, have been attempting as best they could to keep their colleagues from tearing the Constitution to tatters, although all of us took the same oath to uphold and support it, find some gratification in the fact that the debate, for the most part, has been presided over by a very able and considerate colleague (Mr. METCALF in the chair), who listens patiently and attentively to our arguments and who has never once complained that we have exceeded the bounds of propriety in our insistence that the precious doctrine of States' rights be maintained, if we are to keep our freedom under constitutional government.

Mr. HILL. The distinguished Senator from Montana [Mr. METCALF], now presiding in the Senate, was formerly a distinguished judge in his own State.

Mr. ROBERTSON. I knew he had been properly trained and that he could appreciate constitutional arguments.

Mr. President, it is the duty of elected Representatives of Congress to pass upon the constitutionality of issues which come before them in the form of proposed legislation. This responsibility is ours because the oath which each of us took to uphold the Constitution requires that before we give weight to any other considerations in determining the merit of proposed legislation, we must first answer in the affirmative the question, "Is this measure constitutional?"

How are we to determine the constitutionality of proposals which come before us? First, we must place the facts in their true historical perspective. Then we must review the interpretation of those facts by our Founding Fathers, the statements of legislators while proposals were pending, and the decisions of the Federal courts.

This view has been expressed no more cogently than by the great American constitutional lawyer, George Ticknor Curtis. Mr. Curtis will be remembered by students of American history for his brilliant arguments before the U.S. Supreme Court in the famed Dred Scott case.

Mr. President, to digress briefly, I would like to point out that there was not any question about the wisdom and constitutionality of the decision in the Dred Scott case; however, it had serious political overtones. The candidate for the Republican nomination for President, Mr. Lincoln, criticized the decision. The decision, however, was clearly a proper one for it rested upon the fact that there was nothing in the Constitution to prohibit slavery.

In this regard, there were Virginians in the Constitutional Convention who proposed to have inserted in the Constitution a provision prohibiting the slave trade; however, representatives of some of the Northern States—Massachusetts, for example—were making so much money transporting slaves to Virginia, that they threatened to walk out of the Convention if such a provision were adopted. It was, therefore, necessary to abandon the attempt.

Jefferson was in France at the time, but he urged Madison to sponsor the provision.

I mention the Dred Scott decision to illustrate the part which history has played in the interpretation of the Constitution. Although the decision had political and racial overtones, it was perfectly constitutional. Yet a man who was to become the President of the United States denounced it; and the State of Wisconsin dared Federal marshals to enforce the decision within its bounds.

Southerners, however, are now castigated for their refusal to accept the 1954 school integration decision as the supreme law of the land.

Mr. Curtis, in his argument before the Supreme Court in the Dred Scott case, had the following to say regarding the relationship of history to the interpretation of the Constitution:

> I wish, in the next place, to say, may it please your honors, what indeed is obvious to everyone that this is eminently a historical question. But I shall press that consideration somewhat further than it is generally carried on this subject, and much further than it has been carried by the counsel for the defendant in error; for I believe it to be true of this, as it is of almost all questions of power arising under the Constitution, that when you have once ascertained the historical facts out of which the particular provision arose, and have placed those facts in their true historical relations, you have gone far toward deciding the whole controversy. So true is it that every power and function of this Government had its origin in some previously existing facts of the national history, or in some then existing state of things, that it is impossible to approach one of these questions as one of mere theory, or to solve it by the aid of any merely speculative reasoning. Hence it is eminently necessary on all occasions to ascertain the history of the subject supposed to be involved in a controverted power of Congress, and above all, to approach it with the single purpose of drawing that deduction which the constitutional history of the country clearly warrants. ("Constitutional History of the United States," George Ticknor Curtis, p. 502.)

And summarizing briefly the relationship between history and suffrage in America, Albert Johnston McCulloch observed at page 32 of his book, "Suffrage and Its Problems":

> While there has been a revolution in the conception of citizenship, there was no such change in the regulation of suffrage, the determining and regulating power continued to rest with the States. However, much as publicists and reformers may desire a uniform national suffrage law, it is unattainable; expediency and constitutionality are both adverse. In fact such a plan was considered by the Constitutional Convention itself, but it received the vote of only one Commonwealth—Delaware. "The provision made by the Convention appears to be the best that lay within their option." The Fathers were satisfied for the States to continue to make their own suffrage tests, rather than to further prolong the Convention and so further endanger the rather slim chances of ratification by the several Commonwealths. The prospect in the Convention itself was anything but promising. Even Franklin moved to call in a person that they might invoke the "assistance of Heaven."
>
> The Constitution conferred the franchise on no one. Likewise citizenship does not bestow suffrage, either upon the natural born or the naturalized alien. The several States have the unqualified right to impose qualifications and regulate suffrage subject only to the limitations in the amendments referred to above. In handing down the decision in the case of *Corfield* v. *Coryell*, Judge Washington in enumerating the privileges and immunities that are usually associated with citizenship, said: "To which is to be added the elective franchise, as regulated and established by the laws or constitutions of the State in which it is exercised."

Mr. President, one of the finest arguments which has yet been made with regard to the constitutionality of the so-called literacy test proposals was presented on April 10 of this year before the Subcommittee on Constitutional Rights of the Senate Judiciary Committee by a Virginian, Frederick T. Gray. Mr. Gray is a member of the Commission on Constitutional Government of Virginia and a former attorney general of our State. He ranks among the ablest constitutional lawyers in this country and, therefore, his remarks carry considerable weight. In order that the arguments of Mr. Gray against the constitutionality of S. 2750 be given a larger forum and since his words should sway anyone with an open mind on the subject, I intend to read his statement at this time:

SENATE BILL 2750

> In recent years those of us who believe that our Constitution is, and ought to be, a sacred compact between the people and their government have on many occasions trembled with anxiety as the Nation's highest tribunal deliberated on the meaning of words in that document. We have been appalled at times when the Court has permitted "changed conditions" to change the meaning of the Constitution itself. The proponents of Senate bill 2750 have been

among those who have applauded such actions by the Court and have sought to relegate criticism of it into the category of near treason by chanting, almost as though in unison, "supreme law of the land" and by reminding us that we are sworn to uphold and defend the Constitution and that the Court's decisions "are the Constitution."

What say these ardent advocates of the Court to its 1959 pronouncement in the case of *Lassiter* v. *Board of Supervisors* (360 U.S. 45). There a unanimous Court, speaking through Mr. Justice Douglas, upheld the literacy test for voting prescribed by the laws of North Carolina and said, among other things:

"In our society * * * a State might conclude that only those who are literate should exercise the franchise."

This, of course, was not an unprecedented decision. I will point out in the course of these remarks several other occasions on which the Court has held similarly. Perhaps in one respect the decision is surprising, that being that it is the same view held by the Court over the years—certainly as far back as 1884.

In an examination of proposed legislation such as Senate bill 2750, it is all too easy to make broad generalizations as to the merit or lack of merit of the proposed law. I shall not pause to question the fairness of a nationwide standard calling for the completion of six primary grades when there is no provision for uniformity of school levels throughout the Nation. It may be that one with a sixth-grade education in one State will have been required to reach a much higher degree of literacy than one who completed that grade in another State. One might go further and ponder the compounding of that "unfairness," if such it be, when such persons change residences from one State to another.

I suspect that a number of the bill's proponents will support it on the ground that the right to vote is basic to our concept of a democratic republic, and therefore all citizens of the Nation should be subject to uniform voting laws. If Senate bill 2750 is enacted into law and the principle established that Congress can control the requirements for voting in the States, surely these worshipers of uniformity, who believe that the term "States rights" is equivalent to "abuse of the individual" and who believe that only the Federal Government can protect individual liberties, surely they will be quick to contend that under that power Congress must act to eliminate the unfairness I have mentioned by standardizing education throughout the land—under Federal control, of course.

I shall not deal here with an argument as to the merits, or lack of merits, of uniformity. Those who support this measure with that argument miss the point. It is an argument which can only be properly made in support of an amendment to the Constitution.

Mr. President, I pause here to say that I understand the distinguished Senator from Tennessee [Mr. KEFAUVER] plans to offer such an amendment to the Constitution. In his opinion, the present bill is utterly unconstitutional. He, nevertheless, believes in the objective of the proposal; and, therefore, at an appropriate time he plans to offer an amendment to the Constitution, along the lines of the pending measure.

I resume the quotation:

Conversely, many who place their confidence in the true Federal system of dual government may tend to generalize that under the 10th amendment, control of the franchise is reserved to the States, as it is not a power delegated to the General Government. They err by relying on a general provision when the true bar to Federal control here can be pointed out in more specific language. The authors of the Constitution of the United States dealt with the exercise of the franchise in five separate sections of the documents: Art. I, sec. 2; art. I, sec. 3 (which was repealed in part by the 17th amendment); art. I, sec. 4; art. II, sec. 1, cl. 2; and art. II, sec. 1, cl. 3. Four of the 23 constitutional amendments have been totally or partially devoted to that problem. They are the 14th, 15th, 17th, and 19th amendments. The 12th amendment, dealing with the electoral college, and the 23d amendment, conferring on residents of the District of Columbia the right to vote in presidential elections, are not considered strictly applicable to this discussion and thus are not included in the enumeration.

I submit, therefore, that a calm and rational review of the Constitution and its amendments, together with the constitutional debates and judicial decisions on the question, will set forth clearly the authority or lack of authority of Congress to enact the proposed bill into law. My conclusion, after detailed consideration of the authorities, is that Congress lacks power under the Constitution to enact the proposed legislation.

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

Mr. ROBERTSON. I yield to the distinguished Senator from Alabama.

Mr. HILL. Is it not true that case after case make it very definitely clear that Congress has no power to enact any such legislation as is proposed, in the very teeth of section 2, article I of the Constitution?

Mr. ROBERTSON. Absolutely. As I said at the outset of my remarks, the way to interpret a provision of the Constitution is, first, to review its historical background.

Mr. HILL. Is it not true that the thing created, which was the Federal Government, could have only such powers and only such rights as the States themselves granted and delegated to the Federal Government?

Mr. ROBERTSON. That was just as clear as it could be. For fear that someone might later claim other powers for the Central Government, a number of the States, including Virginia, refused to ratify the Constitution until assurances were given that an amendment would be offered to provide that all powers not delegated to the Federal Government or specifically denied to the States were reserved to the States or to the people thereof.

Mr. HILL. That is the 10th amendment to the Constitution, which is part and parcel of the Constitution, and has been since the Constitution was written. The States would never have ratified the Constitution if it had not been agreed to put into the Constitution what we know as the Bill of Rights, which includes the 10th amendment to the Constitution.

Mr. ROBERTSON. When delegates met in Philadelphia in 1787 to write a Constitution, the States had already provided their own various qualifications for voters. They were not willing for the Federal Government to prescribe uniform qualifications.

As the distinguished Senator from Alabama [Mr. HILL] has said, the Supreme Court has upheld repeatedly the exclusive right and power of the States to fix the qualifications for their voters, provided that the qualifications for the electors of Federal officers be similar to those for the electors of the most numerous branch of the State legislature.

The 15th amendment provides that a person must not be discriminated against because of race, color, or previous condition of servitude.

The 19th amendment provides that persons may not be discriminated against by reason of sex.

These amendments in no way, however, empower the Central Government to set affirmative voter qualifications.

Mr. HILL. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I yield.

Mr. HILL. Is it not true that this very question arose when the House and Senate were considering the adoption or the submission of the 14th Amendment, and that Mr. Thaddeus Stevens, of Pennsylvania, who was chairman of the Committee on Reconstruction, which was the committee that reported the amendment, made it very definite and clear that there was absolutely nothing in the amendment which would in any way give to Congress the power to fix the qualifications of voters?

Mr. ROBERTSON. He certainly did; and he held out the hope that perhaps in another amendment this could be done; but when he tried to implement his intentions in the language of the 15th amendment, his proposal was rejected.

As the distinguished junior Senator from Georgia [Mr. TALMADGE] pointed out yesterday, Congress has enacted many laws, civil and criminal, to protect voting rights under the 14th, 15th, and 19th amendments. However, the Attorney General argues that it is too much trouble to proceed under those statutes. He recommends that we adopt an arbitrary sixth grade standard as an irrebuttable presumption of literacy—and this in spite of his admission that voter qualifications established by the Federal Government would be unconstitutional.

I shall now return to my reading of the excellent statement by the former Attorney General of Virginia, Mr. Gray. He said:

Senate bill 2750 is simply a bill to set minimum literacy requirements which, having been met, entitle an individual to vote in Federal elections without further testing by any State. A Federal election, according to the bill, is any "general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives, Delegate, or Commissioner from the territories or possessions." It is true that lines 5 through 14 at page 3 of the bill prohibit such acts as coercion or application of unequal standards to persons who attempt to vote in Federal elections, but these acts already are prohibited by statute and case law, as well as by constitutional amendments. I refer to the Civil Rights Act, 42 United States Code, section 1971 (b) (1961) and the cases of *United States* v. *Raines*, 362 U.S. 17 (1960) and *United States* v. *McElveen*, 177 F. Supp. 355 (E.D. La. 1960). The only apparent reason for the provisions

in lines 5 through 14 of the bill is that they lend some authority to the proposed law by incorporating standards which previously have been approved. The important portion of the bill is clause (2) of paragraph (b), comprised of lines 15 through 21 on page 3. Reduced to its essential provisions, this clause outlaws the literacy tests of the several States by providing that if any person shall have a sixth-grade education, and shall not have been adjudged incompetent, that person shall not be denied the right to vote.

As authority for congressional action of this nature, the authors rely upon "article I, section 4, of the Constitution; section 5 of the 14th amendment, and section 2 of the 15th amendment; and its (Congress') power to protect the integrity of the Federal electoral process. * * *" In examining the authority relied upon, I shall first analyze in detail the authority of Congress under article I, section 4, to control "the times, places and manner" of holding elections for U.S. Senators and Representatives. Next I shall consider the propriety of the proposed legislation under the 14th and 15th amendments. Finally, I shall touch upon currently existing civil rights laws and some special considerations applicable to presidential elections.

Article I, section 4, states that "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 the Places of chusing Senators."

It cannot be disputed that Congress can regulate the times and places of holding elections for Senators and Representatives, within the limits set. The problem arises over the interpretation of the word "manner." Webster's preferred definition of the word describes "manner" as "a way of acting, a mode of procedure." This throws little light upon the usage of the word, and one is justified in concluding that "manner" as used in this instance refers to the how, when, and where of the election. Absent indications to the contrary, then, the ambiguous nature of the word might lend support to the theory that Congress has final control of the time, place, and general conduct of each election for a Senator or Representative. However, as previously stated, the Constitution is specific with regard to voting rights, and article 1, section 2, provides that: "The House of Representatives shall be composed of Members chosen every 2d year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

Obviously, the Constitution contemplates that each State will fix its own qualifications.

The same provision as to qualifications to vote in elections for Senators was adopted by the 17th amendment in 1913, which provides: "The electors (for Senators) in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures." A normal interpretation of this section reveals clearly that while Congress may control the general proceedings as to time and place of a congressional election, each State is to set its own qualifications which must be met by individuals who seek to exercise the franchise. Under article I, section 2, the Thirteen Original States were admitted to the Union with varying laws as to qualification of voters, and States subsequently admitted brought with them their own laws as to that qualification. For example, Massachusetts required of a voter "a freehold estate * * * of the annual income of 3 pounds, or any estate of the value of 60 pounds"; Connecticut qualified only such persons as had "maturity in years, a quiet and peaceable behavior, a civil conversation, and 40 shillings freehold or 40 pounds personal estate"; New Jersey denied the franchise to any save "all inhabitants * * * of full age who are worth 50 pounds * * *." Of course, the States are prohibited by the 15th and 19th amendments from discriminating on the basis of race or sex.

The purpose for which article I, section 4, was intended is disclosed by an examination of the attitude prevailing at the time of adoption of the Constitution. In conventions called by the 13 States to ratify the Constitution, amendments were proposed to limit the power of Congress under article I, section 4, to cases where the States neglected or refused to make provisions for Federal elections. It was contemplated that in case any State sought to withdraw from the Union by failing to elect Senators or Representatives, Congress should have power to set the time, place, and procedure for its own elections. Although a majority of the States—Massachusetts, New Hampshire, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia—supported such an amendment, they took no action because of assurances that Congress would not overstep its authority by attempting to control State election procedure. In this regard, James Madison said, "the election of the House of Representatives * * * will probably, forever be conducted by the officers, and according to the laws of the States." It should be noted that at that time, election of Senators was by State legislatures, so that there was no question of Federal control of those elections. Ninety-two years later, in the case of *Ex parte Clarke*, 100 U.S. 399, Justices Fields and Clifford stated that clarification of article I, section 4, was "abandoned upon the ground of the improbability of congressional interference. * * *"

In the debates of 1842 concerning the power of Congress to provide that elections of Representatives should be by districts (which power cannot be made analogous to the power to prescribe vote qualifications), Mr. Nathan Clifford of Maine, later a Supreme Court Justice, referring to the opinion of John Jay, said Jay believed "that every government was imperfect, unless it had the power of preserving itself. Suppose that, by design or accident, the States should neglect to appoint Representatives. * * * The obvious meaning of the paragraph (art. I, sec. 4) was, that if this neglect should take place, Congress should have the power, by law, to support the Government and prevent dissolution of the Union."

Mr. Clifford then referred to an opinion in which Mr. Samuel Adams, of Massachusetts, expressed the same view. Both of Mr. Clifford's statements may be found by reference to the Congressional Globe, 27th Congress, 2d session, at the appendix, page 349. Clearly then, Congress was intended to have the power to schedule elections in the event that the States neglected to provide for elections.

In a committee report of the House of Representatives in 1901, concerning a disputed election, the committee decided that "the best opinion seems to be that * * * the constitutional provision (art. I, sec. 4) was inserted for the purpose of giving Congress the power to provide the means whereby a State should be represented in Congress when the State itself, for some reason, has neglected or refused to make such provision itself."

The report is cited as House Report No. 3000, 56th Congress, 2d session (1901). The same report, at page 3, quotes a report by Mr. Webster in the 22d Congress:

"It is enough that the State presents her own representation on the floor of Congress in the mode she chooses to present it. If a State were to give one portion of her territory a representation for every 25,000 persons, and to the rest a representation only for every 50,000, it would be an act of unjust legislation, doubtless, but it would be wholly beyond redress by any power in Congress, because the Constitution has left all this to the State itself."

If any doubt should remain as to the question, it must be eliminated by a passage of Alexander Hamilton's explanation of the Constitution. Hamilton, who was hardly a State's righter, analyzed for the people of New York the question of which government should prescribe qualifications for voters in Federal elections. While the passage refers to property qualifications, it is equally applicable to all other qualifications which might be required. Writing of the power to set qualifications for electors, Hamilton stated:

"But this forms no part of the power to be conferred upon the National Government. Its authority would be expressly restricted to the regulation of the times, the places, the manner of elections. The qualifications of the persons who may choose or be chosen, as has been remarked on other occasions, are defined and fixed in the Constitution, and are unalterable by the (national) legislature."

In Virginia, Patrick Henry suggested that article 1, section 4, might place in the hands of Congress power to establish qualifications for electors and elicited this reply from Governor Randolph:

"As the electors of the Federal Representatives are to have the same qualifications with those of this State legislature—or, in other words, as the electors of the one are to be electors of the other—this suggestion is unwarrantable, unless he (Henry) carries the supposition further, and says that Virginia will agree to her own suicide. * * *"

The necessary conclusion to be drawn from this testimony by Madison, Hamilton, Governor Randolph, and others is that so long as laws must be made by men, citizens of States might just as well rely for local regulation upon their State legislature. In their wisdom, proven by our 173 years of experience with the Constitution, the authors of that document made just such a division in control of the franchise in article I, sections 2 and 4.

In 1842 Congress first exercised its power under article I, section 4, by providing that elections of Members of the House of Representatives should be by districts rather than at large. The several States at that time employed varying methods of election, and a heated controversy accompanied consideration of the legislation. Proponents of congressional district-vote legislation maintained that some States were using their power to hold at-large elections for Representatives to insure that the State's majority party would have great bloc-voting power in the House of Representatives. Therefore, they said, it was time for Federal action to remedy the situation. A great many statesmen objected to the inference that Congress was more competent than the State legislatures to handle the problem. One of these men, Mr. Nathan Clifford, of Maine, made a rather pointed suggestion to a Congressman from New York who favored Federal action. Asking the question why the States needed help from the Federal Government, Clifford said:

"Why? Because the legislation of the States is unwise, in the opinion of a majority here. This is the creature arraigning and condemning the creature. Are not the people of New York, or of any other State, as competent as the members of this House to judge as to which system will best promote their interest and prosperity? If the gentleman thinks otherwise, let him go home and promulgate that doctrine among the people, or in the legislature, and see how many votes he will get to sustain him in the sentiment; and perhaps hereafter, he

will be more competent to decide as to their wishes upon the point in dispute." (Congressional Globe, 27th Cong., 2d sess., 350 appendix (1842).) Mr. Clifford's remarks would seem to be applicable to the voter-qualification legislation currently under consideration.

In the question whether Congress, under its power to regulate the manner of elections can compel States to elect Representatives by districts, the only power designated by the Constitution is found in article I, section 4. There is no express reservation of power to the States. The power to determine qualification of electors is expressly reserved to the States in article I, section 2. Therefore, an argument which holds that Congress has power to require district elections for Representatives is not authority for the contention that Congress has power to set qualifications for electors.

Despite the fact that there was a tremendously stronger case for Congress to require elections by districts than there is for Congress to establish voter qualifications, the district voting law was seriously challenged. For a summary of objections to the district voting law, see Paschal, "The House of Representatives: 'Grand Depository of the Democratic Principle'." The results of the constitutional controversy indicate that Congress itself had little faith in its authority to pass the district-vote legislation, for although Congress had the power to deny seats to unqualified Members, under article I, section 5, of the Constitution, Members from four States were seated in the following session, despite the fact that they were elected at large. Georgia, Mississippi, Missouri, and New Hampshire refused to elect Representatives by districts; but their Representatives were seated, nonetheless. New York and Ohio, although they decided to vote by the district method, passed resolutions which denied the power of Congress to require that form of election. And even though the district-vote requirement remained on the books for almost 90 years, Congress never denied seats to Representatives elected at large. Thus, the first attempt by Congress to expand its power in the field of election control produced results which can scarcely be comforting to the proponents of Senate bill 2750.

In the wage of the Civil War, Congress launched an effort to enact legislation which would secure to all the newly-freed slaves the right to vote, as well as other civil rights. Some insight into the propriety of this type of legislation is revealed by the fact that most of it was either held unconstitutional or was repealed within 24 years. You may be interested in an account of the bad administration of the "Enforcement Act" contained in U.S. News & World Report, February 19, 1960, pages 45–46. But some of the laws, notably those prohibiting officials of government from discriminating on the basis of race or previous condition of servitude, were held constitutional. It is important to note that the Supreme Court, even as it upheld the newly created Federal power to act in the area of voting rights, found occasion to specify that the rights protected were the rights of qualified voters. I reemphasize that a qualified voter is one who has "the qualifications requisite for electors of the most numerous branch of the State Legislature."

Thus, in *Ex parte Yarbrough*, 110 U.S. 651, at page 663, a unanimous Court, speaking in 1884, acknowledged that the States "define who are to vote for the popular branch of their own legislature, and the Constitution of the United States says the same persons shall vote for Members of Congress in that State. It adopts the qualifications thus furnished as the qualification of its own electors for Members of Congress."

To the same effect is *Wiley* v. *Sinkler*, 177 U.S. 58 (1900).

In *Guinn* v. *United States*, 238 U.S. 347, decided in 1915, the question was the validity of a combined literacy test and "grandfather clause" under the 15th amendment. In the course of its opinion, the Court said:

"No time need be spent on the question of the validity of the literacy test considered alone since as we have seen its establishment was but the exercise by the State of a lawful power vested in it not subject to our supervision. * * *"

In *United States* v. *Classic*, 313 U.S. 299, in 1941, the Court held that primary elections are an integral part of national elections, and therefore fall within the realm of some Federal control. But in referring to the right of citizens to vote, the Court did not neglect to stipulate that the right belongs to qualified voters:

"The right of qualified voters to vote in the congressional primary in Louisiana * * * is thus the right to participate in that choice (of a Congressman)."

In the same opinion, the Court, in passing upon a law making it a crime to discriminate against a prospective voter, stated: "So interpreted, section 20 applies to deprivation of the constitutional rights of qualified voters to choose representatives in Congress."

My only purpose in referring to the language of the decisions in these cases is to demonstrate that the U.S. Supreme Court has always, either expressly or impliedly, recognized that the qualification of electors is a matter separate and apart from the time, place, and manner of an election. Furthermore, the Court has always recognized the power, vested in the States by the Constitution, to set their own voter qualifications within the limits of the 15th and 19th amendments. It would be impossible to note all the occasions on which the normal interpretation has been placed upon the two sections of article I. However, it is interesting to note that "the U.S. Constitution," "text with analytical index," presented by Mr. CELLER, chairman of the House Committee on the Judiciary, carries a heading, "Electors for Members of the House of Representatives—Qualifications of." There, reference is made to article I, section 2; but no mention is made of section 4. (H. Doc. No. 206, 87th Cong., 1st sess., 1961.)

Before leaving article I, sections 2 and 4, I should like you to consider the following sentence, and place your own interpretation upon its words. The sentence is: "Congress shall control the time, place, and manner of holding elections for Senators and Representatives, but the qualification of those who vote shall be determined by the States."

This is precisely what the U.S. Constitution provides, and I submit to you that there is only one interpretation which may be placed on those words.

Let us turn now to a consideration of the power of Congress under the 14th and 15th amendments; and first let us deal with a preliminary question.

The bill under consideration is avowedly aimed at prevention of racial discrimination in fixing the right of individuals to vote in Federal elections. Therefore, if the 14th amendment did not have as one of its purposes the elimination of this discrimination, S. 2750 may not be passed under the authority conferred on Congress by that amendment. I shall not impose on your patience by reading the text of the amendment. However, I should like to urge the Congress and the courts to adopt a practice of carefully considering the specific language of the Constitution and its amendments, every time they rely upon them. There should be no doubt that the 14th amendment did not have, as one of its purposes, the elimination of racial discrimination in voting.

With regard to the first section of the amendment, the Supreme Court, in 1874, in *Minor* v. *Happersett*, 88 U.S. 162, held:

"It is clear, therefore, we think, that the Constitution has not added the right of suffrage to the privileges and immunities of citizenship as they existed at the time it was adopted."

In *Terry* v. *Adams*, 345 U.S. 461, Mr. Justice Frankfurter stated:

"The 15th amendment, not the 14th outlawed discrimination on the basis of race or color with respect to the right to vote."

This case history strongly indicates that, whatever may be the current trend of decisions, the 14th amendment was not adopted for the purpose of prohibiting racial discrimination in respect to the right to vote. If that had been the effect of the 14th amendment, there would have been no need for passage of the 15th amendment. It has been accurately stated that section 2 of the amendment was adopted because it was impossible to get the States to surrender their power over the franchise. Therefore, the authors of the amendment proposed, and secured, adoption of a provision which would decrease a State's representation in the event of the State's passage of discriminatory voting laws. In any event, that section of the amendment provides its own penalty for its violation, so that no additional provision by Congress would be authorized.

Thus far in the discussion of the 14th amendment, I have endeavored to show that it was not intended to authorize any general legislation by Congress concerning voting rights. This is true, I submit, because section 1 of the amendment does not concern voting rights, and section 2 prescribes its own penalty for failure to observe its provisions. But I have not gone into great detail on the point, because now I shall establish that, even if the 14th amendment does authorize some congressional legislation as to voting rights, it does not extend authority to enact the provisions of S. 2750.

The references in S. 2750 to the 14th and 15th amendments are to the sections which provide that Congress shall have power to enforce the articles by appropriate legislation. While it is true that these clauses confer on Congress rather broad power, it is also true that there is a limit to this power. Surely no one would argue that the clauses authorize Congress to enact legislation directly contrary to the intent of the two amendments, yet that is precisely what S. 2750 would do if it were enacted. The 15th amendment to the U.S. Constitution provides that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—

"The Congress shall have power to enforce this article by appropriate legislation."

It will be seen that if the equal protection, due process, and privileges and immunities clauses of the 14th amendment are relied upon as authority for the proposed legislation, the authority of Congress to act pursuant to these clauses is governed by the same principles as those which govern the power of Congress under the 15th amendment. In other words, since the avowed purpose of the bill is to prevent racial discrimination, the power of Congress under the first section of the 14th amendment is the same as the power of Congress under the 15th amendment.

An examination of the power of Congress to enact laws under these two amendments is in order. In the Civil Rights cases, the Supreme Court in interpreting the 14th amendment held that "the legislation which Congress is authorized to adopt in this behalf is not general legislation upon the rights

of the citizen, but corrective legislation, that is, such as may be necessary and proper for counteracting such laws as the States may adopt or enforce, and which, by the amendment, they are prohibited from making or enforcing. * * *"

We should consider also *United States* v. *Harris*, 106 U.S. 629 (1883), in which the Court said, "when the laws of a State recognize and protect the rights of all persons, the (14th) amendment imposes no duty and confers no power upon Congress. * * *"

Similarly, the Supreme Court has said, in *United States* v. *Reese*, 92 U.S. 214, in 1876, that the 15th amendment does not confer authority "to impose penalties for every wrongful refusal to receive * * * (a) vote * * * (but) only when the wrongful refusal * * * is because of race, color, or previous condition of servitude. * * *"

Or, phrased in another manner, the 15th amendment only confers on Congress authority to penalize State action under color of laws which States are constitutionally prohibited from making or enforcing.

The cases from which the two preceding passages are taken were decided in 1876 and 1883 by two courts intimately familiar with the purposes sought to be accomplished by the 14th and 15th amendments. In the 1876 *Reese* decision, the Chief Justice was Morrison R. Waite; associates were Clifford, Miller, Field, Bradley, Swayne, Davis, Strong, and Hunt. The *Civil Rights* cases were decided 7 years later with the same Chief Justice on the bench, and the following associates: Miller, Field, Bradley, Harlan, Woods, Matthews, Gray, and Blatchford. The opinions set forth relatively simple tests which must be applied in determining the power to be exercised by Congress under the amendments. It is therefore proper to examine S. 2750 in the light of these requirements.

Stated simply, the purpose which is sought to be accomplished by the bill is the outlawing of State literacy tests, and, incidentally, State-required poll taxes. Therefore, under the rules set forth by the Supreme Court, if the State literacy tests and poll taxes are prohibited by the 14th or 15th amendment, S. 2750 is a proper exercise of the power of Congress. But if these State laws are not prohibited by the Constitution, Congress lacks the power necessary to enact S. 2750.

Literacy tests required by States of prospective voters have been repeatedly upheld. I have referred already to *Lassiter* v. *Board of Supervisors*, 360 U.S. 45 (1959). Other decisions are *Williams* v. *Mississippi*, 170 U.S. 213 (1898), and *Williams* v. *McCully*, 128 F. Supp. 897 (W.D. La. 1955). In the Lassiter case, the Supreme Court considered a North Carolina statute which provided that every person presenting himself for registration should be able to read and write any section of the Constitution of North Carolina in the English language. In pronouncing the test a valid exercise of the State's power, as I have said, Mr. Justice Douglas, writing for a unanimous Court, held that "in our society * * * a State might conclude that only those who are literate should exercise the franchise."

In other words, the States are not precluded by any clause of the Constitution or its amendments from making such laws. Since Congress is restricted from making laws in the premises except where States have made laws which they are "prohibited from making or enforcing," it follows that Congress has no power to enact a law controlling this situation.

Of course, it is not contended that a State law which provides an unreasonable or incomprehensible test, or a test that is unfairly administered, is constitutional. Such laws have been declared unconstitutional by the Supreme Court. The important point is that the Court, not Congress, held the laws unconstitutional. Congress has no authority to declare a broad range of State laws unconstitutional by enacting its own conflicting law.

Poll taxes, which also would presumably be eliminated by S. 2750, have always been sustained as a constitutional exercise of a State's power. Therefore, there could be no authority under the 14th or 15th amendment for Congress to enact a law eliminating this valid exercise of State power.

As might be supposed from this discussion, the constitutional basis of the States' power to establish voter qualifications is so well established that one objective reporter has stated in 3 Race Relations, Law Reporter, page 390: "It would seem, therefore, that the States are free to establish any requirement that they deem wise, as long as these requirements are not discriminatory nor based on sex, race, color or previous condition of servitude. As a consequence, voting rights may, and often do vary widely from State to State."

In fact, an annotated volume of the Constitution prepared for the Legislative Service of the Library of Congress by Professor Corwin states that "the right to vote intended to be protected refers to the right to vote as established by the laws and constitution of the State; subject, however, to the limitation that the Constitution in article I, section 2, adopts as qualifications for voting for Members of Congress those qualifications established by the States for voting for the most numerous branch of their legislatures."

This statement appears in the section of the treatise dealing with the 14th amendment and would seem to apply with equal force in questions dealing with the 15th amendment. It would be difficult to make a statement which more completely denies to Congress the power necessary for the enactment of S. 2750.

For a conclusive expression of the position of the States with regard to the question, it is necessary only to look to State constitutions and laws. All the States require that each voter must be a U.S. citizen, and all States set a minimum age requirement. Practically all States prohibit idiots, insane people, and convicted felons from exercising the franchise. A substantial number of the States withhold the right to vote from paupers. In addition, 19 States require some form of literacy test. It is error to assume that all or most of these 19 States are Southern States. Arizona, California, Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New York, Oklahoma, Oregon, Washington, and Wyoming all require some form of literacy test.

Laws governing the right to vote have been enacted, amended, contested in State courts, and tested by long experience by the citizens of the several States since the formation of the Nation. It would be a constitutionally indefensible act for Congress to assume the duties so long exercised by the States.

It cannot be successfully contended that the Members of Congress know more about proper qualifications for voters in any given State than do the members of that State's legislature. It was realization of this fact which led the authors of our Constitution to leave the problem of voter qualification to the States.

I do not believe that proponents of the pending legislation would rely upon recent civil rights legislation as precedent for the constitutional soundness of their proposed measure. The similarities are few, and the dissimilarities are striking. Nevertheless the possibility of such a comparison being made compels me to point out the fallacy in that line of reasoning.

I will assume arguendo that the civil rights legislation passed in 1957 and 1960 is constitutional. This is quite an assumption, but even if each phrase of that legislation were completely beyond challenge as an exercise of congressional power, a decision as to its constitutionality would offer no shred of support for the constitutional validity of S. 2750. The reason is that S. 2750 deals with the qualification of voters. In the Civil Rights Acts of 1957 and 1960, great respect is accorded, so far at least as the language of the act is concerned, State laws governing the qualification of voters. Even when the law provides for the appointment of Federal referees to control procedures which have been administered by the States for the better part of two centuries in the past, the language is clear that State qualifications are to be applied by those referees.

By the words of its opening provision, the act is applicable to "all citizens of the United States who are otherwise qualified by law * * *" to vote. Following provision for the appointment of a Federal referee, Congress provided that a person discriminated against would be entitled to an order authorizing him to vote if "he is qualified under State law to vote." Subsequently in the same section, it is provided that "the Court, or at its direction the voting referee, shall issue to each applicant so declared qualified a certificate identifying the holder thereof as a person so qualified."

And finally it is expressly stated that "the words 'qualified under State law' shall mean qualified according to the laws, customs, or usages of the State * * *."

From this brief examination of the Civil Rights Act, which on its face accepts State requirements as to voter qualification, it is apparent that the act offers no inference of support for S. 2750, which would supplant State laws as to voter qualification.

Thus far in this discussion of the right to vote in Federal elections, nothing has been said with regard to the right to vote for the President and Vice President of the United States. This is because the right to vote for these offices is so clearly a matter of State concern that no convincing argument to the contrary can be advanced. With regard to the selection of the electors who, in turn, elect a President and Vice President, the Constitution provides:

"Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress. * * *"

The words "in such manner as the legislature thereof may direct" are conclusive in determining authority for control of presidential elections. Thus in 1892 it was held, in *McPherson* v. *Blacker*, 146 U.S. 1, that the State legislatures may provide for election of presidential electors at large, or the election may be by districts, or the State legislatures may choose electors as they see fit. The same authority would apply in the setting of qualifications for voters. The argument for congressional control is insupportable, since the only power given Congress by the Constitution in this area is to "determine the time of choosing the electors, and the day on which they shall give their votes. * * *" In an article published in the 1961 American Bar Association Journal, a member of the New York bar states that "there is a clear distinction between the right to vote for a presidential elector and the right to vote for a member of Congress. The former is a right granted by the individual State. * * *"

The author goes on to point out that although the right to vote for members of Congress is a federally derived right, it is within the power of each State to prescribe suffrage qualifications. It is well established that suffrage requirements, both for elections of Members of Congress and for voters in presidential elections, are determined by the individual States, subject only to the restriction of the 15th and 19th

amendments. If suffrage requirements prescribed for these Federal elections meet the requirements of these two amendments, and the Supreme Court has held that both the literacy test and the poll tax do, there is no power in Congress to revise these requirements and make them conform to a national standard.

I have endeavored to prove that Congress lacks authority to enact the proposed legislation, S. 2750. In so doing, it is not my purpose to detract from the powers given Congress in the exercise of its proper powers by fixing responsibility for solution of local problems at the State level. Surely the people of my home State, Virginia, may petition their State government for redress if present State legislation is unsatisfactory. I submit that Jefferson, Madison, Randolph, Henry, Washington, and other statesmen of their day would not hold Virginia incompetent to solve her own problems within the Commonwealth. In a like manner, statesmen of the present day should acknowledge the competence of State legislatures to solve problems existing within the several States. This, as I understand it, was the purpose in establishing a dual system of government under our Constitution.

I do not object personally to the literacy standards prescribed in the proposed legislation. If Virginia, Connecticut, Montana, or California were to adopt those standards, no reasonable protest could be made. But I protest strenuously against the asserted power of Congress to apply those standards to all the States.

In this great land where freedom is cherished, there are those who ardently believe that the elimination of any practice viewed by them as a social evil is an end which justifies the means. They have no fear of unauthorized Executive orders, unconstitutional laws, or judicial amendments to our Constitution. To them I say the greatest evil the world could know would be the destruction of this Nation. Let us work for social reform, let us seek perfect justice—but in so doing, let us not resort to practices which in the hands of would-be tyrants could be as ready tools for the suppression of liberty as their proponents of today find them to be in what they consider the extension of liberty. Any device that avoids the Constitution can avoid it for the purpose of withdrawing privileges as readily as it can avoid it to grant them. The first President of our country, mindful of this disposition of men to shake off the restraining bonds of the Constitution when the situation seemed to demand it or make it politically expedient, said in his Farewell Address:

"If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument for good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any particular or transient benefit which the use can at any time yield."

The provisions of S. 2750 may in the minds of some offer a transient benefit, but the precedent, if established, will eventually and inevitably operate to the detriment of the Nation.

That concludes the very able statement of the former Attorney General, Frederick T. Gray.

I sincerely hope that these remarks of the Honorable Frederick T. Gray will not fall, so to speak, on deaf ears.

Mr. President, one of our earliest Virginians—and one of our greatest—Thomas Jefferson, combined a high regard for the integrity of the individual and his education with a corresponding regard for the sovereignty of the individual States. Jefferson, as most Senators know, founded the University of Virginia at Charlottesville. I would like to quote several of Jefferson's remarks on the subject of education:

If a nation expects to be ignorant and free in a state of civilization it expects what never was and never will be. The functions of every government have propensities to command at will the liberty and property of their constituents. There is no safe deposit for these but with the people themselves; nor can they be safe with them without information. (Letter to Colonel Yancey, Monticello, Jan. 6, 1816. Writing, p. 517, Washington edition.)

And further:

Above all things, I hope the education of the common people will be attended to; convinced that on their good sense we may rely with the most security for the preservation of a due degree of liberty. (Letter to James Madison, Paris, Dec. 20, 1787, ibid., IV, p. 480.)

And finally, in a letter of April 24, 1816:

Enlighten the people generally and tyranny and oppressions of body and mind will vanish like evil spirits at the dawn of day. Although I do not, with some enthusiasts, believe that the human condition will ever advance to such a state of perfection as that there shall no longer be pain or vice in the world, yet I believe it susceptible of much improvement, and most of all, in matters of government and religion; and that the diffusion of knowledge among the people is to be the instrument by which it is to be effected. (Letter to P. S. du Pont de Nemours, Poplar Forest, Apr. 24, 1816, writings, X, p. 25. Ford edition.)

Last week, Mr. President, I made an extended speech on the subject of the literacy test bill, in which I discussed at length my objections to this proposal. I shall not at this time repeat what I said in that speech, but I must reiterate that the literacy test bill is political in its inception and scope, and is neither constitutional nor otherwise in the public interest.

The establishment of an arbitrary sixth grade voter qualification, we are told, would increase the percentage of voting Negroes. I seriously question that this objective would be fulfilled by the enactment of the legislation now before us.

If, for example, a voting registrar were inclined to deny registration to Negroes, he could have no better instrument for the accomplishment of this nefarious purpose than a law establishing the sixth grade as irrebuttable evidence of literacy.

Such a registrar could legally deny "automatic" registration to all Negroes unable to produce documentary evidence of a sixth grade education. Imagine also, Mr. President, the difficulties which any citizen would encounter in producing for a Norfolk voting registrar documentary evidence of having completed the sixth grade in a Chicago public school. Negroes unable to produce such evidence—and there will be many in this category—could then be given literacy tests which the Attorney General himself would be unable to pass.

The registrar might reason, humanly, though I admit improperly, that if the Congress can pass an unconstitutional statute, he himself can administer it in such a way as to frustrate the statute's objective.

As the senior Senator from Virginia [Mr. BYRD] pointed out yesterday, the passage of the literacy test bill would create many secondary problems. Suppose, for example, a person had attended a Government school overseas that was operated for military dependents. The provisions of the bill—although they would cover Spanish-speaking Puerto Ricans— would not cover him. Furthermore, there are many schools which have no grades.

I would not condone discrimination against anybody if this bill should pass. However, the proposal now before the Senate would give a registrar looking for a tool with which to discriminate just what he needed to accomplish his purpose.

I do not mean to suggest, Mr. President, that voting registrars in Virginia, or, for that matter, in any Southern State, would violate the law and the Constitution by denying to any citizen the right to vote because of race or color.

Virginia, incidentally, was given a clean bill of health by the U.S. Civil Rights Commission.

For the reasons I have stated, I am unqualifiedly opposed to S. 2750.

If, as alleged by the proponents of the pending bill, there are registrars in the South who discriminate against nonwhite citizens, ample remedies already are provided by the United States Code. So far, no one in the current debate has successfully denied the allegation that the Constitution leaves to the States the sole jurisdiction to determine the qualification of its electors, subject only to the limited restrictions spelled out in the Constitution itself. The essence of the claim for favorable consideration of the bill is that the end justifies the means. But this bill violates the rights, not of eight or nine Southern States, but of all 50 States of the Union. And, with all due deference to the distinguished minority leader, who is a copatron of the pending bill, let me remind him that a distinguished Republican President named Dwight D. Eisenhower, whom the minority leader so faithfully and efficiently served for 8 years, said on the steps of our State capitol in Richmond concerning the preservation of States rights:

The Federal Government did not create the States of this Republic. The States created the Federal Government. The creation should not supersede the creator. For if the States lose their meaning, the entire system of government loses its meaning and the next step is the rise of the central-national state in which the seeds of autocracy can take root and grow.

I hope that, after the Senate goes on record tomorrow against imposing cloture, both the majority and the minority leaders will conclude that an adequate provision for national defense, to say nothing of the remainder of the appropriations program, of which no part has as yet been enacted into law, is of more importance to our country than further

debate upon this unconstitutional proposal, and that they will, therefore, agree to drop it.

Mr. HILL. Mr. President, in all the many years the distinguished Senator from Virginia and I have served in this body together, I have never heard the Senator make other than an exceptionally able and compelling speech. I congratulate the Senator from Virginia today for the very fine and excellent address he has given.

Mr. ROBERTSON. Mr. President, I certainly appreciate the kind words of my distinguished colleague.

Mr. HILL. Mr. President, when I spoke on this proposal on the opening day of the debate, I addressed myself at some length to the measure we are considering. At that time I reviewed the history of the writing of the 14th and 15th amendments and the debate which took place when those amendments were brought to the Senate. I explained how different Members of Congress—Thaddeus Stevens of Pennsylvania, at that time the chairman of the Committee on Reconstruction which reported to the House of Representatives the 14th amendment; and that members of the committees, both in the Senate and in the House—made it very definite, very specific, and very clear that neither the 14th nor the 15th amendment in any way affected the right of a State to fix qualifications of voters, with the exception that the 15th amendment imposed the limitation that no person should be denied the privilege of the ballot because of race, color, or previous condition of servitude.

With the exception of that one, single, specific, clear limitation, all powers and rights of the States to fix qualifications of voters were reserved to and remained in the States.

When the question came up on the floor of the House of Representatives, Thaddeus Stevens, who was then the chairman of the Committee on Reconstruction, at that time presenting to the House the proposed 14th amendment to the Constitution, was questioned about the effect of the amendment. He made it very definite and very clear that the amendment in no way restricted or denied or took from the rights and powers of the States to fix the qualifications of voters, as set out in the original Constitution, in section 2 of article I.

In all the debates which took place in the consideration both of the 14th and 15th amendments there was agreement. Thaddeus Stevens, other Members of the House of Representatives—such as Roscoe Conkling, who later became a distinguished Member of this body—Senator Henry Wilson of Massachusetts, and Senator Richard Yates of Illinois, all agreed there was no intent, no purpose, and no language in those amendments which would deny to the States any rights they had had and enjoyed even before the Constitution was adopted to fix, to determine, to set and to prescribe qualifications of electors; with the one single exception of the limitation that a person could not be denied the privilege of the ballot because of race, color, or previous condition of servitude.

Mr. President, I am unalterably opposed to the bill, S. 2750, because, as we in opposition have stated time and again, and as is so clear and definite, it seeks to restrict and to invade the reserved powers of the States to prescribe and to determine the qualifications of their voters. If passed, the measure would constitute a totally unwarranted, unnecessary and unjustifiable invasion of State powers and functions which are secured and reserved to the States by the Constitution.

In fact, these powers and rights the States had even before there was any Constitution. As has been brought out time and again on this floor, all the rights and powers reposed in the Thirteen Original States, since they had won their independence through the Revolutionary War from the British Crown. The Federal Government has only those rights and those powers which the States themselves freely and of their own accord delegated and granted to the Federal Government in the Constitutional Convention.

Mr. President, the Federal literacy standard which the proposed measure would impose on the States would supplant any State laws which are inconsistent with such a Federal standard. In other words, it would be a clear invasion of the rights of the States to prescribe the qualifications of their voters.

The proposal is unconstitutional, inasmuch as under the Constitution, as I have stated, Congress has no such power over the States.

Mr. President, the pending measure is an attempt to amend the Constitution by a mere statute. It is an attempt by a mere statute to take from the States the rights and powers which they have enjoyed from the very first day the Constitution was written and became effective. It is an attempt to take away the rights of the States to fix the qualifications of their voters.

We who oppose this measure do so because we are deeply moved by our concern and our desire and our willingness to fight for the preservation of the basic, cherished rights of our States to prescribe the qualifications of their electors. These are the rights which the Founding Fathers specifically preserved and secured to our States in the original Constitution.

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

Mr. HILL. I yield to my distinguished friend from Florida.

Mr. HOLLAND. I compliment my distinguished friend from Alabama again, as I have in the past, for the scholarly way he has dealt with this subject.

Mr. HILL. I thank my friend.

Mr. HOLLAND. The Senator has dealt so clearly and so fully with section 2 of article I of the Constitution, and the similar provision in the 17th amendment, that there is nothing more I could say which would add in the slightest measure to his conclusion, which I think is completely sound and cannot be refuted, that the States reserved to themselves exclusively the right to fix the qualifications of voters who would vote for Members of the House of Representatives—that is under section 2 of article I—and who would vote for Members of the Senate—that is under the 17th amendment.

I wonder if the distinguished Senator would allow me to go briefly into another point which may not have been dealt with so conclusively in the debate as the two I have mentioned. I refer to the question of the provisions of the Constitution with reference to the naming of presidential electors. It seems to me in that field the case is even more clear that the States reserved to themselves the full power as to qualification of voters, and that not a word can be found in the Constitution which even seeks to give to the Federal Government any power whatever in that field.

Mr. President, I read from article 2, section 1 of the Constitution, the article relating to executive power, a provision contained in the second paragraph:

> Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress:

Does the Senator see how it would be possible to reserve more clearly to a State, through the functioning of its legislature exclusively, the right to appoint, elect, name or prescribe the machinery for electing its own presidential electors?

Mr. HILL. The provision could not be clearer. It could not be more complete. I call the Senator's attention to the language which follows immediately after the provision he read:

> but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The provision at the end of the paragraph ratifies, reaffirms, substantiates, and makes all the more complete what the distinguished Senator from Florida has said. Full and complete power is reserved or given to the States.

Mr. HOLLAND. Mr. President, will the Senator yield further for a question?

Mr. HILL. I yield.

Mr. HOLLAND. I think the Senator is seeking to impress in the RECORD the fact that the States were so jealous of their holding exclusive power with respect to the naming of presidential electors who shall represent them in electing the Chief Executive and the Vice President that the Constitution prescribed that no Senator or Representative or any other person holding any office of trust or profit of the United States could possibly serve as an elector.

Mr. HILL. The members of the Constitutional Convention did not want anyone who was in any way connected with the Federal Government to serve in that capacity. That is what they were attempting to say in the provision to which the Senator has referred.

Mr. HOLLAND. The statement could not have been made clearer.

Mr. HILL. The language could not have been clearer. The provision could not have been stated more specifically or definitely. Is that not correct?

Mr. HOLLAND. The Senator from Florida so believes.

I direct the Senator's attention to the brief statement in the same article that relates to the Congress, and that fixes the

only power—I repeat, the only power—which the Constitution gave to Congress on this question. I read from paragraph 3 as follows:

The Congress may determine the Time of chusing the Electors and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

The Senator will agree, of course, that those are the only words found in the Constitution which give to the Congress any power whatsoever relative to presidential electors. Is that not correct?

Mr. HILL. The Senator is absolutely correct. The provisions are so clear that no one could possibly misinterpret, misconstrue, or fail to understand them exactly. The provisions state what they mean and mean what they say.

Mr. HOLLAND. Of course. I noticed with a good deal of amusement—and I am sure the distinguished Senator from Alabama likewise noticed the same thing—that when the learned Attorney General of the United States testified with reference on this bill, he was very careful to say nothing about any specific place where any power was given to Congress to deal with the selection of presidential electors, whereas the Deputy Attorney General—a very learned attorney—when testifying on the poll tax amendment but a few weeks before, said—and I paraphase his statement—that while he felt that an amendment was the best manner in which to proceed, even with reference to voters who would elect the Senators and Representatives, that frankly he was occasioned more trouble when considering electing the presidential electors because he could not see how anything but an amendment would deal with that situation. Does the Senator remember that testimony?

Mr. HILL. The Senator from Alabama indeed remembers the testimony to which the Senator has referred. The Senator is absolutely correct in what he has said. When the Senator from Alabama read the testimony of the Attorney General of the United States given in his personal appearance before the subcommittee of the Judiciary Committee, presided over by the distinguished Senator from North Carolina [Mr. ERVIN], he was really surprised to find that the chief law officer of the U.S. Government had come before a subcommittee of the Judiciary Committee of the Senate and had petitioned that committee, but he could cite no provision in the Constitution, no case, no rule of law, no precedent—not even a statement from any authority on the Constitution—that might sustain his position.

Mr. HOLLAND. Mr. President, will the Senator yield further?

Mr. HILL. I yield.

Mr. HOLLAND. Has it occurred to the Senator as something to be somewhat marveled at that both the Chief Deputy and the Attorney General, in testifying on the poll tax amendment, testified that the constitutional amendment procedure followed in respect to that subject was the preferable way to proceed and that they both approved that course, whereas with reference to the measure now before the Senate, which is so similar, and is considered only a few weeks later, the Attorney General himself testified that the proposed legislation could be attained by mere statute? Did not the Senator think that some miraculous change in the philosophy of the Attorney General had occurred between those two dates?

Mr. HILL. The performance was a very strange and unusual one, in that the Attorney General advocated an amendment to the Constitution, as provided in the Constitution itself, and then took an entirely different and contrary tack on the present measure, which was certainly, to say the least, a very strange, unusual, and unexplainable situation.

Mr. HOLLAND. I thank my learned friend. It seemed to me that it was even more difficult to understand how the learned Attorney General could pay no attention to the question relative to presidential electors when his chief legal officer, now serving him as his Deputy Attorney General—Mr. Katzenbach—had appeared in Congress but a few weeks before to call attention to the fact that the constitutional provisions on presidential electors gave him very great difficulty, and that it seemed to him that nothing but a constitutional amendment could deal with that situation. Does it not appear to the learned Senator that the right hand did not know what the left hand was doing?

Mr. HILL. I can think of no more appropriate illustration than what the Senator has suggested. The right hand did not know what the left hand was doing. I certainly wish to thank the Senator not only for his kind words, but also for the fine contribution that he has made in the Senate today.

Mr. HOLLAND. I thank my distinguished friend. I only wish that I could have contributed as scholarly, erudite, and learned a discussion as the Senator from Alabama has contributed in his two appearances before the Senate on the present subject. I compliment him without any reservation whatever for his having made contributions that will last in the record of the Congress as being unanswerable arguments.

Mr. HILL. I thank the Senator for his most gracious and generous remarks. I particularly appreciate the statement coming from him because I know what a student of the Constitution he is. I appreciate the high authority with which he speaks on all subjects concerning the Constitution and our Government, particularly our dual form of government, and the rights and powers of the States and the place of the Federal Government in our dual system of government.

Mr. President, I am unalterably opposed to S. 2750 because it seeks to further restrict and invade the reserved powers of our States to determine the qualifications of their voters. If passed, this measure would constitute a totally unwarranted, unnecessary, and unjustifiable invasion of State powers and functions that are secured and reserved to the States by the Constitution.

The Federal literacy standard which this measure would impose on the States would supplant any State laws that are inconsistent with this Federal standard. S. 2750 is unconstitutional inasmuch as, under the Constitution, Congress has no such power over the States.

This is an attempt to amend the Constitution with a mere statute to take away from the States the rights which they have enjoyed from the very day the Constitution was written and became effective. It is an attempt to take away their rights to fix the qualifications of their electors. We oppose it because we are deeply moved by our concern and desire and our willingness to fight for the preservation of the cherished rights of our States to prescribe the qualifications of their electors.

I may say that these are rights which the Founding Fathers specifically preserved and secured to our States in the original Constitution.

They are rights which in the past have received great honor and respect.

Anyone who will read Mr. Madison's notes to the Constitutional Convention, the convention which wrote the Constitution, and who will read the notes of the State conventions which ratified the Constitution, cannot escape the very definite and positive conclusion that if the provision of leaving to the States the power to prescribe the qualifications of their electors had not been written into the Federal Constitution, there would not have been any Federal Constitution and there would not have been any Federal Union.

Mr. Madison's notes of the Philadelphia convention, where the Constitution was written, and the notes of the several State conventions, where the Constitution was ratified, show how jealous the States were of this right—the right which insured to them the fixing of the qualifications of the electors in the several States. These notes confirm absolutely that there would have been no Constitution if that right had not been clearly, specifically, and absolutely preserved to the several States.

I emphasize further, based on a declaration by Judge Cooley, one of the greatest authorities on the Constitution in the whole history of our country, that there have always been certain prerequisites to voting. As we know, in some States registration is not permanent. In my State, once a person registers to vote, he does not have to reregister, unless he sees fit to move out of the county in which he has been living. If he moves into another county, he must, in order to vote, reregister in the new county. But if he remains in the county in which he first registered, he need never register again.

I have registered once in my life, and that was when I became 21 years of age. I have never had to go to the trouble or to take any time to register again.

However, some States provide different periods when the voters must register or reregister. We also know that in order to register, a person must go to a particular place where the registration is held. Persons do not register in their own homes; they must go to the courthouse or to some other place designated for that purpose.

As provided by the constitution of Alabama, qualified voters must be 21 years of age, citizens of the United

States, have resided for 2 years in Alabama, 1 year in the county, and 3 months in the precinct or ward, immediately preceding the election.

A qualified voter in Alabama must also be able to read and write in English any article of the Constitution of the United States. He must be of good character and must embrace the duties and obligations of citizenship under the Constitution of the United States and of Alabama. In addition, he must have paid all poll taxes due from him for the last 2 years.

Blind and deaf persons and persons who honorably served in the military service of the United States during hostilities and all persons 45 years of age or older are exempt from the poll tax payment as a prerequisite to voting.

Furthermore, in order to vote, a citizen *must* go to the polling place. He must transport himself to that place. When he gets there, sometimes he must stand in line before he may vote. It may take some time out of a very busy day for him to stand and wait his turn to exercise his right to the ballot and to vote. So, as Judge Cooley makes clear, there are certain prerequisites to voting, and the literacy test in Alabama is one of them.

At the time when the Constitution was being written, in 1787, most of the States—at least 9 of the 13—had spoken, and had fixed, by their own constitutions, the qualifications of those who could vote for the members of their own legislatures.

What were those qualifications? I should like to sum up, briefly, the qualifications which the original States, which brought the Constitution into being, had themselves prescribed for voting.

First, let us look at the small, but great, State of New Hampshire, from which some of the Minutemen, some of our bravest men in the War of the Revolution, came in the early days, and the State which gave us Daniel Webster. Before this debate is concluded, I shall no doubt refer to some of Mr. Webster's great speeches on the Constitution.

The men from New Hampshire fought the battles of the Revolution in order that the Constitution might be born, that the rights of the States might be safeguarded, and, most of all, that the power might reside in the hands of the people, not in a central, arbitrary government. This, indeed, is what the Minutemen died for—the brave and gallant boys from the hills and mountains of New Hampshire.

What were the qualifications in New Hampshire? A voter had to be a freeholder. He had to own property; he had to own real estate; and he had to pay a poll tax.

The next State in the list is the State of the granite hills, the beautiful little State of Vermont, a State whose sons also played a heroic part in the War of the Revolution. When the Constitution of the United States was being drafted, in order to vote in Vermont a man otherwise eligible to vote had—in order to meet the prerequisite—to be a freeholder. He had to own property.

Mr. President, if I may, I wish to advert now to the great Commonwealth of Massachusetts, the State of Samuel Adams, John Hancock, John Adams, John Quincy Adams, Dr. Warren, and other great heroes of the Revolution. In order to vote in Massachusetts, the requirement was that one must own a freehold with an annual income of 3 pounds, or an estate of 60 pounds. One had to be a property owner, in order to vote in Massachusetts.

In the great Empire State of New York, the voter had to be a freeholder of 20 pounds, paying rent of 40 shillings. He had to have a freehold of 100 pounds, in order to vote for State senator. New York seemed to prescribe a greater prerequisite for voting for State senator than for members of the most numerous branch of the legislature, which meant that New York prescribed a greater prerequisite for voting for State senator than was required for voting for a Member of the Federal Congress, because, of course, the qualifications for voting for a Member of the Federal Congress were the qualifications for voting for a Member of the most numerous branch of the State legislature.

In New Jersey, one had to own an estate of 50 pounds; he had to be a property owner.

In Pennsylvania, the voter had to be a State or county taxpayer.

In Delaware, the citizen, in order to exercise the right to vote, also had to be a State or county taxpayer.

In Maryland, the voter had to be a freeholder of 50 acres, or have property worth 30 pounds.

In North Carolina, the voter had to own a freehold of 50 acres in a county, and must have owned it for 6 months before the election. It was also a requirement that the voter must have paid his public taxes. If the citizen had not paid his public taxes, he could not vote. In other words, he not only had to own the property, but he also had to pay all the taxes on the property; and if he was in any way delinquent in the payment of his taxes, he could not vote.

In South Carolina, the voter had to be a freeholder of 50 acres or a town lot, or he had to pay taxes equal to the tax on 50 acres.

In other words, if the voter did not own 50 acres, he must, as a requirement for voting, have paid a tax equal to the tax on 50 acres.

In Georgia, the voter had to own property in an amount of £10, or have a trade as a mechanic, or be a taxpayer.

At that time, we had not moved into the scientific, mechanical, and technological age in which we live today, for even back in that time, in order to be a voter in Georgia, as I have said, one either had to own property in the amount of £10 or had to have a trade as a mechanic. If one had a trade as a mechanic, he would qualify. The third alternative was to be a taxpayer in some other way.

The State of Kentucky was not one of the Thirteen Original States. It was one of the first States to be admitted into the Union, however, after the adoption of the Federal Constitution. It came into the Union in 1792, only 3 years after the formation of the Federal Government. In order to be a voter in Kentucky, a citizen had to be a taxpayer.

In Tennessee, which was admitted shortly thereafter, a voter had to be a freeholder.

Mr. President, these were the qualifications of electors when Kentucky and Tennessee were admitted into the Union, shortly after the adoption of the Constitution.

These were the qualifications the States prescribed respecting their electors, when the Constitution was being drafted in Philadelphia, when the delegates from the States were busy writing that document at the Constitutional Convention.

The delegates to the Constitutional Convention knew what the State qualifications were; and, therefore, when they wrote into the Constitution that the qualifications for electors for Members of the House of Representatives would be the same as those for the electors for the most numerous branch of the State legislatures, they knew exactly what they were doing.

They knew that those qualifications were in the Thirteen States. As we recall, under the original Constitution, Senators were elected by the members of the State legislatures. We also recall that in the 17th amendment, adopted in 1913, which provided for the direct election of Senators, rather than their election by the State legislatures, there was included the same provision, namely, that the qualifications for electors for U.S. Senators should be the qualifications prescribed by the States for electors for the most numerous branch of the State legislatures.

We must recall that in 1787, when the Constitution was written, the States were absolute sovereigns. They had joined in the Declaration of Independence. They had proclaimed their independence of the British Crown. They had fought through eight long, terrible, bloody years to win their independence; and they stood absolutely independent and free from any other sovereignty on this earth. Their own sovereignty was full, complete, and absolute.

So they gathered in Philadelphia in their sovereign capacities, through their delegates, to write the Constitution of the United States. The question was: How much of their sovereignty would they yield to the Federal Government? The Federal Government was not in being; it had no existence; it had no sovereignty. The only sovereignty the Federal Government could have would be such sovereignty as was granted it by the sovereign States of that time.

Anyone who is at all familiar with the history of the writing of the Constitution, anyone who has taken the time to read Mr. Madison's notes on the Constitutional Convention and what transpired in that Convention when the Constitution was being written, knows how jealous were the several States of their sovereignty and how reluctant they were to yield much of that sovereignty to any Federal Government.

Mindful of their sovereignty, zestful and determined insofar as possible to keep within their own hands as much of their sovereignty as they possibly could, and still have a Federal Government adequate to meet the problems which had to be met by a central Federal Government, what did they do? They provided that every State should have two Senators—two Members in this body—no matter how large or how small the State might be, no matter what its industrial development might be, no matter what its financial development or its agricultural development might be. No matter what might be the status of a State in its power, its influence, or its ability to influence other States and other persons in other States, every State in the United States should have equal representation in the Senate; it should have two Senators—its own two Senators. Then, as will be recalled, the delegates to the Convention went one further step, and provided that no State should have its representation in this body reduced or taken away from it without its consent. This meant that no matter how small a State might be, no matter how weak, how ineffective, or how uninfluential it might be, it would have equal representation in this body; it would have two Senators, to serve along with the two Senators of the most powerful, the wealthiest, and the greatest State of the Union.

It was in this spirit of jealous regard for their rights and their determination to secure the primary authority of the States in the government, that the question of qualifications of electors was considered and debated.

When we consult Madison's notes, we find that in the Constitutional Convention there were three schools of thought with reference to the matter of qualifications of electors to vote for Members of Congress.

One school of thought was that the qualifications should be prescribed in the Constitution itself.

The second school of thought felt that the qualifications should be left to Congress: that the Constitution should provide that the Congress should have the power to prescribe the qualifications.

The third school of thought, which, as we know so well, prevailed in the Constitutional Convention, was that the qualifications for the electors should be those fixed by the States for the most numerous branches of the State legislature.

That provision, as we know, is section 2, article I, of the Constitution of the United States.

We find in Mr. Madison's notes, as compiled by Mr. Johnathan Elliott, and published by J. B. Lippincott in Philadelphia in 1907, in volume V, page 385:

> Mr. Gouverneur Morris, of Pennsylvania, moved to strike out the last member of the section, beginning with the words "Qualifications of electors," in order that some other provision might be substituted which would restrain the right of suffrage to freeholders.

In other words, Gouverneur Morris not only wanted the Constitution to fix the qualifications for the electors, but he wanted at least one of those qualifications to be that the elector should be a freeholder, that he should own property. So Gouverneur Morris moved to amend the proposal to write in the qualifications of freeholders.

Mr. Fitzsimons seconded the motion.

Mr. Williamson was opposed to the motion.

Before I read what the different delegates said, I should like to call the attention of the Senate to the committee which proposed the provision in section 2, article I of the Constitution—the section to which I have just referred—which is the section dealing with the qualifications of voters. The committee was termed, in the language of the Constitutional Convention, "the committee of detail."

The committee of detail was composed of Mr. Rutledge, of South Carolina; Edmund Randolph, of Virginia; Nathaniel Gorham, of Massachusetts, who was Chairman of the Committee of the Whole; Oliver Ellsworth, and James Wilson, of Pennsylvania. John Rutledge, as we recall, was offered a place on the first U.S. Supreme Court, and was afterward appointed Chief Justice of the United States. Edmund Randolph, we recall, was George Washington's first Attorney General. Later Oliver Ellsworth was Chief Justice of the United States, and James Wilson was a member of the President's Cabinet.

Where could there have been found at that time in all the world, or where could there be found today or at any other time in all the world, a committee of abler or more distinguished lawyers and students of government, or more capable political draftsmen than the men who constituted the committee which wrote section 2 of article I? Where could a more brilliant galaxy of stars in the field of statesmanship be found than these great lawyers, students of the philosophy of government, students of human nature, men of commonsense and wisdom, who constituted the committee which wrote section 2 of article I?

As I have stated, Gouverneur Morris moved to amend the committee provision leaving to the States the fixing of the qualifications for electors of Members of Congress, so as to require that the electors be freeholders, or so as to make sure that they were property owners before they could vote for Members of the House. Mr. Fitzsimons seconded the motion. Mr. Williamson opposed it. Then Mr. Wilson of Pennsylvania, one of the ablest men who sat in that Convention, rose and made this observation, according to Madison's notes:

> This part of the report was well considered by the committee, and he (Mr. Wilson) did not think it could be changed for the better. It was difficult to form any uniform rule of qualifications for all the States. Unnecessary innovations, he thought, too, should be avoided.

When I quote that language about unnecessary innovations, I come back to my statement of a few minutes ago; namely, that Mr. Wilson and the other delegates who had gathered to write the Constitution knew exactly what qualifications were fixed by their own State constitutions. So when Mr. Wilson was speaking about no innovations, he was, impliedly, at least, making a plea for the qualifications fixed in his own State of Pennsylvania and fixed by the constitutions of the other original States.

Mr. Wilson went on to say:

> It would be very hard and disagreeable for the same persons, at the same time, to vote for representatives in the State legislature and to be excluded from a vote for those in the National Legislature.

All of us have many times been in polling booths to vote. We know that the words spoken by Mr. Wilson not only were true in 1787, but they are just as true today. Can Senators imagine the disorder, the confusion, and the uncertainty that would be thrown around the exercise of a right which is the most sacred right, perhaps, possessed by any American citizen—the right of the ballot—if there were one set of qualifications for electors for Members of Congress, President, and Vice President, and if there were another set of qualifications for electors of State legislatures and State officers?

Mr. President, while I do not believe that the very practical question raised by Mr. Wilson was the controlling one in the drafting of article I, section 2, those men, being men of commonsense, men with a keen, profound knowledge of human nature and the ways of people and of events, were undoubtedly persuaded by the consideration of how impractical it would be to have varying qualifications for the different electors.

After Mr. Wilson made his statement, Gouverneur Morris, the author of the motion, rose. I read further from Madison's report of Gouverneur Morris' statement:

> Such a hardship—this is, being a freeholder or the owner of property, because that is what his motion provided as a qualification—would be neither great nor novel. The people are accustomed to it, and not dissatisfied with it, in several of the States. In some, the qualifications are different for the choice of the Governor and of the Representatives; in others, for different houses of the legislature. Another objection against the clause as it stands is that it makes the qualifications of the National Legislature depend on the will of the States, which he thought not proper.

He was unwilling to recognize this right in the State. Mr. Morris was unwilling that this power should continue to be vested in the State. He wanted it in the Federal Government.

Then Mr. Ellsworth, of Massachusetts, rose and said that he thought the qualifications of electors stood on the most proper footing. Note this language:

> The right of sovereignty was a tender point and strongly guarded by most of the State constitutions. The people will not readily subscribe to the National Constitution if it should subject them to be disfranchised.

He was arguing against Mr. Morris' motion to make the ownership of a freehold a qualification. Mr. Ellsworth added:

> The States are the best judges of the circumstances and temper of their own people.

Note that language. The States—the people back home, the people who gather in the State capitals, the people who go to the ballot boxes back in the hamlets,

the communities, and the crossroads—"are the best judges of the circumstances and temper of their own people." Would anyone dispute that today?

Mr. Butler, a delegate to the Constitutional Convention, made this significant statement:

There is no right of which the people are more jealous than that of suffrage.

Thus emphasizing, fortifying, and reaffirming the idea that the determination of the qualifications of electors should remain in the hands of the people of the States.

After all, it is only by means of the right of suffrage that the people are able to maintain their power, their authority, their sovereignty over the government. If the people's right of suffrage were to be taken from them, no longer would there be government of the people, by the people, and for the people.

I shall read from the statement of Mr. Dickinson. He was a gentleman of very conservative views; but I think we should have his views, since we are studying this whole subject. Mr. Dickinson had a very different idea with regard to the tendency toward vesting the right of suffrage in the freeholders of the country. He considered them as the best guardians of liberty, and the restriction of the right to them "as a necessary defense against the dangerous influence of those multitudes, without property, and without principle, with which our country, like all others, will in time abound." He very strongly favored the writing in of a qualification that electors must be property owners.

In reply to Mr. Dickinson, Mr. Ellsworth had this to say:

How shall the freehold be defined? Ought not every man who pays a tax vote for the representative who is to levy and dispose of his money? Shall the wealthy merchants and manufacturers who will bear full share of the public burden be not allowed a voice in the imposition of them? Taxation and representation ought to go together.

On the question as to whether a freehold or property ownership should be prescribed as a qualification, Mr. Madison, being a very wise and very practical man, expressed the view that that might well be determined upon the question as to how such a qualification would be received back in the States.

The men who sat in the Convention, who engaged in the debates in the Convention, who engaged in the actual drafting of the Constitution, knew best of all, knew far better than any who should come after them, what their intent and purposes were in writing the Constitution. We would never have had any Federal Constitution, we would never have had a Federal Government, if the view had not prevailed that the qualifications of the electors should be left to the several States; in other words, that section 1 of article II should be adopted and written into the Constitution just as it had been recommended by the committee and as it was adopted and written into the Constitution.

Mr. President, in the 60th Federalist paper, Mr. Hamilton defended the Federal Constitution against the charge that it favored the rich. That charge had been made against the Constitution. His remarks on this subject are very pertinent to the issue before us. I now quote from Mr. Hamilton.

The truth is—

He wrote—

that there is no method of securing to the rich the preference apprehended, but by prescribing qualifications of property either for those who may elect or be elected. But—

Went on Mr. Hamilton—

this forms no part of the power to be conferred upon the National Government.

Mr. Hamilton added:

Its authority would be expressly restricted to the regulation of the times, the places, the manner of elections. The qualifications of the persons who may choose or be chosen, as has been remarked upon other occasions, are defined and fixed in the Constitution, and are unalterable by the legislature.

Alexander Hamilton's words will be clear to anyone who takes the time to read them. He said that the Federal Government cannot invade that right; that it is a right left exclusively to the several States.

What happened? The Committee on Detail, on August 6, 1787—and, as I have stated, the Committee on Detail was the special committee for the drafting of the Constitution—recommended that—

The qualifications of the electors shall be the same, from time to time, as those of the electors of the several States, of the most numerous branch of their own legislatures.

This, of course, is the provision of section 2, article I, of the Constitution.

What happened? When that committee made the recommendation, a motion was made to prescribe in the Constitution the qualification of possessing freehold; and that motion was voted down. What was the vote on that motion? The motion was rejected by a vote of 7 to 1. Only one State voted for the motion, and that was the little State of Delaware. Delaware voted "aye." New Hampshire, Massachusetts, Connecticut, Pennsylvania, Virginia, North Carolina, and South Carolina voted "no."

The thinking of the men who wrote our Constitution is found not only in the debates held in the Constitutional Convention, but also in the writings of those who participated in it.

We know that Thomas Jefferson was not a member of the Constitutional Convention that wrote the Federal Constitution, because he was at that time our Minister to France; but although he was out of the country, he was in very close touch with the delegates to the Convention. We know that he had no closer ally or friend than James Madison, father of the Constitution.

We speak of Washington as the Father of our Country—which he was. I think we properly speak of James Madison as the father of the Constitution. I think we may well say that Thomas Jefferson was the great prophet of American democracy.

In Mr. Jefferson's draft of a proposed constitution for Virginia, which was written in June 1776, while Mr. Jefferson was serving as a Member of the Continental Congress in Philadelphia, Jefferson suggested in his draft:

All male persons of full age and sane mind, having a freehold estate in (one-quarter of an acre) of land in any town or in (25) acres of land in the county, and all persons resident in the Colony who shall have paid scot and lot to Government the last (2 years) shall have right to give their vote for the election of their respective representatives.

He proposed this language for the Virginia constitution; but, on the other hand, when it came to the writing of the Federal Constitution, he opposed any provision of this sort in the Federal Constitution. He knew that the States should fix the qualifications for the voter.

I quoted a little while ago from Alexander Hamilton.

As we know, one of the greatest minds of that period, beginning with the War of the Revolution and coming on down through the Articles of Confederation, and the drafting of the Federal Constitution, and even in the administration of the Federal Government in the early days of George Washington, was the brilliant mind of Alexander Hamilton. It will be recalled that Hamilton was Secretary of the Treasury in President Washington's first Cabinet.

Perhaps this country has never known a more penetrating or more incisive mind than that of Alexander Hamilton. As we know, Hamilton was not a democrat, and I am using the word with a little "d." He did not believe in, he did not have faith in, the capacity of the people to govern themselves. He believed in a strong Central Government. He thought it was necessary to have central, arbitrary power concentrated in the Government in Washington. He went so far that many speak of him as a monarchist. Certainly we know that in the plan which he submitted to the Constitutional Convention he provided for life tenure for the Chief Executive, the President of the United States. As I recall, he provided for certain hereditary rights for many things that were to be found under the arbitrary, central power of the governments of the kings and monarchies of the nations of Europe.

Mr. Hamilton in writing about the Constitution—and we must remember what his feelings and his views were—had this to say in chapter 52 of the Federalist:

I shall begin with the House of Representatives * * * The first view to be taken of this part of the Government, related to the qualifications of the electors and the elected.

When he referred to "the qualifications of electors," he went straight to the very question we are discussing here today, because he knew what the whole question involved, so far as determining what our Government was, and what it would be down through the years. He knew it went to the whole question of our dual system of government, the whole question of the structure of our Government, of a divided authority between the Federal Government and the

State governments. The brilliant Hamilton knew what he was talking about. He went on to say:

"Those of the former"—that is the House of Representatives—"are to be the same"—that is, the qualifications are to be the same—"with those of the electors of the most numerous branch of the State legislatures. The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the Convention, therefore, to define and establish this right in the Constitution."

In other words, the Constitution had to state what these qualifications were, and by whom they would be prescribed. Hamilton then continued:

> The provision made by the Convention—

That is the provision now written into section 2 of article I—

> appears, therefore, to be the best that lay within their option. It must be satisfactory to every State, because it is conformable to the standard already established or which may be established by the State itself.

Thus the leading Federalist, the outstanding Nationalist, in the days of the beginning of our Government proclaimed in his writings in the Federalist that this method must be satisfactory to the States, because under the Constitution as written it was left to the States.

Again, in the 87th Federalist, the question was asked. And Hamilton replied to his own question:

> Not the rich, more than the poor; nor the learned, more than the ignorant; or the haughty heirs of distinguished names, more than the humble sons of obscurity and unpropitious fortune. The electors are to be the great body of the people of the United States. They are to be the same who exercise the right in every State of electing the corresponding branch of the legislature of the State.

In the 59th Federalist we find this significant statement:

> Suppose an article has been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it, both as an unwarrantable transposition of power and as a premeditated engine for the destruction of State governments?

In the 60th Federalist, Alexander Hamilton expressed fear that elections might be manipulated in the interest of the "rich and the well born." The only way in which this might be done, he wrote, would be by prescribing property qualifications either for those who may elect or for those who may be elected.

But he added, this forms no part of the power to be conferred upon the National Government.

As I have said, when the Founding Fathers gave up a portion of the sovereignty of the States to the Federal Government, they did so with a great deal of trepidation, and they did so only with the firm conviction that it was unity alone—unity of purpose, unity of resolve, and unity in their mutual dedication to human liberty that could enable the people of our country to long endure and abound in the joy of the priceless legacy which a heroic young Nation had won at the cost of much sacrifice and loss of life.

Mr. President, this measure, the embodiment of S. 2750 violates the basic and fundamental principles of the whole philosophy of our American Government which only with trepidation were agreed to by the Founding Fathers. This measure would establish qualifications for voting in derogation of the sovereignty reserved by the Founding Fathers to States alone.

Consider, for example, the provision in this bill that a sixth grade education in the Spanish language shall qualify a voter. This provision is typical of the entire bill. I have no doubt that the framers of the Constitution would find it utterly inconceivable that the Senate of the United States would ever seriously consider a measure that outlaws a State requirement that its electors be literate in the official language of the State and Nation.

At this momentous hour in the history of America and of the world, the objective for which we must strive with all of our fervor and determination is unity.

Let us be done, Senators, with this measure before us, which can only distract and misguide our people, which separates and divides us, and which opens the way for the destruction of fundamental rights of the States and the fundamental rights of the people of all the United States.

Much has been said in this debate against the proposal to invoke cloture on this measure, but there is one interesting matter I want to call to the attention of the Senate. When we were debating the Atomic Energy Act in 1954—and I happened to be one of those who engaged in the effort to modify and change that act, to show how wrong that act was in the form that it first came before the Senate—an effort was made to invoke cloture. The CONGRESSIONAL RECORD, volume 100, part 9, page 11942, reads as follows:

> On July 26, 1954, at 11 o'clock a.m. (the Senate having met at 10 o'clock a.m.), the Vice President, in accordance with the rules, laid before the Senate the foregoing cloture motion and directed the clerk to call the roll. Upon the appearance of a quorum, the Vice President submitted to the Senate the question: Is it the sense of the Senate that debate shall be brought to a close?
>
> The yeas and nays, being called under the rule, resulted in rejection of the motion by a vote of yeas 44, nays 42, two-thirds of the Members of the Senate not having voted in favor thereof.

Mr. President, it is most interesting to examine the rollcall to see who voted against the motion to impose cloture, and who voted for that motion which would have opened the door and have been an invitation to deny the rights of Senators on the Senate floor and would have constituted an impairment of the standing, the prestige, and the power of Senators and the States they represented. Whom do we find among those who voted "nay"? The present President of the United States, then Senator John F. Kennedy. I can but hope that tomorrow Senators will follow the example which the President of the United States set as a Member of this body on July 26, 1954, and cast their votes as he did on that date, and vote against the cloture proposal.

During the delivery of Mr. HILL's address.

Mr. STENNIS. Mr. President——

Mr. HILL. Mr. President, I ask unanimous consent that I may yield to the distinguished junior Senator from Mississippi, with the understanding that I do not lose my right to the floor, and with the further understanding that his remarks will appear at the conclusion of my remarks.

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

Mr. STENNIS. Mr. President, I appreciate the courtesy of the Senator from Alabama and of other Senators, as well.

I wish to address myself particularly to article I, section 4, of the Constitution, as an alleged constitutional base for Senate bill 2750, which is the Mansfield-Dirksen measure which is proposed to be substituted for the claims bill that is the pending measure.

Article I, section 4, of the Constitution expressly gives to Congress the power to make regulations regarding "the times, places, and manner of holding elections for Senators and Representatives." The Civil Rights Commission has frankly recognized that this article of the Constitution does not support the constitutionality of S. 2750. The Commission says, in a staff memorandum on the constitutionality of the bill:

> It is not clear how any provision of the bill fairly relates to regulation of the times, places, and manner of holding elections by article I, section 4.

That statement is taken from staff memorandum No. 8.

Since, however, there is no other provision of the Constitution on which to rely in support of the bill, and in spite of this frank admission of inapplicability, the Commission nevertheless tries to draw some support from article I, section 4, because the same memorandum recites:

> No case has settled the issue of whether there may not be some qualifications which might also be subject to regulation by the Federal Government as affecting the times, places, and manner of holding elections.

That statement is taken from staff memorandum No. 6.

Of course, the reason for this is not hard to find. Some things are so clear that there is no issue to be decided by a litigated case. No case has ever settled the issue of whether each State is entitled to two Senators. The Constitution is entirely clear and explicit on this point. So, too, it is clear on the point that Congress may regulate the manner of holding elections, and that it may not regulate the qualifications of electors. There is no issue about the matter, except to the extent that a fictitious issue is created in an effort to accomplish a purpose forbidden by the Constitution. That is about as close as the sponsors of the measures have ever come to a constitutional basis upon which the bill can rest. They merely say that no case has ever been decided on the point. Of

course there has never been any case directly on the point. The language is too clear, positive, and firm.

Mr. HILL. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. HILL. Have not the cases all been the other way?

Mr. STENNIS. Yes. Every time the courts have touched the top, side, or bottom of this question, or of any question related to it, they have held and I think unanimously, and not once, but many times over the decades, for more than a century, that the certain rule in this matter is as has been contended by those who are in opposition to the bill.

The Department of Justice has made a strong effort to find some historical evidence to support a position that the framers of the Constitution, in giving Congress the power to regulate "the manner of holding elections," intended to include some power to regulate the qualifications of electors. This is obviously an impossible task to perform in the face of such forceful and clean-cut statements to the contrary as that made by Alexander Hamilton in the Federalist Paper No. 60, in which he said:

> The truth is, that there is no method of securing to the rich the preference apprehended, but by prescribing qualifications of property either for those who may elect or be elected. But this forms no part of the power to be conferred upon the National Government. Its authority would be expressly restricted to the regulation of the times, the places, the manner of elections. The qualifications of the person who may choose or be chosen, as has been remarked on other occasions, are defined and fixed in the Constitution and are unalterable by the Legislature.

How could a comment upon language that is already clear and definite and positive be any stronger or firmer; and how could there be a better authority on the subject than those who wrote the language themselves, at a time when their memories were clear and the issues were still hot and were being debated by people at the State level?

The question was, Shall the Constitution be adopted or rejected? That was the vital issue. All the testimony is that this was one of the major points to be considered, one of the main foundations, the mudshell of one of the major determinations that made it possible to have a Constitution.

That noted man, that remarkable man, who helped to write the Constitution, said:

> The qualifications of the person who may choose or be chosen, as has been remarked upon other occasions, are defined and fixed in the Constitution, and are unalterable by the Legislature.

Still, today, in spite of the fact that the same language has been repeated by two additional provisions in the Constitution, as amendments, since its inception, and in spite of the fact that the courts, over and over again, have reiterated the correctness of Alexander Hamilton's discourse on this language, and in spite of the fact that everything has consistently pointed that way over all the years, the Senate nevertheless, today, is attempting to usurp the power, and that is what it is—a usurpation—attempting, in the political pressure of the times, to usurp powers that is not ours. Still, we are asked to take that power anyway. We are asked to usurp it to ourselves, and to prescribe the qualifications for electors.

Mr. President, it is unthinkable that that can happen. I do not believe it will happen. The bill will not become law in the light of a complete dearth of historical evidence to support its position.

In that connection, the Department of Justice makes the now familiar comment in favor of such proposals that on this issue "history provides inconclusive answers."

Mr. President, there is nothing inconclusive about it. The evidence is overwhelming. This is another illustration of the strategy when the proponents of a certain position cannot make a historical foundation or a constitutional foundation for their assertions. They end by saying that history provides inconclusive answers. But this is one instance in which history provides a completely conclusive answer based upon history and the precedents of logic, law, and reason.

Since the Constitution does not give Congress any power to establish the qualifications of electors, as the proponents of S. 2750 must concede, an effort is being made to support the bill's alleged constitutionality by the use of a play on words. S. 2750, according to the semantical technique, does not establish voter qualifications. It only provides the means, as the proponents claim, by which a legitimate State-established voter qualification is to be determined; and this, by the use of a nonsequitur, becomes a part of the manner of holding elections, and so within the power of Congress to regulate under article I, section 4.

Mr. President, that is a juggling of language and logic and reasoning which should not be indulged in by those who hold responsible positions. Part of this attempt is found in a statement made by the Attorney General when he appeared in support of this bill:

> The bill does not prevent the States from requiring literacy or understanding ability of their voters. That objection is not wrong. * * * What we propose is to substitute an objective standard for the present subjective color bar to Federal voting. * * * It is concerned solely with the appropriate, fair, and nondiscriminatory manner of measuring the qualifications of Federal voters under State law.

Dean Griswold, who has been quoted frequently, said:

> By specifying a sixth-grade education in a public or accredited private school, the legislation would merely substitute an objective means of determining a legitimate qualification for methods which are capable of—and indeed have been put to—discriminatory use.

While the Department of Justice memorandum on the constitutionality of Senate bill 2750 is quite interlarded with statements of this viewpoint, the fullest statement is incongruously placed under the heading "Judicial Construction," although the position is entirely devoid of any judicial support. The statement is as follows:

> S. 2750 could constitute a permissible regulation of the "manner" of holding elections for Federal officials in two respects. First, it would alter the method of testing whether a prospective voter possesses the particular educational or similar qualification set by the State. Instead, it would substitute an objective and easily ascertainable requirement—completion of six grades of formal education. Second, it would eliminate the racially discriminatory fashion in which existing tests have been administered. In these ways Congress would insure that "the manner" of holding elections for its Members is not improper.

I have quoted from Justice Memorandum No. 22.

The closest thing to judicial support for this position that the proponents of the bill have been able to find is the decision in the case of *Ex parte Siebold*, 100 U.S. Reports 371, decided in 1880, but the single case relied on by both the Civil Rights Commission and the Department of Justice—Ex parte Siebold—does not even contain a dictum or intimation in support of their position. The question presented and decided in the Siebold case was whether, when Congress undertakes to regulate the manner of holding elections for Representatives, its regulations become exclusive and supersede all State regulations on the same subject.

I invite the attention of the Senator from Alabama [Mr. HILL] to this point, and I repeat it: The question presented and decided in the Siebold case—the case cited here as the only authority for the position of the proponents—was whether, when Congress undertakes to regulate the manner of holding elections for Representatives, its regulations become exclusive and supersede all State regulations on the subject.

That is an age-old question, well known in the law, as to the Federal-State relationship.

The Supreme Court of the United States very clearly answered that question, the only question involved, in the following short paragraph:

> We are unable to see why it necessarily follows that, if Congress makes any regulations on the subject, it must assume exclusive control of the whole subject. The Constitution does not say so.

That is the decision in the Siebold case, as reported in 100 U.S. Reports 383, decided in the year 1880.

Mr. President, it is a well-known fact that elections involve the questions of the time, place, and manner of holding elections; and the writers of the Constitution made clear that unless there was such a constitutional provision, they would not have any power in regard to the qualification of electors. But they were not willing to surrender all control over the time, place, and manner of holding elections; so they reserved that power, to be used if they saw fit to use it.

The Court, lamely following that language, said that while they reserved that power, it was not exclusive power; and in any field which they had not filled, of course the States still had their own power.

That is the only intrusion of any kind that there is on the States power, even as to the manner of holding elections.

Mr. HILL. Mr. President, will the Senator from Mississippi yield?

The PRESIDING OFFICER (Mr. HICKEY in the chair). Does the Senator from Mississippi yield to the Senator from Alabama?

Mr. STENNIS. I yield.

Mr. HILL. The Senator from Mississippi will recall that one of the last decisions which the late great Chief Justice Charles Evans Hughes wrote cited the Siebold case as being the authority and the law, just as the Senator from Mississippi this afternoon has cited that case as the authority and the law on this subject.

Mr. STENNIS. Mr. President, I appreciate the contribution made by the Senator from Alabama. It shows how well versed he is in the cases which pertain to this important subject; and I appreciate his part in the debate.

So, Mr. President, the opinion in that case—although there are also the opinions of some lawyers, but the Siebold case is the only one directly in point—is far afield from the position used here in support of this proposed legislation.

Mr. President, Senate bill 2750 does establish the qualifications of electors for Federal officials. There can be no doubt about that, and it is demonstrated very easily. All agree that the States may legitimately establish age qualifications for voters. But under the theory advanced in support of this bill, Congress could pass legislation declaring it to be a deprivation of the right to vote for any State to withhold the voting privilege from, or to interfere with the exercise of the right to vote by, any person who had attained age 18—or, with almost as much plausibility, age 16; and, so far as naked power is concerned, and with some good reason, Congress could apply that rule to those who had attained as much as 12 years of age.

Twelve years of age was the age of accountability under the old Jewish law, as I recall, and is the age of responsibility according to many of the customs we have today. So there is even logic in support of extending the privilege down to as tender an age as 12 years. But who here would say that Congress has the power by statute to prohibit any State from prescribing that a person must be 21 years of age or 20 years of age or 19 years of age or any age above 18 years, or even 18 years of age, if he is to vote, and thus providing that as the only cutoff age on which any court could pass.

But under the theory used by those who proposed the enactment of this bill, if Congress wanted to restrict the electorate, Congress could declare it to be an illegal interference with the manner of holding elections for any State to permit any person to vote if he had not attained age 25 or age 30 or age 50 or any other age. Such legislation, under the theory advanced in support of the pending measure, would not establish a qualification to vote; instead, so we are told, it would only provide an objective method of determining a legitimate qualification to vote.

Mr. President, that argument shows what circuitous reasoning is applied in order to attempt to uphold this proposed legislation—not legislation on a constitutional basis, but proposed legislation on an emotional basis or based on some other strategy far beyond the powers Congress has.

To use another example: All agree that the States may legitimately disqualify persons convicted of crime from voting. Cannot Congress then, under this theory, pass a law which, in the words of the Department of Justice, "simply establishes an objective method of ascertaining whether an applicant possesses the State-imposed qualifications," and which bill provides that it shall be a deprivation of the right to vote for any State to withhold the vote from any person who has not been convicted of a crime for which the death sentence was imposed and carried out?

It is obvious that if the doctrine being urged upon us is accepted, Congress will henceforth have the power to assume full control over the fixing of voter qualifications, all in the guise of establishing objective methods of determining such qualifications. The doctrine uses article I, section 4, of the Constitution for the purpose of destroying article I, section 2, and a substantial part of the 17th amendment to the Constitution.

Mr. President, that point has not been expressed before—the proponents of this bill would use a stretched, vague, elaborate interpretation of section 4 of article I in order to kill the clear language of article I, section 2, and a substantial part of the 17th amendment to the Constitution.

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

Mr. STENNIS. I yield.

Mr. HILL. And the stretching of which the court has denied. Is that not correct?

Mr. STENNIS. That is right. The courts will not follow that.

These arguments have been made many times in the Federal courts and the State courts, but more particularly in the Federal courts. Resourceful lawyers have doubtless made these arguments many times. They have always been rejected and precedents have been established the other way. Now those same arguments are made on the floor and urged in support of this bill.

While the claim is made that Congress in S. 2750 is only substituting an objective standard for the subjective standard being used by the States, this position is wholly untenable. No more subjective standard can be imagined than for the Members of Congress to adopt the standard by which the Members of Congress are elected. The framers of the Constitution and the draftsmen of the 17th amendment knew this and they guarded against it by adopting a truly objective standard. The Constitution itself provides the objective standard to be used in establishing and determining voter qualifications by providing in article I, section 2, that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." In this way no one—neither the Federal Government nor the States—directly establishes the qualifications of electors of Federal officials. What standard could be more objective?

I repeat, quite briefly, the language that I used in an argument here last week, namely, that a State legislature has no power in the world to pass a bill directed solely to the question of what shall be the qualifications of electors in voting for Members of the House of Representatives and U.S. Senators. It would not have a semblance of validity, it would not be worth the paper it was written on. The States are not permitted to approach the question in that way.

The Constitution of the United States expressly adopted a method that results in an equal result in the end product, but there is a substantially different method of doing it. The State had the power without the Constitution. Each State could fix the qualifications of electors, of course, for their own State legislatures. The Constitution merely adopts those qualifications set in each State for electors to the most numerous branch of the State legislature.

So the matter was not left as a Federal question in the hands of the State legislatures. No authority was given to the Congress itself, but I think there was a most admirable and a very resourceful adjustment made. Certainly it was for that time, and the decades that have followed have justified the wisdom in providing that the qualifications for the electors of the most numerous branch of the State legislature, is the standard adopted as to who shall vote for the Members of the U.S. Senate and House. It ended there. That is good, sound law. The people can change it through constitutional amendment, but the Congress, according to what all the laws say, cannot change it.

A great deal of argument has been made here with reference to the power of the Congress to protect the integrity of its own electoral process. I have a very brief comment upon that subject.

Since no clause of the Federal Constitution supports S. 2750, the crux of the matter as regards the power of Congress to pass the bill is whether Congress has, in the words of the bill, a "power to protect the integrity of the Federal electoral process" that is above and beyond the powers given to Congress by the Federal Constitution, and which, up to now, have always been considered sufficient.

The argument relating to the power to protect the integrity of Federal electoral process is just pulled out of thin air. I recall so vividly one of the essential, fundamental principles in constitutional law which I was taught when I was a student—and I have found it has applied ever since—is that, so far as the Federal Government is concerned, there is no superior law to the Constitution; there is no superior government power upon which its authority is based than its own constitutional framework.

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

Mr. STENNIS. I am glad to yield.

Mr. TOWER. Is it not true that article VI of the Constitution states:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land * * *.

Is not the word "pursuance" in there?

Mr. STENNIS. The Senator is correct. That is very carefully drawn language. It means what it says; it does not mean anything else; it excludes everything else. It states "laws passed in pursuance thereof." If Congress does not have this additional power, then this bill must be unconstitutional, for it is still accepted doctrine, even though a doctrine sadly eroded in some areas, that the Federal Government has only such powers as have been delegated to it.

In appearing before the Senate Subcommittee on Constitutional Rights, Dean Griswold said:

It is true that under article I, section 2, *and the 17th* amendment, basic control of qualifications of electors is reserved to the States, subject of course to the power of Congress to protect its own elections.

This is the superpower. This is the "reading in" of something to the Constitution.

That quotation is taken from pages 4 and 5 of Dean Griswold's statement.

Unfortunately, for the purposes of discussion, Dean Griswold did not make clear where Congress gets the power to override the Constitution itself. This would be an overriding of the Constitution, Mr. President, directly in conflict with the plain provisions of the Constitution.

Dean Griswold says that one clause of the original Constitution and one amendment are, in his words, "subject of course, to the power of Congress to protect its own elections."

I deny that totally. I deny that the Federal Constitution, insofar as it relates to the Government of the United States, until amended in a constitutional manner in accordance with the provisions of article V, is subject to any other power—to any higher power, lower power, good power, bad power, desirable power, or undesirable power—whether conjured up by proponents of the legislation, by the Civil Rights Commission, by a witness, or by anyone else. I deny that there is any such power.

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

Mr. STENNIS. I am glad to yield to the Senator from Alabama.

Mr. HILL. Is it not true that the only power the Constitution is at all subject to is the power of the people, acting through the means and methods provided by the Constitution itself, if the people should see fit to make any change in the Constitution?

Mr. STENNIS. That is basic law and basic principle. It is the fundamental, foundation principle of our form of government. When we get away from it, even if we only crack the wall, and begin to assume powers that do not exist, then we are tearing down the basic structure.

As Daniel Webster once said that other things can be destroyed and we can build them back; but if we tear down the pillars of constitutional government all will be gone.

I appreciate the Senator's question very much.

The Senator from Texas [Mr. TOWER] asked a very pertinent question with reference to the Constitution expressly providing that laws must be passed in pursuance of the Constitution.

Mr. HILL. Mr. President, will the Senator yield further?

Mr. STENNIS. I am glad to yield.

Mr. HILL. Otherwise there would be a government of men and not a government of laws; is that correct?

Mr. STENNIS. The Senator is correct. Even though our system does not work perfectly, no other system does. Even though errors show up, what the fight has always been about is to keep the Constitution, so that we may have constitutional government rather than power exercised in an unrestrained way by men—and, therefore, a government by men.

The Senator from Alabama and other Senators know it took a long, long time for any nation to get away from and to successfully stay away from that idea or concept of government by men, and to establish the real concept of government by law and by constitution.

Mr. President, I deny that there is any such power. I believe that every Member of this body on full study will agree with me. I believe that every citizen of the United States who is interested in and informed on constitutional government will agree with me in denying the existence in the Congress of a power superior to the Constitution of the United States.

There are no powers anywhere in the Government or in the Nation—in whatever branch one may think of, or in whatever group one may think of, regardless of whatever kind of material power may be possessed or political power may be possessed—greater than the Constitution. No group or combination of groups is superior to the Constitution of the United States.

It is difficult, Mr. President, to trace to its source this supposed power of Congress which is said to exist, aside from the provisions of the Constitution, "to protect the integrity of the Federal electoral process."

The staff memorandum of the Civil Rights Commission on the subject of constitutionality has this to say as to the source of the power to pass S. 2750 and similar proposed legislation:

The only power involved is the power of the Federal Government to protect its elections. This power of protection is implied from the existence of Federal elections, the subject of article I, section 2. The same considerations apply to the identical language in the 17th amendment. In this connection the court has said:

There follows a quotation in the memorandum from the Yarbrough case:

If this Government is anything more than a mere aggregation of delegated agents of other States and governments, each of which is superior to the General Government, it must have the power to protect the elections on which its existence depends, from violence and corruption.

The citation is *Ex parte Yarbrough*, 110 U.S. 651, 658 (1884). Other citations are *Wiley* v. *Sinkler*, 179 U.S. 58 (1908); *Swafford* v. *Templeton*, 185 U.S. 487 (1902); and *United States* v. *Classic*, 313 U.S. 299 (1941).

I continue to quote from the staff memorandum:

The power to protect the right thus secured is not limited to State action but extends to the acts of private individuals.

The Civil Rights Commission says:

This power of protection is implied from the existence of Federal elections, the subject of article I, section 2.

Mr. President, this is a weakly worded sentence which can be highly misleading to the reader. While the sentence and the context imply that article I, section 2 is the source of power, a careful reading of the sentence shows it only says that the "power is implied from the existence of Federal elections."

The fact that article I, section 2, deals with Federal elections has nothing to do with the matter. It may be worth noting again at this point that article I, section 2, does not deal with the subject of Federal elections generally, as this sentence implies, but only with the elections of Members of the House of Representatives.

Ex parte Yarbrough, of course, supports the power of Congress to regulate the manner of holding congressional elections. It recognizes that violence in connection with the holding of an election does relate to the manner of holding the election and is within the power of Congress to regulate. The decision, though, lends no support whatsoever to a claim that Congress has some power which overrides article I, section 4, to protect the integrity of the Federal election process.

Mr. President, at this time I shall not discuss further the cases which I have mentioned, although I have available a discussion for that.

Before I conclude, Mr. President, I wish to say a few words with reference to the question of imposing cloture on Senate debate. It is unfortunate indeed that the question of imposing cloture on Senate debate and the so-called civil rights issue are often considered as one and the same. This is a grave error indeed and a serious injustice to the Senate and to the country.

The rules of the Senate were not adopted to take care of individual cases. The fact that the rules of the Senate are good for the Nation is the reason these rules have survived the test of time.

These rules have been very effective in protecting the country against hasty and ill-considered legislation and they should not be considered lightly.

Mr. President, I sincerely urge that each Senator seriously consider the lasting effect of his vote when it is sought to cut off debate by imposing cloture.

Once cloture is imposed, there will be a precedent and efforts may well be made to impose cloture again and again.

In fact, I can foresee that there will be a move to impose cloture on all major matters coming before the Senate.

The same end result will be hastened should rule XXII be changed permitting less than a two-thirds vote to cut off Senate debate.

It must be clearly understood that there is more at stake than the literacy test bill now being debated. There is more at stake than solely the matter of defeating or aiding in the passage of this bill, or any other single bill.

The right of debate often gives the minority the power to protect itself against unwise legislation by forcing terms and attracting support for certain amendments necessary to perfect the legislation. If cloture is to become an everyday occurrence, this bargaining power would be destroyed.

Several years ago there was a bill before the Senate that related to questions vital to great areas of our country The TVA was involved. The result of its operation was to be a yardstick for operations in other areas of the country. Great pressures were behind the bill. The bill passed the House of Representatives in a certain form. I believe the bill was known as the atomic energy bill. It came to the floor of the Senate and was debated for 3 weeks. If the distinguished Senator from Alabama [Mr. HILL] was not the leader, at least he was in the forefront of the leaders in the debate. The bill passed, but by the time it passed after 3 weeks of debate, certain amendments had been added to the bill that have been found to be fair for the entire Nation. The law now works satisfactorily. There has been no complaint about its operation or provisions. It proved to be a sound and substantial basis for permanent legislation, not only for the TVA, but the development of atomic power. Today the law represents the policy of the Nation on that subject. If the habit of cutting off debate had been established, that bill might have been passed within a 3- or 4-hour debate limitation as it passed the House of Representatives.

Those pressing for cloture on the issue now before the Senate might well consider the lasting effect of their haste to limit debate. If cloture is invoked, it will surely diminish the power and authority of each individual Senator in representing his sovereign State. The stature of the Senate itself will be diminished.

The Senate has not become an institution by accident. The Senate is what it is today because of the respect for its rules and the rights of the minority recognized by our predecessors down through the years. The Senate has been preserved by the foresight of Webster, Clay, Calhoun, La Follette, Taft, and many others too numerous to mention by name.

If in the twinkling of an eye and without proper consideration for the permanent damage to the Senate and to the Nation cloture is invoked, then an important factor in the preservation of constitutional government in this country will be destroyed.

If cloture is invoked on this issue, it will be invoked on many others. The imposition of cloture will come to be "routine" and when that happens, no one today can safely predict what dangerous legislation might be enacted in future years because of this fact.

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

Mr. STENNIS. I yield.

Mr. HILL. Does the Senator know of a single measure possessing real merit that has ever been defeated because of the free debate permitted in the Senate?

Mr. STENNIS. I have heard the question of the Senator from Alabama raised from many different angles and in many debates since I have been here. No one has ever been able to point out a single instance in which any harm has been done to the people of our Nation by a failure to pass proposed legislation. On the other hand, many examples have been and can be given in which harm was prevented as a result of extended debate, and by the Senate failing to cut off debate.

Often bills in some form pass at a subsequent time, but only after the injurious and harmful factors have been removed or conditions added.

If we adopt routine cloture, we shall cut off our power to negotiate, to amend, and enact legislation for all the country rather than only a section.

We have already seen a situation grow in recent years where the duly constitued committees of the Senate having jurisdiction over legislation on certain subjects have come to be bypassed in a routine manner. Legislation has been brought to the floor of the Senate direct on several different occasions, and if this practice is continued, the committee system will be destroyed. Not only has this been done in so-called civil rights legislation, but earlier this session an effort was made to take the urban affairs legislation from a committee and bring it direct to the floor of the Senate when the committee had already scheduled a meeting just a day or two later to take action on the bill.

The same tactics can be used in the future on all legislation, including prolabor bills, antilabor bills, water-rights bills, tax legislation and others. We saw the same procedure adopted some years ago in legislation calling for the enforced labor of railroad workers. That incident occurred immediately after the end of World War II, when a bill was passed by the House of Representatives which would actually require the President of the United States to put railroad workers into the military service so that they would be subject directly to the President's orders. The bill was killed on the floor of the Senate. Everyone is now happy that it was.

The imposition of cloture endangers our whole system of considering legislation in the Senate. It endangers the Senate as an institution. It endangers constitutional government.

Mr. HILL. Mr. President, I thank the Senator and congratulate him on his very able, fine, and compelling address today.

Mr. STENNIS. I thank the Senator very much. He was most kind to yield.

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

Mr. HILL. I yield to the Senator from Kentucky without losing my right to the floor.

Mr. COOPER. Mr. President, I will vote against cloture, and also against the amendment to H.R. 1361, which would provide that the completion of the sixth grade shall be accepted as proof of the literacy of persons otherwise qualified to vote.

It is difficult for me to cast this vote because I have supported civil rights legislation from the beginning of my service in the Senate, in my own State, and in every campaign that I have made. I oppose cloture because a difficult constitutional question is involved—different, in my opinion, from any previously raised regarding civil rights legislation—and I do not believe that sufficient time has been given to this question. I will vote for cloture later, but I must say that I believe that debate on such an important constitutional issue should not be terminated after 2 weeks' debate—chiefly because it is a civil rights issue.

I shall vote against the literacy amendment because I do not believe it is constitutional. Whatever the Supreme Court may do if this bill passes, it is my responsibility to vote against a bill, even a civil rights bill, when I believe it is unconstitutional.

In this brief statement I am not attempting to cite cases which have been quoted and cited throughout the debate. I may say that at one time I was a lawyer, and at one time I was a judge, and I have taken occasion to read carefully the cases that have been cited, and also some of the testimony which was adduced at the hearings. However, I know that the Constitution provides that qualifications for voters are determined by the States in accordance with article I, section 2, and the 17th amendment of the Constitution. I agree with the supporters of this amendment, that the 14th and 15th amendments authorize the Congress to enact legislation to enforce the provisions of these amendments by appropriate legislation, for the purpose of preventing discrimination on account of race or color.

The difficulty with this bill is that it empowers the Congress to establish a qualification for electors. If Congress can provide that the completion of the sixth grade establishes literacy for voters, it can logically fix other literacy qualifications, either for longer or shorter periods of schooling. I believe further—although this is not my controlling reason for voting against the amendment—that this provision will be used as a means of discrimination against self-educated voters who are literate, but have not completed the sixth grade. Completion of the sixth grade will become the test of their qualification to vote, however literate they may be. It is my judgment that thousands of literate Negroes in the South, who have not been able to complete the sixth grade, will be the victims of this provision.

I know from my own experience as a judge and as a local official that there are literally thousands of people who vote who never went through the sixth grade, but who through their interest in political affairs and their own commonsense are much more sensible in their political determinations than many who have gone through college.

The pending amendment, if it should become law and if it were upheld by the Supreme Court, in my judgment would provide a further vehicle of discrimination in those States which have literacy qualifications.

I agree with the findings of the amendment that literacy qualifications—in cases where the decision respecting literacy is determined by the subjective judgments of registration and election officials—have been used to discriminate against Negro voters.

One who opposes the amendment, like myself, must answer the question, "What can be done by the Congress, legally and constitutionally, to enforce the provisions of the 14th and particularly the 15th amendments against such discrimination?"

I make the following suggestions:

First—and there is, of course, the constitutional amendment route—I believe that a statute would be constitutional which would prohibit the use of all literacy tests in both Federal and State elections, where such tests relate to understanding, performance, or comprehension, et cetera, decided, subjectively by registrars and election officials. Such a statute would not establish the qualifications of voters or prohibit the establishment of objective literacy qualifications for voters. It would be proper and constitutional in my view because it would strike down completely the system of literacy tests resting upon subjective determinations by local officials, which have been found vehicles of discrimination.

Second, I hold that title 6 of the Civil Rights Act of 1960, if used vigorously by the administration, would end much of the discrimination against voting rights. Briefly, this provision authorizes Federal district judges, with the help of voting referees in any number that the court might find necessary, to issue a certificate to single voters or to groups of voters identifying the applicant as qualified to vote. This section does not require a finding of discrimination against each voter, but that discrimination has actually occurred and that such discrimination is pursuant to a pattern or a practice. I say all of us know the power of a Federal district judge and the respect in which the Federal district courts are held by the people. If vigorous action were to be taken by the administration under this section of the Civil Rights Act of 1960 a great deal could be done in 1 year to eliminate discriminatory practices against voting rights.

I would like to see Congress and the administration take action concerning voting rights along the lines I have stated. I would like to see action taken in several other fields where it is clear that discrimination exists, and where in my view there is no constitutional question about the power of Congress or of the administration to act.

One field is the implementation of the Brown decision, applying to the desegregation of public schools. The Senator from New York [Mr. JAVITS] and I have submitted an amendment which would authorize the Attorney General to intervene in the name of the United States and at the expense of the United States to implement the desegregation of schools. This authority was given the Attorney General with respect to voting rights in the Civil Rights Act of 1957, and there is no reason why it should not be extended to school desegregation.

The second field is that of public housing. I think there is no question that action to desegregate public housing, whether immediately or over a period of years, could be provided by legislative authority, and many believe by Executive action.

A third field which has been the subject of public interest and concern for the last few years, relates to equality in the use of public businesses. This subject may not be within the jurisdiction of Congress—and I doubt whether it is—but it is my view that the Supreme Court will eventually determine that public businesses which usually are required to secure a public license to conduct their business and which hold themselves out to the public for patronage must be open to the public, and the public includes all people of whatever race, color, or creed.

I will continue to work for and support civil rights legislation providing equality under the law to all of our citizens regardless of their race or color.

I cannot support the motion for cloture. After 2 weeks of debate on a very important constitutional question, I must believe that the motion is made simply because the Senate is considering a civil rights proposal. I have supported civil rights legislation; but the opponents have the same right to present their views in a full debate as those of us who have supported civil rights legislation in the past have had the right to present our views.

Finally, I cannot vote for the amendment, because I believe it is unconstitutional on its face. I cannot, taking into consideration my views, vote for the amendment, even though it relates to a subject in which I am interested, because I deeply believe it is unconstitutional.

I thank the Senator from Alabama for yielding to me.

Mr. HILL. I am glad to have been able to accommodate the Senator from Kentucky.

Mr. CARROLL. Madam President, will the Senator from Alabama yield?

Mr. HILL. Madam President, I ask unanimous consent that I may yield to the distinguished Senator from Colorado, with the understanding that I will not lose my right to the floor.

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

Mr. CARROLL. Madam President, I am pleased and gratified to have had the opportunity to sign the motion for cloture which will soon be before the Senate for consideration.

I have long felt that nothing should hamper or restrict in any way the right and the responsibility of the Senate to discuss, examine, and adequately inform itself on legislative matters under its consideration. There comes a time, however, when the debate has covered the ground and useful information has been brought together, when the Senate must proceed to a consideration and a vote upon the merits of the legislation.

That time, it appears to me, has arrived.

Over the last 2 weeks and more, we have heard an exhaustive discussion of the legal and constitutional aspects of this proposal. These arguments are not new; we have heard them before. In 1957, in 1960, earlier in this session and here today we have listened and examined the merits of the issues involved.

In the particular amendment before us, a proposal to protect the right to vote in Federal elections free from arbitrary discrimination by literacy tests or other means, it appears to me that certain points are both simple and clear.

NEGROES ARE NOT VOTING

It is undeniable that in certain areas of our Nation Negroes are not now being registered. I have before me the 1961 report of the U.S. Commission on Civil Rights. I should like to draw the attention of the Senate to a table printed in that report. I ask unanimous consent that the table be printed at this point in the RECORD.

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

TABLE I.—*"Nonvoting" black-belt counties chosen for Commission study*

State and county	Nonwhite population 1950 [1]	Nonwhites of voting age registered [2]
	Percent	*Percent*
Alabama:		
Greene	83.0	2.6
Monroe	51.1	2.7
Florida: Gadsden	56.1	.6
Georgia: Lee	71.3	1.1
Louisiana:		
Claiborne	51.7	.2
Tensas	64.8	0
Mississippi:		
Carroll	57.0	0
De Soto	67.2	.01
Issaquena	67.4	0
Leflore	68.2	1.6
Quitman	60.7	3.0
Tate	57.6	0
North Carolina: Hertford	60.0	2.9
South Carolina:		
Calhoun	70.8	1.7
McCormick	62.6	0
Williamsburg	67.6	1.9
Tennessee: Fayette	70.6	

[1] Source: 1950 Decennial Census.
[2] Source: See 1959 Report at 587–589. 1959: Louisiana; 1958: Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee; 1955: Mississippi.

Mr. CARROLL. Madam President, Senators will note that Greene County, Ala., with a nonwhite population of 83 percent, had, as of 1958, but 2.6 percent Negro registrants. Let us take another county in another State. Tensas Parish in Louisiana with a nonwhite population of 64.8 percent had no Negroes registered at all, nor were there any Negroes registered in Carroll County, Miss., which

has a 57 percent nonwhite population; nor were there any Negroes registered in McCormick County, S.C., with a Negro population of 62.6 percent.

We have the facts. Negroes are not being registered in certain areas.

IMPROPER USE OF THE LITERACY TEST

What is equally clear and uncontrovertible is that the Civil Rights Commission has found that literacy tests and other performance examinations are improperly used to deny registration to otherwise qualified U.S. citizens. It has been often said on this floor that no specific cases have been produced to show the misuse of these tests. However, in the 1961 report to which I have referred, I point out that many specific cases of such injustice are detailed. I would refer Senators to chapter 2 entitled "Status of the Right to Vote."

It is apparent to all reasonable men that some qualified Negroes have been denied their franchise by the discriminatory application of literacy tests by State and local officials. It is not necessary nor is it possible to present exact detailed nationwide figures upon this practice. It is enough to show that the practice exists. It does exist.

CIVIL RIGHTS COMMISSION, A CREATURE OF THE CONGRESS

The Congress has received these facts in the annual report of the U.S. Commission of Civil Rights. This Commission is a creature of the Congress, created by the Congress in 1957. It reports annually to the President of the United States and to the Congress. The Supreme Court has concisely stated its function as follows:

> The only purpose of its existence is to find facts which may subsequently be used as a basis for legislative or executive action.

Let there be no doubt that the Congress has the factual basis for legislative action in this field.

CLEAR CONSTITUTIONAL AUTHORITY

There has been discussion upon this floor whether the Congress has authority to legislate in this fashion. For justification we need search no further than the 14th and 15th amendments. The 14th amendment guarantees, to all persons, the equal protection of the laws. The 15th amendment, as all Senators know, reads as follows:

> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude—
>
> SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

Why was section 2 included in the 15th amendment? It was to give Congress not only the authority but the power to enact appropriate legislation. The Senate soon will have an opportunity to enact such legislation.

Can any Senator today question that Negroes have been denied the right to vote on account of their race and color by State action, by State registrars acting under color of State law? We have the evidence.

We have the authority—indeed we have the duty—to activate these constitutional provisions by doing what we as a legislative body should do to correct an unconstitutional situation. We are not disputing the right of a State to determine voters' qualifications nor are we disputing their right to set literacy as such a qualification. We say only that a literacy test which is fair on its face may not be employed to perpetuate the discrimination which the 15th amendment was designed to uproot.

PROPRIETY OF CONGRESSIONAL FINDINGS

It has been said in this Chamber that Congress is usurping judicial power in undertaking to recite in legislation the truth of facts. I merely point out that the constitutionality of much of the legislation approved by the Congress is dependent upon whether the Congress has an adequate basis for deeming legislation necessary. Such major pieces of legislation as the Internal Security Act, the Wagner Act, and the Taft-Hartley Act contain recitals of findings of fact and statements of policy. The purpose of such statements is, after all, to advise the courts as to why the Congress has deemed legislation necessary.

THE NEED FOR ADDITIONAL LEGISLATION

It has been often stated that the Attorney General has now an adequate arsenal of ammunition to cope with the situation with which we here treat. However, the Attorney General, himself, in testimony before our Judiciary Committee on Constitutional Rights, of which I am a member, said:

> Our experience shows that existing laws are inadequate. The problem is deep rooted and of long standing. It demands a solution which cannot be provided by lengthy litigation on a piecemeal county-by-county basis. Until there is further action by Congress, thousands of Negro citizens of this country will continue to be deprived of their right to vote.

The Attorney General has called for this additional authority in order to see that qualified American citizens are guaranteed their franchise.

We in the Congress having examined the evidence, considered the proposal and acting within our constitutional responsibilities have no alternative but to approve this legislation.

Madam President, I urge all Senators to support the motion for cloture so that the Senate may proceed to consider and vote the merits of this proposal.

Madam President, I thank the able Senator from Alabama for affording me the opportunity to make this statement.

Mr. HILL. I am pleased to have been able to accommodate the Senator from Colorado.

Mr. TOWER. Madam President, will the Senator from Alabama yield?

Mr. HILL. I yield to the Senator from Texas for a question.

Mr. TOWER. Does not the Senator from Alabama believe the Senator from Colorado raised an interesting point when he said that Congress may implement the provisions of the Constitution by appropriate legislation? Does the Senator from Alabama believe that appropriate legislation designed to implement the provisions of the Constitution must in itself be constitutional? That is to say, must not the means adopted to the end be in themselves constitutional?

Mr. HILL. The Senator is exactly correct. That is one reason why the word "appropriate" is used. The Senator from Texas is entirely correct. The means used and the implementation itself must be constitutional. In other words, there must be within the Constitution itself power for the implementation.

Mr. TOWER. And is not the Senator from Alabama aware—of course, I am sure he is—that the Supreme Court of the United States has held that literacy tests are constitutional; that a literacy test recognizes no color or creed, and therefore a literacy test is constitutional?

Mr. HILL. The Senator from Texas is correct.

Mr. TOWER. Would it not be proper, then, for us to resort to the constitutional amendment process, if we are to try to change this provision of the Constitution?

Mr. HILL. The Senator from Texas is correct. He knows that as late as 1959 there was a North Carolina case in which the Court held the literacy test to be proper; and the Senator from Texas also knows that if there is to be a change in the Constitution, the Constitution itself provides the means for changing it—namely, the constitutional amendment method as provided in the Constitution itself.

Mr. CARROLL. Madam President, will the Senator from Alabama yield?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Colorado?

Mr. HILL. I yield.

Mr. CARROLL. In view of the fact that my name has been mentioned, let me say that there is no doubt that Congress has no power to pass unconstitutional legislation; and I do not contend at all that Congress does have such power.

But I contend that in this case there is an evidentially sufficient finding of fact by Congress that this measure does not constitute a qualification which interferes with the constitutional provision.

Furthermore, in my opinion Congress has ample constitutional authority to pass this proposed measure.

It is for each Senator to weigh the constitutional issues here discussed and then for the Senate to vote its convictions and work its will.

It seems to me to be in the interest of the rights of hundreds of thousands of American citizens who are being denied the right to register to vote, for Congress to pass this measure, inasmuch as the evidence in support of it is ample. Obviously those who cannot register cannot vote.

This matter has been thoroughly considered, and the evidence is available. The Senator from Alabama may not agree with me; nevertheless, the evidence is in, and we are about to make a finding.

It is my firm belief that this measure is constitutional, and that it will confer great benefits to hundreds of thousands of Americans who now are denied their fundamental constitutional right to vote.

I thank the Senator from Alabama for yielding to me.

BILLIE SOL ESTES CASE

Mr. WILLIAMS of Delaware. Madam President, yesterday, in a press conference, Secretary Freeman, while admitting that certain high officials in the Department of Agriculture had been accepting lavish gifts from Mr. Billie Sol Estes, insisted that no favoritism had been shown to Mr. Estes in his dealings with the Department of Agriculture.

Madam President, the Secretary of Agriculture is mature enough to know that when any private citizen gives a mink coat, a deep freeze, a vicuna coat, a rug, or suits of clothes to Government officials, he expects and usually gets something in return.

Notwithstanding Secretary Freeman's reluctance, Congress has no alternative other than to proceed with its full-scale investigation.

At this point I ask unanimous consent to have printed in the body of the RECORD a timely editorial apearing in today's issue of the Washington Daily News entitled "The 'Balloon' From West Texas."

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

THE "BALLOON" FROM WEST TEXAS

Agriculture Secretary Orville Freeman says the Billie Sol Estes case has been "ballooned all out of importance."

How can he tell?

W. P. Mattox, vice chairman, says his county committee approved the transfer of valuable cotton acreage to Estes, despite suspicions, because it was required to under Agriculture Department regulations. Mr. Freeman says no one knows what instructions were issued the county committee because the man who issued the instructions was found dead in a field.

The Secretary says he has evidence that three employees of his Department "possibly" received favors from Estes, but no evidence that any of them did anything for him, or that the Department showed Estes any preferences.

But Estes did get acreage transfers, worth some $500,000 to him, which the attorney general of Texas says were illegal and which involved some most extraordinary manipulation. He did get most of the cash he used for his other schemes from storing Government grain, for which he posted a bond about a fifth as much as normally required. He was appointed to Mr. Freeman's National Cotton Advisory Committee, despite an adverse report on him from the Department's only investigators. And he did a lot of bragging about "payoffs" and big contributions to the Democratic Party.

The Billie Sol Estes case has ramifications beyond the Agriculture Department, but the grain storage program involves much more than Estes. If Estes could get away with acreage transfers the Texas attorney general says were illegal, could there have been other such instances? In the absence of an unflinching investigation, who knows?

This is no inquiry to be run by boys. It needs the rapt attention of a stouthearted congressional committee, armed with subpena power, staff and energy to plow through all the furrows and dust heaps. And such a committee should be busy now—before the dust piles higher.

TRIBUTE TO REPRESENTATIVE WILBUR DAIGH MILLS

Mr. WILLIAMS of Delaware. Madam President, recently the American Good Government Society, at its annual meeting held at the Sheraton-Park Hotel, presented a Good Government Award to Congressman WILBUR D. MILLS, of Arkansas.

In this award they paid well-deserved tribute to the outstanding service which WILBUR MILLS is rendering to the people of Arkansas and to his country.

It was my privilege to have the honor of presenting this award to Congressman MILLS, and at this point I ask unanimous consent to have my remarks on that occasion, followed by a copy of the award, printed at this point in the RECORD.

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

It is difficult to imagine how the American Good Government Society could have chosen a more appropriate or a harder working Member of Congress to honor tonight with its George Washington Award than the man I am privileged to introduce to you now.

I have chosen the words "appropriate" and "hard working" not as simple adjectives to be used loosely, but because they are so particularly fitting and descriptive of the man to whom I refer.

WILBUR D. MILLS is the Representative in Congress from the Second District of Arkansas. And although one of his finest attributes is the outstanding manner in which he serves his constituents as their representative in Congress, this would not begin to tell the story of his achievements and abilities if we were to stop there.

WILBUR MILLS is also the chairman of the House Committee on Ways and Means, easily one of the most important committees on either side of the Capitol. And as chairman of that powerful committee, WILBUR MILLS is literally at the focal point of legislation dealing with the extremely complex and intricate body of laws governing the Nation's taxes and tariffs.

WILBUR MILLS' philosophy of taxation is best understood by quoting direct from one of his recent statements: "I believe that the function of taxation is to raise revenue. That may sound obvious, but I say it to make clear that I don't go along with economists who think of taxation primarily as an instrument for stimulating, braking, or otherwise manipulating the economy."

As a member of the Senate Finance Committee, I have worked with WILBUR MILLS on innumerable occasions, particularly in conference on tax bills when different versions have been approved in both the House of Representatives and the Senate. A more astute and knowledgeable man, a more competent authority on the patchwork of laws, which we call the Internal Revenue Code, would be difficult if not impossible to find.

I have no difficulty whatsoever as a Republican Member of the Senate in expressing my admiration and high esteem for this highly qualified Democratic Congressman from Arkansas. His devotion to what at most times can best be called a thankless job, and his unending patience in dealing with the tremendous pressures which are brought to bear on a man in his responsible position are a tribute, both to the man himself, and to the good judgment of the people of Arkansas who have sent him to Washington as their representative since 1938.

I am highly honored and proud to read this resolution of tribute and honor to WILBUR DAIGH MILLS, Representative in Congress from the State of Arkansas:

"RESOLUTION OF TRIBUTE AND HONOR TO WILBUR DAIGH MILLS

"Statesman and patriot, lawyer and eminent authority on the tax laws of the National Government, has served the people of Arkansas and of the United States in the House of Representatives for almost a quarter century, since January 1958 as chairman of its Committee on Ways and Means.

"His profound knowledge of our patchwork system of taxation, uneven, unfair, and unwise in its burden on the people and their livelihoods, caused him to undertake a monumental study, looking toward a comprehensive and constructive tax reform which will reduce tax rates without sacrificing necessary revenues. His prudence and painstaking care combine to inspire confidence in his approach to the work of his committee.

"Chairman MILLS can be relied upon to urge a system of taxation that will encourage the formation of capital—the true source of economic growth—for the general welfare of our country. Arkansas is proud of this distinguished son whose knowledge and ability are acclaimed widely in and out of Congress. His State and the Nation look to him to lead the way in making fair and wise tax reform a reality."

SUGAR LEGISLATION

Mr. CHURCH. Madam President, I am indeed pleased to note that the representatives of all segments of the domestic sugar producing and refining industry late last week presented to the administration a compromise proposal on sugar legislation which there are compelling reasons to believe has every chance of forming the essence of an acceptable sugar bill.

The industry compromise provides that new basic quotas for the domestic producing areas, both continental and offshore, would add up to 60 percent of the total quotas. At the present consumption level, 9,700,000 tons, the domestic producers thus would be permitted to supply 5,820,000 tons. For the various individual areas, the basic quotas would be: For the domestic beet sugar area, 2,655,000 tons; for the mainland cane sugar area, 895,000 tons; for Hawaii, 1,110,000 tons; for Puerto Rico, 1,145,000 tons; and for the Virgin Islands, 15,000 tons.

Future growth of the U.S. sugar market would be divided 64 percent to the continental beet and cane areas, and the remainder to foreign nations.

All deficits in domestic quotas would be allocated to foreign nations, in contrast to the present method of giving domestic areas the first opportunity to fill deficits in quotas of other domestic areas.

The fully refined sugar quota of 375,000 tons formerly held by Cuba would be eliminated permanently. It is now not effective, of course, because no Cuban sugar, either raw sugar or refined sugar, is being imported.

Madam President, those are the principal features of the industry compromise proposal.

All segments of the domestic producing and refining industry informed the executive branch that they could uni-

fiedly support a measure which contained those provisions.

They also informed the executive branch that there are extreme doubts that the diverse segments of the industry could muster unified support for any proposal that offered less than 60 percent of basic quotas to domestic areas or less than 64 percent of future growth, or that removed less than the 375,000-ton refined sugar portion of the former Cuban quota.

I am pleased to join my distinguished colleague, the Senator from Minnesota—whose position in the majority leadership of this body enables him to speak with great authority—in the hope he expressed publicly in the press Friday, that the administration will present a bill to the Congress embodying the minimum features I have outlined.

Madam President, I also wish to commend the representatives of the domestic sugar industry and the representatives of the executive branch for the fine spirit of accommodation displayed in approaching the problems of satisfactory sugar legislation. I know that we all recognize that the prospects for passing effective long-range sugar legislation before the June 30 expiration date of the present law are tremendously enhanced when unified industry support is assured. In fact, Madam President, I know I share the views of many of my colleagues on both sides of the aisle in expressing grave doubts that long-range legislation will be passed at this session unless those broad areas of agreement are maintained.

Mr. HILL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HILL. Madam President, I ask unanimous consent that further proceedings under the call be dispensed with.

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

ADJOURNMENT TO 11 O'CLOCK A.M. TOMORROW

Mr. HILL. Madam President, pursuant to the order entered yesterday, I move that the Senate adjourn until 11 o'clock a.m., on tomorrow.

The motion was agreed to; and (at 5 o'clock and 16 minutes p.m.) under the order of Monday, May 7, 1962, the Senate adjourned until tomorrow, Wednesday, May 9, 1962, at 11 o'clock a.m.

HOUSE OF REPRESENTATIVES

TUESDAY, MAY 8, 1962

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Psalm 116: 1: *I love the Lord, because He hath heard my voice and my supplications.*

O Thou who art continually inviting and commanding us to call upon Thee in prayer, what have we that Thou dost desire and what can we render unto Thee that is not already Thine own?

May we understand more clearly that our attitude and approach to Thee must always be one of reverence and humility, of trust and obedience, if we are to lay hold of the resources of omnipotence and conquer the doubts that darken, and the fears that frighten us.

Grant that in these bleak and bitter times we may be fervent in the love that seeketh not its own and faithful in following courageously the pathways of hope and faith which Thou hast marked out for us.

Hear us in Christ's name. Amen.

THE JOURNAL

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

QUESTION OF THE PRIVILEGE OF THE HOUSE

Mr. JOHNSON of Maryland. Mr. Speaker, I rise to a question of the privilege of the House.

The SPEAKER. The gentleman will state his question of privilege.

Mr. JOHNSON of Maryland. Mr. Speaker, I have been subpenaed to appear before the grand jury of the circuit court for Montgomery County, in Rockville, Md., on May 8, 1962.

Under the precedents of the House, I am unable to comply with this subpena without the consent of the House, the privileges of the House being involved. As I wish to cooperate in this matter, I therefore submit the matter for the consideration of this body.

Mr. Speaker, I send to the desk the subpena.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MD.

To the SHERIFF OF MONTGOMERY COUNTY, Greeting:

You are hereby commanded to summon Hon. THOMAS F. JOHNSON, Berlin, Md., or 2100 Massachusetts Avenue NW., Washington, D.C., of Montgomery County, to appear before the circuit court for Montgomery County, to be held at the courthouse in Rockville, in and for said county, on the 8th day of May next, at 9:30 a.m., to testify for grand jury and have you then and there this writ.

Witness, the Honorable Patrick M. Schnauffer, chief judge of our said court, the 5th day of May 1962.

Issued the 30th day of April 1962.

CLAYTON K. WATKINS,
Clerk.

L. T. KARDY,
State's Attorney.

Mr. ALBERT. Mr. Speaker, I offer a privileged resolution (H. Res. 628) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Whereas Representative THOMAS F. JOHNSON, a Member of this House, has been served with a subpena to appear as a witness before the circuit court for Montgomery County, Md., to testify at Rockville, Md., on the 8th day of May 1962, before a grand jury; and

Whereas by the privileges of this House no Member is authorized to appear and testify, but by order of the House: Therefore be it

Resolved, That Representative THOMAS F. JOHNSON is authorized to appear in response to the subpena of the circuit court for Montgomery County, Md., at such time as when the House is not sitting in session; and be it further

Resolved, That as a respectful answer to the subpena a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE ON BANKING AND CURRENCY

Mr. ALBERT. Mr. Speaker, on behalf of the gentleman from Kentucky [Mr. SPENCE], I ask unanimous consent that Subcommittee No. 1 of the Committee on Banking and Currency may be permitted to sit today during general debate.

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

There was no objection.

COMMITTEE ON THE JUDICIARY

Mr. LOSER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have permission to sit while the House is engaged in general debate on Thursday next.

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

There was no objection.

LAOS

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

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

There was no objection.

Mr. POFF. Mr. Speaker, it is time for a change in America's foreign policy in Laos. A year ago the State Department decided to neutralize the country by persuading the anti-Communist Lao Government leaders to accept in a coalition government an unholy partnership with the Communist rebels. When the anti-Communists rejected persuasion, America resorted to coercion by withdrawing military foreign aid and military advisers.

The Communist forces, which apparently were willing if not eager to accept a coalition government which sooner or later they could dominate, have now broken the cease-fire and renewed their aggression.

In South Vietnam, America pursues a policy of firm resistance to Communist aggression. Why should our policy in Laos, which borders Vietnam and through which passes a supply line between Red North Vietnam and Communist guerrillas in free South Vietnam, be any different, especially when Laos is the strategic key to the entire Indochina peninsula?

BILLIE SOL ESTES

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

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

There was no objection.

Mr. BECKER. Mr. Speaker, I noticed by the papers this morning that the Secretary of Agriculture, Mr. Freeman, has acknowledged now that prior to the appointment of Billie Sol Estes to the National Cotton Advisory Committee he had a derogatory report on Mr. Estes, but nevertheless he saw fit to ignore it and appointed this man to the National Cotton Advisory Committee. I notice that several weeks ago, the President was very quick to express his ire and cracked down on the steel industry and threatened every force of Government and the Department of Justice to enforce his demands. I am wondering whether the President is going to have the Attorney General crack down on the Secretary of Agriculture and demand an immediate investigation and go at least into the appearance of deceit used by the Secretary of Agriculture, and with the Secretary of Agriculture's apparent agreement.

I also noticed we do not seem to have much action in the prosecution of Communists, who failed to register under the law, by the Attorney General. This seems to be drifting on and I wonder just what kind of action our Attorney General is going to take on these matters which I think are of great interest to the Nation and to this Congress.

LAOS

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

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

There was no objection.

Mr. HOSMER. Mr. Speaker, I take this opportunity to place on the record my objection to the position of the United States in Laos and the administration's unhappy imposition of a so-called neutral, Western, and Communist coalition government in that unhappy land. This is exactly the kind of political proposition that preceded turning the mainland of China over to a Communist regime. It can but have the same result in Laos. I believe the position of our Government is misguided. I associate myself with the remarks of the gentleman from Virginia [Mr. POFF] who spoke along these same lines and congratulate him for speaking out so wisely.

THE FISCAL SITUATION OF THE RAILROAD RETIREMENT SYSTEM

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

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

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, the operations of the railroad retirement system and its outlook for the future are a matter of keen interest to railroad workers, both those already retired and those who are still in service. Many people feel that the benefits now available are too low and should be increased. Others would like to lower the retirement age and/or introduce certain costly liberalizations of a different nature. Because of the great interest in proposed amendments to the Railroad Retirement Act, this special report provides up-to-date information on these vital subjects.

The Railroad Retirement Board makes from time to time an actuarial valuation of the condition of the railroad retirement system. The object of the actuarial study is to determine whether the existing benefit program is or is not adequately financed on a long-range basis. The latest actuarial valuation—adjusted to the June 30, 1961, position—showed that the railroad retirement system, as it now stands, is underfinanced to the extent of $77 million a year, or 1.79 percent of taxable payroll. Obviously, under these conditions, the system cannot absorb the cost of any benefit increases or other liberalizations. If additional costs were to be imposed upon the system, they would have to be accompanied at least by equivalent additional revenues in the form of increased payroll taxes on employers and employees. This is a basic fact which must be kept in mind by anyone who is seriously thinking about increasing the level of benefits payable under the Railroad Retirement Act.

The actuarial deficiency is a measure of the insufficiency of future income. It has been arrived at by considering all sources of revenue, that is payroll taxes, interest on the existing fund—which now stands at approximately $3.6 billion—and the gains from the special financial arrangements with the social security system known as the financial interchange. If the reserve were to be used for increasing benefits, the actuarial deficiency would grow bigger. Thus, the reserve is a necessary part of the financing of the present program and cannot be used for any other purpose. After all, it is necessary to remember that reserve funds must be adequate to guarantee present and also future benefits to persons still employed, and for that reason the retirement fund must be kept in a solvent condition.

As an indication of the cost of pending amendments, the proposal has been made to provide full retirement annuities at age 60 or after 30 years of service. According to the chief actuary of the Railroad Retirement Board such an amendment would cost $173 million annually. Other proposed amendments and their costs are:

First. Amendment permitting survivors to receive benefits from railroad retirement and social security is estimated to cost $135 million annually.

Second. Amendment increasing widow's and widowed mothers' benefits by 20 percent will cost $43 million.

Third. Amendment to provide full retirement annuities after 40 years of service regardless of age would cost an estimated $19 million.

Fourth. Amendment to provide full retirement annuities to men at age 62 with 30 years of service is estimated to cost $40 million.

Fifth. Another amendment would repeal the dual benefit restrictions on spouses' benefits and if approved it is estimated to cost $13 million.

The railroad retirement system began as a staff retirement plan providing benefits only to retired employees with death benefits being only minor and incidental. Over the years, the system has been expanded and liberalized to include also monthly benefits to wives of retired employees and to survivors of deceased employees. Benefits are now much higher than they were in the past and eligibility requirements for certain types of benefits are much more liberal. The latter is particularly true for the disability retirement provisions which permit retirement not only for reasons of total disability but for occupational disability as well.

Most of the present financial difficulties of the railroad retirement system are due to the shrinkage in railroad employment and payrolls. Benefit payments have been increasing from year to year until by now they run at a rate of over $1 billion a year. This is more than twice the 1952 figure. In contrast, railroad employment has been constantly decreasing and is now some 43 percent below what it was 10 years ago. Fortunately, the adverse effects of decreasing employment are to a considerable extent offset by proportionately larger gains from the financial interchange with social security so that the outlook for the future of the railroad retirement system is much brighter than it would appear from a consideration of employment trends alone. At the present time there are 818,000 persons actively employed under the railroad retirement system and 832,000 retired persons eligible for benefits.

The actuarial condition of the railroad retirement system is closely watched by the Railroad Retirement Board, railway labor and management, Congress, and other interested parties. Consideration is now being given to certain measures which would bring about a reasonable balance between income and outgo on a long-range basis. According to the chief actuary of the Railroad Retirement Board, there is, therefore, no reason for immediate concern about the system's ability to pay the benefits provided under present law.

It is pointed out that railroad retirement benefits have been in years past greatly superior to those of social security and superiority still exists in all benefit areas. According to the Railroad Retirement Board, the average railroad retirement age annuity is now $137 as compared with $76 under social security. However, the chief actuary of

the Railroad Retirement Board declares this does not tell the whole story. He is of the opinion that maximum and average retirement benefits will be growing under the Railroad Retirement Act and retirement annuities of over $300 a month will not be uncommon in the future under the provisions of the present law. By comparison, the chief actuary points out that social security benefits under present law will never go beyond $127 a month.

Other areas of superiority include the refund of contribution feature—residual payments now averaging close to $2,000 and scheduled to greatly increase in the future—the occupational disability provision, the earlier eligibility age for widows' benefits—60 for railroad retirement versus 62 for social security—a minimum of 10 percent above corresponding social security benefits in all cases, and no reduction in survivor annuities on account of an old-age benefit payable to the same individual. The additional benefit advantages offered by the railroad retirement system are well worth the additional taxes.

In conclusion, I wish to stress the fact that the role of Congress in its relationship to the railroad retirement system is restricted to managing it for the benefit of employees and employers whose joint payroll contributions provide the lifeblood necessary for the operation of the retirement system.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 83]

Abbitt	Denton	Ichord, Mo.
Adair	Derwinski	Jennings
Addonizio	Diggs	Johnson, Calif.
Alford	Dorn	Johnson, Wis.
Andrews	Dowdy	Jones, Ala.
Ashley	Downing	Karth
Ashmore	Durno	Kearns
Ayres	Elliott	Kee
Bailey	Farbstein	Kilburn
Bass, N.H.	Fascell	Kluczynski
Battin	Finnegan	Landrum
Blitch	Flood	Lennon
Boggs	Fogarty	Lesinski
Boland	Fulton	Libonati
Bolling	Gallagher	McCulloch
Bonner	Gary	McMillan
Boykin	Goodling	Macdonald
Brademas	Granahan	Madden
Bray	Green, Pa.	Matthews
Brewster	Gubser	May
Bromwell	Hagan, Ga.	Meader
Bruce	Hagen, Calif.	Merrow
Buckley	Hall	Michel
Casey	Halleck	Miller, Clem
Celler	Hardy	Milliken
Chenoweth	Harris	Minshall
Church	Harrison, Va.	Montoya
Collier	Harvey, Ind.	Moore
Cook	Healey	Moorehead, Ohio
Cooley	Hébert	Morris
Cramer	Hechler	Moulder
Curtis, Mass.	Hemphill	Murray
Curtis, Mo.	Henderson	Nix
Daddario	Hiestand	Norrell
Dague	Hoeven	O'Brien, Ill.
Dawson	Hoffman, Mich.	O'Brien, N.Y.
Dent	Huddleston	
Peterson	Scott	Thomson, Wis.
Pilcher	Seeley-Brown	Tuck
Powell	Selden	Utt
Price	Shelley	Vanik
Purcell	Sheppard	Van Pelt
Riley	Short	Waggonner
Rivers, S.C.	Siler	Weaver
Roosevelt	Sisk	Whalley
Rostenkowski	Slack	Whitten
Roudebush	Smith, Miss.	Wickersham
Roush	Spence	Willis
Saund	Steed	Yates
Schenck	Stubblefield	Zelenko
Scherer	Thompson, N.J.	

The SPEAKER. On this rollcall 286 Members have answered to their names, a quorum.

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

PHILIPPINE WAR DAMAGE CLAIMS

Mr. THORNBERRY. Mr. Speaker, by direction of the Committee on Rules, I call up for immediate consideration House Resolution 537.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8617) to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946, and to authorize the appropriation of $73,000,000 for that purpose. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. THORNBERRY. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH], pending which I yield myself so much time as I may consume.

Mr. Speaker, House Resolution 537 provides for the consideration of H.R. 8617, a bill to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946, and to authorize the appropriation of $73 million for that purpose. The resolution provides for an open rule with 1 hour of general debate.

H.R. 8617 provides for the payment of the unpaid balance of claims approved under the Philippine Rehabilitation Act of 1946. Approximately $389 million has already been paid on these claims. This bill provides for the payment of the approximately $73 million remaining unpaid balance, which would be considered as full and final satisfaction of the payments under the Philippine Rehabilitation Act. No new claims are allowed. Only those claimants who were granted awards under the original legislation and meet the criteria of section 5(a) of this bill will receive payment of the balances due them under the original awards.

The legislation will be administered by the Foreign Claims Settlement Commission, which will receive applications, and determine that the applicant is the original claimant or his successor in interest, and determine the amount remaining unpaid on the original award. The amount so determined will be certified to the Secretary of the Treasury.

Mr. Speaker, I urge the adoption of House Resolution 537 in order that the bill H.R. 8617 may be carefully debated and considered on its merits.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, as stated by the gentleman from Texas [Mr. THORNBERRY], House Resolution 537 is an open rule which provides for the consideration of the bill H.R. 8617, with 1 hour of general debate. This bill is to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946.

At the outset, Mr. Speaker, may I state that I understand there is some controversy about this bill. There will be some objections made to it. There are minority opinions in the report and additional views. I would recommend the report to all Members to read between now and the time of the vote.

After World War II the Philippines were quite war torn and their economy was at a low ebb. It was desired to assist them as a friend in trying to rehabilitate their economy and build up the Philippines. It was thought that the best way to do that was to provide funds to help to reimburse those who had lost property and whose property had been damaged. Accordingly this act was passed in 1946. About $400 million was appropriated, and I believe $389 million or thereabouts has been paid.

There were certain restrictions applied to the legislation at that time. One of them was that all claims under $500 would have to be paid. I understand that all those individual claims under $500 have been paid. I think also you will find from the information we have that all churches and such organizations as that have been reimbursed in full for their damages.

The statement is made that at the time this matter was originally considered it was the opinion that we would pay 75 percent. I think some of the opponents do not think we agreed to pay 75 percent of the claims, but we would use the money appropriated to pay up to 75 percent after first having paid all of the claims under $500. So the Philippine War Damage Commission was set up to determine the claims. They did determine the claims. The opposition, I believe, will state that this commission has now disbanded. There is some question about where the records may now be. But, in the report you will find there are a number of claims listed therein.

The amount of money that was originally appropriated has paid about 52 percent of the total amount of claims. The $73 million asked herein will bring the amount up to 75 percent. Those in favor state that we are morally bound to authorize the appropriation of this additional money. Furthermore, I believe last year the Philippine Islands paid us about $20 million. There was some kind of conversation or indication at that particular time that if that payment was made to us, this bill would probably be passed to pay them the additional $73 million. The opposition will contend that it is too late now to actually do what was originally intended. The property damage for the most part has been repaired in the Philippines.

There are a number of these payments. If you will look at the report, you will find that a number of these payments will go to several large corporations. Among these corporations there are many that have had extensive business with the United States over the years. They have made profits. Their contention is that if the money were going to individuals, to parents who had lost children in the war rather than to be a windfall or payment to some corporations, they would be more pleased about this particular bill going through at this particular time. As I mentioned there are a number of Members who are strongly in support of it. There are a number of Members strongly in opposition to it. I would suggest you listen to the debate and read through the report. I know of no objection to the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. TRIMBLE. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. HAYS].

Mr. HAYS. Mr. Speaker, I am opposed to this bill for the simple reason that at this late stage I think it is nothing more or less than windfall legislation. Under the original Philippine claims bill, under which $400 million was paid, everybody who had a claim under $500 was paid, and all the people who had any claim at all were paid 52 and a fraction of a percent of their claim. In addition to that, the United States gave to the Philippine Government $120 million which was for the restoration of public buildings and other damage done to government property. It seems to me if we really take a look at this that the Philippines did pretty well. The Philippines were not attacked because the U.S. Government was there. They were in the area that the Japanese wanted to take over and dominate, and they would have attacked the Philippines had they been completely independent and if the United States never had been there or if there had never been an American citizen in the Philippines. Yet, we assume, and undertake to pay, the damages as a result of a war we waged to liberate the Philippines from the Japanese. I do not think they would really like to be under Japanese rule. It seems to me we did them quite a service in that respect.

Now who gets this money? If we were going to the Philippine Government, and we are handing out money all over the world to governments for projects which would help the Philippine people, I would probably not say too much about it. But what happens? On page 15 of the report, you will see this:

> As a condition for payment of the claims, the 1946 act required that the whole of such payment shall be reinvested in such manner as will further the rehabilitation of economic development of the Philippines.

This requirement for reinvestment is waived by section 1 of this bill for claimants who are paid in pesos. In other words, they can take the money and do what they like with it, and do not think that that is not exactly what they are going to do with this money.

Who are some of the people who will get this? Well, I will not have the time to read them all, but in respect of claims for over 200,000 pesos, we find such interesting people as the IXL Gold Mining Co. for 424,956.34 pesos, the Procter & Gamble Trading Co. for 257,000. The Lepanto Consolidated Mining Co. is in there for 615,759.25. The Mindanao Mother Lode Mines, Inc., is in for 810,000 pesos and the Singer Sewing Machine is in there for a nice little payment of 288,-948.14 pesos.

Caltex Philippines, an oil company, is in there, and many many others. It goes on and on like that. Here is one, the Philippines Racing Club is in for 186,000 pesos. The Goodrich International is down for 165,000 pesos, and you can go through this list on pages 11 and 12 of the report and see how many got over 200,000 pesos.

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

Mr. HAYS. I yield.

Mr. KUNKEL. How much is a peso?

Mr. HAYS. What is the current exchange rate?

Mr. ZABLOCKI. The exchange rate fluctuates. I believe the present rate is 3.9 to a dollar.

Mr. HAYS. If this is paid, this is the rate they will be paid at.

Mr. ZABLOCKI. It will be up to the Treasury Department whether the payment will be in dollars, or pesos. The number of pesos will depend on the market rate at the time payment is made.

Mr. HAYS. If it is paid in pesos, it does not alter the number of dollars, because we have to purchase the pesos anyway.

Mr. ZABLOCKI. It does not at all affect the amount.

Mr. HAYS. So in order to arrive at the number of dollars roughly, divide the number of pesos by four.

I understand that the gentleman from New York will offer an amendment in the form of a substitute to give this money to the Philippine Government in lieu of payment to these people; and I would say as between paying these corporations that amount of pesos, corporations that have had swarms of lobbyists around here for years, and paying it to the Government, I would favor paying it to the Government. There have been times in the history of the Philippines when I would not have said that, but I think in the case of the present Government the money will be spent for the welfare of all the people of the Philippines.

Mr. TRIMBLE. Mr. Speaker, I have no further requests for time.

Mr. SMITH of California. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. BARRY].

Mr. BARRY. Mr. Speaker, I wish our distinguished colleague from Massachusetts [Mr. CURTIS] were here to make this presentation because the gentleman from Massachusetts [Mr. CURTIS] has long been an opponent of this bill, and I am a poor substitute, indeed, but I would like very much to bring to your attention some of the things the gentleman from Massachusetts [Mr. CURTIS] and I have been studying for the past few weeks in relation to this bill and give you as thorough a report as I can to supplement that which has already been presented during the debate so far.

After World War II the United States made a wise and timely contribution to the postwar recovery of our gallant ally, the Philippine Islands. Despite the fact that no such task had ever been undertaken before, we attempted to rebuild the war-ravaged Philippines by reimbursing those who had lost property for a part of their loss. As Carlos P. Romulo, then Delegate from the Philippines, pointed out, the Philippines had been promised independence for July 4, 1946. He said—CONGRESSIONAL RECORD, volume 92, part 3, page 3437:

> You were keeping your promise when the Japanese attacked and that was one of the chief reasons why we unhesitatingly stood by your side. During the war, the United States committed itself to the proposition that our independence would be maintained as well as established, and that the ravages of the war in the Philippines would be fully repaired.

The totality of this extraordinary commitment as understood by the Filipinos, was, then, that "the ravages of the war would be fully repaired."

The whole emphasis in the debate was on the need for rehabilitation in the war-ravaged Philippines. Romulo went on to say—CONGRESSIONAL RECORD, volume 92, part 3, page 3438:

> America is asked to give out of its great treasures in order that the farms and industries of the Philippines and the necessary functions of government may be restored and permitted once more to function.

Can there be any doubt but that this has already been accomplished?

Congressman GEORGE P. MILLER, of California said—CONGRESSIONAL RECORD, volume 92, part 3, page 3440:

> This bill will assist in rehabilitating the economy of the Philippines. It makes no gifts or provides no funds for those things that are not directly connected with that economy. It is not an act to indemnify those who lost property in the Philippines as the result of the war. It only offers the hand of assistance to reestablish those businesses and institutions fundamentally necessary to carry on that economy on a self-sustaining basis.

When the committee and the Congress were so specific, how has a misunderstanding arisen that the United States promised to complete individual indemnification? Moreover, in the committee, Mr. McNutt, then High Commissioner in the Philippines, pointed out that—

> This bill will not cover half of the loss. It is a question of policy to be decided by the committee, and by the Congress, as to how far they want to go.

It was understood from the first that there would be no total indemnification of the war damage claims. The House committee report stated—pages 8–9:

This bill is not the full answer to Philippine rehabilitation needs. Provision for postindependence trade relations between the Philippines and the United States is a condition precedent to the rebuilding of the national economy and the repair of the physical structures of the country. The expenditure of money on rebuilding would accomplish little if no functional economic use were provided for the structures and economic utilities whose repair and replacement are provided for in S. 1610.

S. 1610 does not pretend to repay in full for all the damages due to Philippine involvement in war. It will provide a partial payment and depend on private capital for the remainder. S. 1610 also provides certain aids in the form of technical assistance and training, and for the use of surplus property in the rehabilitation program.

The bill is not a private claims measure to reimburse individuals or organizations for damage incurred in war. The primary function of the payments is to assist and encourage rehabilitation and rebuilding of the economy and social structure of the nation. Some individual hardships may be caused by insistence on the rehabilitation principle, but your committee felt that no other considerations should be provided in this legislation.

Moreover the committee specified certain additional legislation which would help to rebuild the Philippines—page 32:

Other legislation: While the committee feels it is urgently necessary to provide through this legislation (S. 1610) for the rebuilding and restoration of the physical plant of the Philippines, it is generally realized that additional legislation will probably be necessary in the future to augment and supplement the benefits which will be accomplished through S. 1610 and through the legislation providing for future trade relations between the United States and the Philippines.

It is expected that proposals for additional legislation will be made from time to time by the agencies of the U.S. Government, by the Government of the Philippines, and by the Filipino Rehabilitation Commission to meet needs for legislation as they arise.

The expectation of the Congress that no further steps would need to be taken subsequent to the authorization of $400 million was expressed during the debate on the House floor by Congressmen Bell and Rich—CONGRESSIONAL RECORD, volume 92, part 3, page 3439:

Mr. RICH. You have come to the conclusion that if we pass this bill it will be a sufficient contribution from the Federal Government of the United States with the passage of this bill so that when the Philippines become an independent nation they are not going to come back to us again for something that has been left out of this bill? This must be a termination of our promises both by legislation and by any promises made by any of our officials. In other words we want no implied obligations after this unless the Congress acts for that purpose.

It is a complete understanding between the Commissioner of the Philippines and this Government, so that when we carry out the provisions of this bill we have completed all the necessary arrangements for the complete rehabilitation of their Government so far as the obligations that are imposed on our Government are concerned.

Mr. BELL. I have not gone into the future with the Commissioners, but I do believe, and the committee believes, I am sure, that if this bill carries, it will go a long way toward the rehabilitation of the Philippines. We believe that it will rehabilitate their economy. We believe that if we do not pass this bill, it will not only be a great discredit to us, but we will lose a customer that is tremendously valuable.

Mr. RICH. I was trying to see if we could get a terminal agreement here of all promises legislated, spoken, or implied for the future.

And Congressman GEORGE P. MILLER'S statements in the House debate—CONGRESSIONAL RECORD, volume 92, part 3, page 3440—makes clear that the committee emphasis was on rehabilitation of the Philippines economy rather than payment of private claimants as such:

This bill will assist in rehabilitating the economy of the Philippines. It makes no gifts or provides no funds for those things that are not directly connected with that economy. It is not an act to indemnify those who lost property in the Philippines as the result of the war. It only offers the hand of assistance to reestablish those businesses and institutions fundamentally necessary to carry on that economy on a self-sustaining basis.

It seems to me that there can be no doubt of the intent of Congress at that time. On the basis of these clearly defined views of the Congress, the War Claims Commission made abundantly clear during its operation that it could pay the larger claimants only on a pro rata basis. This fact was stated in countless speeches, newspaper stories and magazine articles by the Commission. There is no foundation, other than rumor and popular misconception for the belief that the United States "owes" something further to the Philippine people.

In the message to claimants sent by the Commission with the Commission's final payment it specifically states that—

The accompanying check represents your second and final payment for war damages under the present authorization of the Philippine Rehabilitation Act and the appropriations made thereunder.

It is indeed unfortunate that a misunderstanding has arisen over this indemnification. There can be no justification for such a misunderstanding, however, as the Congress and the Commission made it abundantly clear that there would be no total payment of claims and that the only purpose of the payments was to reestablish the economy of the Philippines, not to repay those who were damaged by the war. Never in history has this sort of aid gone out to a heroic ally. The United States has given $390.2 million in military aid and $1,284.9 million in economic aid to the Philippines. A total of $1,675.1 million has then been obligated and authorized through 1961. This is money well spent in support of the cause of freedom. Considering the closeness of the alliance between the United States and the Philippines and our mutual dedication to freedom, democracy, and justice; it is a particular misfortune that a well-defined and generous contribution on our part has been turned into a subject of contention. I heartily endorse further support for our friends in the Philippines, but I strongly oppose any further indemnification of war losses incurred 17 years ago or more and long ago replaced. I urge the Congress to defeat the bill presently under consideration.

Mr. Speaker, never in history has this sort of aid gone out to a nation. I shall appreciate the Members paying attention to the figures which I am going to give to the membership at this time.

The United States has given $390.2 million in military aid and $1,284,900,000 in economic aid to the Philippines, representing a total of $1,675 million, which has been obligated and authorized through 1961. This is money well spent in support of the cause of freedom, considering the closeness of the alliance between the United States and the Philippine Islands, and their dedication to freedom, democracy, and justice. It is particularly unfortunate that a well-defined and a generous contribution on our part has been turned into a subject of contention. I heartily endorse further support for our friends in the Philippines, but I strongly oppose any further indemnification of war losses which occurred 17 years ago, or more, and which have been long ago replaced.

Mr. Speaker, I urge the Congress to defeat the bill presently under consideration. In connection with this I will offer an amendment, as the gentleman from Ohio has indicated. The purpose of the amendment will follow along the lines of Secretary Anderson's recommendation of June 14, 1960. The Eisenhower administration was opposed to the bill that we now have before us. I will read from Secretary Dillon's letter of March 3, 1960, where Secretary Dillon stated to the Foreign Affairs Committee in the supplemental hearings of the 86th Congress, 2d session, as follows:

The executive branch believes that rebuilding, replacing, or repair of war damaged private property in the Philippine Islands is no longer practicable. Moreover, in view of the time that has elapsed since the original war claims were approved, and since the United States Philippine War Damage Commission went out of existence on March 31, 1951, it is not considered practicable for the U.S. Government to assume any responsibility for the payment of the balance of approved individual private property claims.

Mr. Speaker, Secretary of the Treasury Anderson, under date of June 14 of the same year, 1960, said that the Treasury Department strongly prefers S. 3238. My amendment will be along the lines of S. 3238. This bill would have authorized a payment not to exceed $73 million to the Government of the Republic of the Philippines in full satisfaction and final settlement of all the awards made under the earlier legislation. Under the administration's bill, this being the then administration bill, payments to individuals would have been left to the Philippine Government. Payment in this manner would be in conformity with the spirit of the original enactment; that is, to rehabilitate the Philippine economy and not merely to compensate individual claimants.

Mr. Speaker, I am opposed to the entire bill. I would prefer that my substitute, or substitute amendment, be defeated and that the whole bill be defeated. But if we are going to do this thing, I invite your attention to the additional views which appear on page 31

of the report, which views were written by me.

The bill that I have would give any benefit that this Nation wants to bestow on the Philippines to all of the people of the Philippines rather than to a certain few people in the Philippine Islands.

Mr. TRIMBLE. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

Mr. ZABLOCKI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8617) to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946, and to authorize the appropriation of $73,000,000 for that purpose.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8617, with Mr. DAVIS of Tennessee in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. ZABLOCKI. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, H.R. 8617 authorizes the Foreign Claims Settlement Commission to complete payment on approved claims of individual Filipinos and citizens and corporations for damage to their property in the Philippines during World War II. Approximately $389 million has already been paid on these claims; this bill provides for the payment of the approximately $73 million remaining unpaid balance. This would be considered as full and final satisfaction of the payments under the Philippine Rehabilitation Act. No new claims are allowed. Only those claimants who were granted awards under the original legislation and meet the criteria of section 5(a) of this bill will receive payment of the balances due them under the original awards.

I would like to review—very briefly—the background of this legislation.

WORLD WAR II DAMAGE IN THE PHILIPPINES

At the close of World War II, the Philippines constituted the most devastated area in the world. Several years of Japanese occupancy and severe fighting inflicted astronomical damage on the islands. Houses, factories, public buildings, communications, and transportation were almost totally destroyed.

Total estimate of all losses of physical property in the Philippines was placed at $1.2 billion, based on 1944 values.

There were three phases of destruction:

First, damage inflicted in the first year of the war by demolition of essential facilities by retreating Americans and Filipinos, and destruction during actual combat up to the time of surrender.

Second, damage inflicted during the Japanese occupancy by guerrilla forces, by Japanese forces in retribution for guerrilla activities, and by seizure and stealing of property by the Japanese during the period of occupancy.

And third, damage inflicted during the liberation by American bombing planes prior to and subsequent to landings, by Japanese forces during retreat, and damages incurred in actual combat.

The bulk of the damage was done during the third and final phase. Scores of buildings were pulverized in the larger cities by U.S. artillery fire and by bombardment by planes. The damage in cities varied from 50 percent in Manila, to 90-percent destruction in the city of Zamboanga.

POSTWAR CONDITIONS AND THE PHILIPPINE REHABILITATION ACT OF 1946

As a result of the war, the Philippines and all of its political subdivisions found themselves, in 1945, without funds. Although emergency relief was initiated to provide the bare necessities to the courageous Filipino people, obviously there were no funds for rehabilitation.

To alleviate this situation, the 79th Congress approved the Philippine Rehabilitation Act of 1946, which was reported from the former Committee on Insular Affairs. The act, Public Law 370, which appears on page 117 of the committee report, created the Philippine War Damage Commission and authorized the expenditure of $400 million to pay war damage claims approved by the Commission.

It is clear from the legislative history of that act that no one knew at that time whether this amount of $400 million would be sufficient to settle those claims. Under the carefully drafted provisions of the law, the Commission was to examine claims for loss and damage, make payment in full on all property damage awards up to $500, and make payment up to 75 percent of the awards in excess of $500. It was anticipated at that time that additional funds would be appropriated when needed to carry out that program.

On page 30 of the committee hearings there appear excerpts from the report No. 1921 of the 79th Congress, which clearly states that $400 million would not be sufficient for that purpose. That report spells out clearly that it was the intent of the 79th Congress to provide additional funds if they were needed.

Actually, the funds provided by Congress ran out before the program that I outlined could be accomplished. All awards up to $500 were paid in full. Further, claimants with awards over $500 received sums equal to 52.5 percent of the 75 percent which they were authorized to receive.

The bill H.R. 8617, reported by the Committee on Foreign Affairs, provides for the payment of the balances due, the 22.5 percent of the 75 percent awarded and approved by the Philippine War Damage Commission, which the claimants are expecting.

I wish to emphasize to anybody that may have some doubt about the attitude of claimants awaiting the balance due that, judging from the correspondence I received from the Phillipines, the claimants expect payment. The gentleman from New York during debate on the rule stated that claimants received checks making it clear that the payment was complete. I hold in my hand copies of private property claim settlement sheets that clearly indicate that the balance of the amount to be paid is outstanding. The payment of the balances on these sheets is awaited and expected by these people.

It was stated earlier that there is not a private claim or individual involved in this legislation. I am sure that the gentleman from New York is aware of the fact that on page 7 of the committee report, the list of claimants includes 287 corporations. In addition, however, there are almost 86,000 individual claimants who have balances outstanding and who expect payment.

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

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

Mr. BARRY. Does the gentleman know that the papers that he waved in the air were used internally, or does he know that those papers were given to the claimants?

Mr. ZABLOCKI. This claim settlement sheet is identified as Philippine War Damage Commission Form 40, dated April 1948, which it is my understanding was available to the claimants. A copy was seen by the claimants and a copy was placed in the claimants' file.

Mr. BARRY. The gentleman from Massachusetts [Mr. CURTIS] and I have done some research on the use of these forms, and no one can tell us that they have ever been given to the claimants. No member of the Commission has told us they were ever given to the claimants. It was a document for internal use only, and I shall cite my authority for this later on in the debate.

Mr. ZABLOCKI. The committee has made a complete search, and no one has come up with a statement showing that payments already made to the claimants were to be considered as final payments.

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

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

Mr. JUDD. Whether the claimants saw it or not, the fact is that the books of the Claims Commission state clearly this is the amount to be paid. They have gotten out a form showing this is the amount to be paid. Whether the claimants knew it or not, this is a matter for our own consciences, showing that we intended to pay it.

Mr. ZABLOCKI. I doubt that the claimants did not know about the balance due them. The gentleman from New York certainly must have seen the volume of letters we have received from claimants that have outstanding balances due, and how they feel about this matter.

Mr. GEORGE P. MILLER. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from California.

Mr. GEORGE P. MILLER. I think the best evidence of this would be the members of the Rehabilitation Commission themselves who have testified that

these were given to claimants. You can do all of the research you want to do. They have so testified.

Mr. ZABLOCKI. Yes; we have had three of the Commissioners testifying before our committee.

Mr. HAYS. Three of the Commissioners of the War Damage Commission?

Mr. ZABLOCKI. That is correct.

Mr. HAYS. Let me just say, if the gentleman will permit, and if he will yield, with all due respect to the War Damage Commission, it has been almost 17 years since the war is over and that Commission in my opinion will be going on 117 years from now because they will never settle all the claims because the minute they do, they are out of business. They have been dragging claims in here ever since they started.

Mr. ZABLOCKI. If the gentleman will permit a correction, I am sure he is referring to the Foreign Claims Settlement Commission.

Mr. HAYS. That is right.

Mr. ZABLOCKI. We are referring here to the members of the Philippine War Damage Commission and that has been out of existence as of January 15, 1951.

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

Mr. ZABLOCKI. I yield to the gentleman from Oklahoma.

Mr. ALBERT. If this bill is not passed will we not be placed in the position with respect to these unpaid claims, of discriminating as to such claims under the procedure we adopted with respect to those claims that have been paid?

Mr. ZABLOCKI. The gentleman is absolutely right.

Mr. ALBERT. I think the gentleman from Wisconsin [Mr. ZABLOCKI] by the bill that he has introduced is carrying out the purposes and policies of the original legislation which was enacted by the Congress for the settlement of these claims. I compliment the gentleman and his committee on the job that they have done. I hope the Committee of the Whole will proceed to the adoption of this legislation and that the House will proceed to the enactment and final disposition of this matter.

Mr. ZABLOCKI. I thank our distinguished majority leader.

Mr. Chairman, if I may be permitted to complete my statement, I would like to go through the legislation section by section in order to explain to my colleagues what the legislation does.

Section 1 provides that the payments authorized in this bill will be administered by the Foreign Claims Settlement Commission. The Commission will receive applications, determine that the applicant is the original claimant or his successor in interest, and decide the amount remaining unpaid on the original award. The amount so determined will be certified to the Secretary of the Treasury. I would like to repeat at this point that only the awards made by the Philippine War Damage Commission under the Philippine Rehabilitation Act of 1946 will be affected by this legislation. No new claims will be allowed.

Furthermore, the bill contains numerous safeguards to prevent the duplication of payments and to limit legal fees which may be charged claimants for assistance in preparing and presenting their claims.

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

Mr. ZABLOCKI. I am delighted to yield.

Mr. HAYS. How long do you think it will take this War Damage Commission to adjudicate this matter?

Mr. ZABLOCKI. It should not take very long. The IBM cards have to be brought up to date, and should be no problem in that respect. Some of the opponents of the bill say that the IBM cards are no longer serviceable. However, the original files on the claims from which these IBM cards were made up, are available. Some of those cards may have to be corrected or repunched. This, however, should not take much time. Further, as the gentleman knows, there are provisions in the bill calling for public notification. The claimants will have 1 year to file an application for a payment.

Mr. HAYS. I am sure the gentleman is sincere and I respect his position on this. I know when he says "not very long" he means "not very long." But I do not think, with all due respect, that "not very long" to the gentleman means the same thing to this Commission. I predict to you that 4 or 5 years from now, they will still be kicking these claims around.

Mr. ZABLOCKI. I would like to advise the gentleman, my very good friend from Ohio, that the procedure proposed in the committee bill will not take any longer than that envisioned in the substitute amendment which will be proposed, and which would give the entire amount to the Philippine Government. I can assure the gentleman that the rightful claimants will receive their just balances much sooner under the bill than under the substitute. Further, I doubt that the claimants would ever be satisfied under the proposed substitute amendment.

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

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

Mr. JUDD. Why should it take so long to wind this up now, because these folks have 1 year in which to present themselves and show their claims and that there is an unpaid portion of the claim. All they need to do is to establish their identity and the legality of their holding of this claim and that they did not buy it from someone else. That is in order to avoid sharpsters. So when they establish to the satisfaction of the Commission that this is the original person to whom the award was made or his heir or successor, the Government or the Commission pays the money. If they cannot establish that, then the claimant does not get any money. There is no new opening of the case or the weighing of evidence or new adjudication of the claim or modifying the amount of the claim up or down. As long as the claimant establishes the legitimacy of his holding of the claim and his identity as the legitimate heir, or successor, the claimant will be entitled to be paid.

Mr. ZABLOCKI. I want to thank the gentleman from Minnesota for the clarification. Further, the bill provides that if the claimant does not meet the criteria outlined in the bill he will not be paid and the amounts remaining after the settlement of valid claims will revert to the U.S. Treasury.

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

Mr. ZABLOCKI. I yield briefly.

Mr. BARRY. In the colloquy that took place a couple of minutes ago the gentleman made the statement that the Commissioners testified that these settlement sheets had been mailed to the claimants. I have here a letter dated March 8, 1962, signed by Frank A. Waring, who was Chairman of the Board of the Commission. He is now in the school of business administration at the University of California. He refutes the statement of the gentleman from Wisconsin and I quote:

> Unfortunately, I cannot answer your question as to whether the settlement sheets, a copy of which you enclose and I am returning in accordance with your request, were in fact sent to the claimants. I am inclined to believe that they were not.

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

Mr. ZABLOCKI. I yield.

Mr. JUDD. I checked into that and I was assured that this sheet had to be given to the claimants, otherwise the claimant would not know how to make an appeal. This sheet shows the amount that he claimed and the amount that was approved, and then down below it gives a code number which gives the reason why the Commission refused to award him the total amount claimed. He had to have this sheet in order to be able to submit his appeal. I am assured they were supposed to get it, that if any did not it was through inadvertence.

Mr. ZABLOCKI. At the very least there is sufficient evidence that the claimant had received a copy of the settlement sheet.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. ZABLOCKI. Mr. Chairman, I yield myself 5 additional minutes.

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

Mr. ZABLOCKI. If the gentleman will get some time from his side I would appreciate it. We have only 30 minutes on each side.

Mr. BARRY. It goes to the point raised by the gentleman from Minnesota.

Mr. ZABLOCKI. I yield very briefly to the gentleman.

Mr. BARRY. Besides the settlement sheet there is another sheet that is entitled "Message to Claimants," a sheet that was signed by the Chairman of the Commission and the Commissioners. In the third line of this sheet is the statement:

> Should the Congress of the United States make further appropriation funds for this purpose additional payments will be made.

But there is nothing in here that says that the Congress will do this.

Mr. ZABLOCKI. The gentleman attended the hearings. I am sure he heard what the Commissioners of the Philippines War Damage Commission told the committee.

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

Mr. ZABLOCKI. I yield briefly.

Mr. JUDD. I know of course, the Commissioners could not promise them when the money would be given them for these final amounts due, because it would have been out of order for any Commissioner to promise that any amount would be paid until the Congress of the United States made money available. That is what we are trying to do here this afternoon.

Mr. ZABLOCKI. Mr. Chairman, there is no question, that of the 75 percent allocated to the claimants 22½ percent is still outstanding.

As to the matter of payment in dollars or pesos this legislation provides that payment shall be made in U.S. dollars or in Philippine pesos at the option of the Secretary of the Treasury. Let me mention at this point that the original peso payment provision was made in 1946. At the time the legislation was passed, it was felt to be more desirable to make payment in pesos.

The discretionary authority to pay the claims in U.S. dollars or in Philippine pesos will not increase or decrease the amount of dollars authorized to be appropriated. It will not result in inequitable treatment of different claimants. It was put in the bill for two reasons:

First, it will enable the Secretary of the Treasury to avoid complications involved in exchange rate changes which cannot be accurately forecast at the moment.

Secondly, it will strengthen his hand in negotiations with the Philippine Government.

This legislation further provides detailed safeguards on payments to claimants residing outside the Republic of the Philippines.

Section 5 provides that payments to claimants residing outside the Philippines will be made only after they have established to the satisfaction of the Foreign Claims Settlement Commission that they have invested the full amount of the original award in such a manner as to provide for the rehabilitation or economic development of the Philippines.

It was stated earlier in the debate on the rule that there is a section exempting those payments from certain requirements.

This provision was included simply to fulfill the original intent of the Philippine Rehabilitation Act of 1946.

Mr. GEORGE P. MILLER. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from California.

Mr. GEORGE P. MILLER. I want to clear up something that has been said here. I was one of those who was on the committee. The gentleman from Minnesota [Mr. JUDD], and I are the only two remaining who were on the original Commission, and I think we are as competent to speak on the intent of Congress at that time as anyone.

I want to read what was written into the report of the committee in reference to the Philippine war damage bill of that time:

> While the committee feels it is urgently necessary to provide through this legislation for the rebuilding and restoration of the physical plants of the Philippines, it is generally realized that additional legislation will probably be necessary in the future to augment and supplement the benefits which will be accomplished through S. 1610.

Mr. ZABLOCKI. Mr. Chairman, I have very briefly outlined the basic provisions of the legislation we are considering.

In anticipation of the enactment of this legislation, the Philippine Government last year settled its obligation to the United States under the Romulo-Snyder Agreement by the payment of $20 million. I would like to point out that the present administration and the preceding administration, as well as the Truman administration and the Roosevelt administration, are all on record in favor of payment of the Philippine war damage claims.

Furthermore, arguments in favor of this legislation are reinforced by recent developments in the Philippines.

The new Macapagal administration has moved energetically to abolish exchange controls, to stabilize the peso at its true value, and to lift many other governmental restrictions on economic activity. The enactment of H.R. 8617 will provide needed support for this dramatic shift toward a free economy. It will have beneficial effect on United States-Philippine relations and, in the opinion of the executive branch, be of substantial assistance to the United States in attaining our foreign policy objectives.

I wish to emphasize that the Philippine people, by and large, are people with small incomes. The vast majority of claims affected by this legislation will go to small businessmen. For more than 10 years these people have been waiting for the United States to fulfill its obligation to pay the balance of their claims.

Let me quote from General MacArthur's statement issued upon his return to New York City from the Philippines last year in which he referred to American-Philippine relations. It appears on page 90 of the hearings, and page 5 of the report.

General MacArthur said:

> We have no ally so completely loyal and devoted.
>
> There is, however, a strong undercurrent of feeling that in its relative dealings with the nations of the world the United States has tended to overlook to some extent the needs and necessities and even the just claims upon us of the Philippines. * * *
>
> While nothing can seriously jeopardize the common cause which binds our two countries together, the belief of the Filipinos in the American sense of justice is a very precious ideal which should not be lightly sacrificed.
>
> To haggle with them on matters in which they have a just claim or on questions of quotas or economic priorities is to do just that.

Mr. Chairman, I hope this bill will receive the overwhelming approval of this body. This is needed in order that our Government can fulfill its moral obligation, and in the interest of continued and increased cooperation with a loyal and devoted ally, the Philippines.

Mr. JUDD. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Chairman, I rise in support of H.R. 8617, the Philippines war claims bill.

Just the other day, I was reading the statement of Gen. Carlos P. Romulo, the former Philippine Ambassador to the United States who recently retired, and who is on his way back to Manila.

Gen. Romulo, a good and faithful friend of the United States, had some words for us which I believe have special significance today. Just prior to his departure, he said:

> If I leave America with any sense of foreboding at all, with any nagging sense that it is going to fail in the ultimate test of its historic role, it is on this issue alone—if this country fails, it will be not because the foe proved to have something better, but because America itself failed within itself to be what it claimed to be.
>
> The problem is not your image, but what you are and this is imprinted deep on everyone's mind everywhere, and this has its great intangible effects on the political paths taken by others and the forms adopted by them.

Today, in our vote on H.R. 8617, we have an opportunity to be what we claim to be. We have a chance to help erase an old debt owed a loyal and trusted friend.

It is a debt of honor. It is a debt we have owed far too long. It is a debt upon our national conscience and our sense of justice and fair play demands that it be paid.

The amount due is $73 million. Payment would settle this debt of 16 years standing once and for all.

Payment is a promise we made to ourselves under previous legislation in years past.

How did we acquire this obligation?

Let us go back, for a moment, to the days of Corregidor, to the bloody fighting and destruction of the Philippines, to the hopeless rearguard action fought by American soldiers, sailors, and marines and one of the crack fighting outfits in the world, the Filipino Scouts.

Let us remember the bombings, the shellings, the blastings by the Japanese of the Philippines, the burnings and the explosions set by American and Filipino alike to deny valuable facilities to the enemy.

We remember the collapse of Corregidor, the famous words of General MacArthur, "I shall return." We remember the guerrilla warfare the Filipinos waged against the occupation forces of Japan even after our troops had been killed, captured or had escaped to Austrialia.

We remember the pitched battles the guerrillas waged from the jungles and the terrible retribution inflicted by the Japanese on the Philippines for this continued resistance.

We remember the bombing of Manila, and of Japanese strongpoints by our planes and naval batteries prior to our liberation of the Philippines. We remember the house-to-house battles, the bridges, the homes, the factories and the

docks and harbors that turned to dust and ashes in the door-to-door, house-to-house, village-to-village battle.

General MacArthur did return, as he promised. But the Philippines he had known in peaceful years, in years prior to World War II, was no more.

The cities were burned out shells. The villages were piles of smouldering ruins. Thousands had died. Thousands were maimed, injured beyond belief. Hundreds of thousands were homeless, suffering from the famine, the shock and the pain of war.

We took to our hearts the plight of these bruised and bleeding islands which, by the fortunes of war, had become a major battleground.

We gave the Philippines our assistance, our technical advice. We gave food, clothing, and medical supplies. We promised restitution to the survivors who had suffered from our shells, our bombs, our own weapons of war.

But, most important, we gave the Philippines her freedom.

On July 4, 1946, the Philippines became a sovereign nation, free to conduct its own affairs at home and abroad, free to rule itself as its citizens saw fit.

It is to our eternal credit that the people of the Philippines thought so highly of us that they modeled their own new government on our pattern. It is to our eternal credit that the Philippines has been, and will remain, our stanchest ally in Southeast Asia, our most invulnerable bastion against the spread of atheistic communism in that strategic part of the world.

History has shown us that the Philippines learned its lessons in democracy, in freedom, very well indeed. In the five national elections held in the Philippines since its independence, Filipinos have elected five different Presidents.

Last fall I had the pleasure of visiting the Philippines as part of my duties as a member of the Far East Subcommittee of the House Foreign Affairs Committee. I found myself in Manila while the votes were being counted to determine who the next President of the Philippines would be.

I assure you that there was all the tension, all the drama, all the concern in the Philippines in their own national election as anything we have experienced here in the United States in recent years.

The Philippines has demonstrated that its people have the responsibility, the education, the courage and the convictions to make our form of government work for them, as their servant, and not as their master.

Yes, the Philippines has learned its lesson well, but have we?

Under the Philippine Rehabilitation Act of 1946, we agreed to pay for the damage done by our planes, our ships, our troops in the reoccupation of the islands.

We have already paid $389 million on these claims. We still owe $73 million, according to our own act passed here in Congress which would fulfill the purpose and intent of the law.

In considering this bill, we should remember that the claims involved are not claims of the Philippine Government against the U.S. Government as a result of an agreement between two governments.

The Philippine Government has never been directly involved in these claims. The U.S. Government, in 1946, made an offer to the people of the Philippines to assist in the rehabilitation of the Philippines and established a Commission to receive claims, to evaluate them, and to make awards. This Commission was an agency of the U.S. Government, although one of the members was a distinguished Philippine citizen.

Individuals and corporations in the Philippines were invited to submit claims with the understanding that they would be paid. We did not tell them at that time that we would pay part of the claims or that we would pay something then and more later depending on conditions. We said to them: Go ahead and repair the war devastation to your country as fast as you can, and we will make money available to compensate you for your claims for war damage. We encouraged the people of the Philippines to use whatever resources they could to get the job done, not to wait and see how much money was going to be forthcoming from the United States.

The job of reconstruction has been done in a most impressive manner. But we have not kept faith with the Philippine people, most of them small businessmen to whom we made commitments.

There is some tendency in the United States perhaps to feel that the issue involved here is primarily a moral commitment to the Philippine Government and that since the Philippine Government has changed a number of times over the years, this commitment is not one of very direct concern to the people of the Philippines.

Exactly the opposite is true. The claims involved are those of individuals and business firms adjudicated before the year 1948 and as yet unpaid. Every holder of such claim is conscious of the fact that years ago the U.S. Government made a promise to him which it has failed to live up to, and every holder of such a claim is hoping that we will do the right thing and live up to our obligations.

Now, I am not going to stand here and tell you that if we do not pay this claim, if we do not honor this moral obligation to a proven friend, that the people of the Philippines are going to be any less our friends than they have in the past.

They do not measure friendship in such terms. They are well aware of the fact that the freedom, the sovereignty we gave to them at the end of World War II, the freedom which they fought and died for as valiantly as any of our heroes in the Revolutionary War, is far too precious a gift, far too valuable a right, to be measured in dollars and cents.

Also, I can not say that the Filipinos are going to become "neutrals," or swing toward the Communist bloc if we do not honor this debt.

If the Filipinos have had one criticism of us as a nation, one area in which they feel we have been weak, been vacillating, it is that we have not stood up strongly enough to the Communists.

The people of the Philippines not only support our efforts in the Far East to contain the spread of the Red oligarchy, they are willing to go farther. They have even offered their own troops for use in this lukewarm war which has been waged on so many fronts in Southeast Asia.

The people of the Philippines have urged us to take a stronger stand in the Southeast Asia Treaty Organization, and have prodded SEATO members to awaken to the danger this vital part of the world faces from those who would muzzle freedom and bury individual opportunity.

Many of my colleagues here in the House of Representatives have voiced the opinion that we are, perhaps, too lenient with the "neutrals" and forget our friends.

My colleagues, here is an opportunity to help a true friend, a friend whose troops have served side by side with our own in terrible conflict, a friend who bore the brunt of an enemy attack without question, without a whimper and with a great deal of courage and energy.

Here is a chance to show the world that we are worth having for a friend, that we honor our commitments, that we stand by our obligations.

The people of the Philippines do not want to haggle with us over these war claims. They have already told us that if these claims are honored by our Government, that they will be considered paid in full by that Government and no new claims will be permitted.

They want our friendship to continue on a basis of mutual trust, respect, and loyalty, and they will not let the dollars nor the pesos in this bill stand in the way of our mutual friendship.

Last year, Gen. Douglas MacArthur, after his triumphant visits to the Philippines, made some statements which I think it wise for all of us to remember at this time.

Of the Philippines, he said:

> The morale of the nation is of the highest order and reflects clearly its friendship, its affection and its sympathetic understanding of the United States. We have no ally so completely loyal and devoted.
>
> There is, however, a strong undercurrent of feeling that in its relative dealings with the nations of the world the United States has tended to overlook to some extent the needs and necessities and even the just claims upon us of the Philippines. The restitution of the damage inflicted by our forces which was, of course, necessitated by the exigencies of war, has not received adequate compensation especially when compared with the lavish grants made to nations proclaiming neutrality and even to the former enemy countries of Germany and Japan.
>
> While nothing can seriously jeopardize the common cause which binds our two countries together, the belief of the Filipinos in the American sense of justice is a very precious ideal which should not be lightly sacrificed.
>
> To haggle with them on matters in which they have a just claim or on questions of quotas or economic priorities is to do just that. The Philippines should be treated by us for what she has been, what she is, and

what she can be expected to be in the future. She should be accorded the very essence of most-favored nation treatment.

The Government of the Philippines, the people of the Philippines, the sovereign nation of the Philippines is not going to rise or fall on what we do here today, although there is no doubt that this sum of money would ease the want, the despair of many, and be welcome assistance to the Filipinos and their economy.

We owe this money not so much to the Philippines as we owe it to ourselves to honor our commitments. The Philippines will flourish politically, economically, and morally whether we pay our bills or not. But I think we will have lost a little of our integrity, a little of our honor, in our own eyes if we do not meet this obligation.

The American image will be a little less clear, a little tarnished, by this failure. There are those in the world who are working full time attempting to destroy our image, to cloud its meaning, to blur its outline.

But we are dealing with more than images, which at best can be but reflections of what we are. We are dealing with our heart and our soul as a nation, and I think it is important to ourselves that we demonstrate that we still have both intact and in good working order.

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

Mr. BROOMFIELD. I would be happy to yield to the gentleman from Ohio.

Mr. HAYS. I am a little concerned, of course, about the statement which has been referred to by General MacArthur. I wonder if anyone present can tell us just how much in dollars we have sent to the Philippines in the last 16 years? Does anyone know how much foreign aid we have given them, plus the $400 million, plus the $120 million, now they want $73 million? They were included in the aid bill last year, they are included in the aid bill this year, and they will be included in that bill every year hereafter. If that represents being overlooked, I would like to be overlooked sometime.

Can anyone answer that question?

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

Mr. BROOMFIELD. I yield to the gentleman from Minnesota for the purpose of responding to the question posed by the gentleman from Ohio.

Mr. JUDD. The total amount of assistance given for war damage and the other means by which American money has gone to the Philippines, is a total of $1,675 million. Of this amount, economic aid represents $1,284,900,000, and military aid represents $390 million. It is my understanding that this figure includes pensions and allotments to Filipinos who were members of the U.S. Armed Forces. As the gentleman knows, we have a Veterans' Administration agency and hospital out there, and those persons who are hospitalized are taken care of on equal basis with our own military personnel and veterans, when it comes to these benefits.

Mr. HAYS. Mr. Chairman, will the gentleman yield further?

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

Mr. HAYS. In other words, in 16 years they have received $1,675 million, which is about $100 million a year? They have been overlooked at a pretty good rate, I would say.

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

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

Mr. BECKER. Mr. Chairman, I wonder how the gentleman justifies private claims here as against those mentioned by the gentleman from Minnesota [Mr. JUDD], pensions for Filipinos who served and payments to others that are not listed here. Does the gentleman feel, for example, in the case of Brazil where American property was seized, that we should try to treat the companies in the United States in the same manner and reimburse them?

Mr. BROOMFIELD. Mr. Chairman, I would like to answer the gentleman in this way. No. 1, we made the agreement in 1946 that we were going to pay 75 percent of these damages. This was an agreement made by the U.S. Government and the Philippines. This is a moral obligation that we have. I say that we ought to live up to our commitment by paying the balance that we owe.

Mr. BECKER. Who made the agreement?

Mr. BROOMFIELD. The U.S. Government.

Mr. BECKER. The Congress did not pass legislation providing that?

Mr. BROOMFIELD. Yes, they did.

Mr. BECKER. To pay this kind of claim?

Mr. BROOMFIELD. They paid up to 52 percent of them. They appropriated $400 million.

Mr. BECKER. I thought we had been paying these amounts in past years. What has been this money of $100 million a year to which the gentleman referred earlier?

Mr. BROOMFIELD. The $400 million was to pay claims under $500. What we are talking about is the balance of the claims over $500 which were not paid, which amount to a little over 22 percent of the claims.

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

Mr. BROOMFIELD. I am glad to yield.

Mr. HAYS. I think the gentleman is overlooking one point. I went back and read the original hearings. They said that we are going to appropriate $400 million which we think will take care of these claims to the extent of 75 percent. There was a discussion in the committee, as I read it, about whether they should make that specific and they decided that they would not make it specific; this was an estimate.

Mr. BROOMFIELD. That is right.

Mr. HAYS. To the extent that an estimate is a moral obligation I will be the first to confess that it is there. But if I say to you, "I am going to pay you up to so many dollars and we think this will represent 75 percent of the total," I think you are on rather tenuous ground. All of this debate is on meeting a moral obligation that we have. But we said, "We will give you $400 million and we will divide it as best we can and we think it will take care of 75 percent." We did appropriate it and they did divide it, and it took care of only 52 percent.

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

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

Mr. JUDD. Mr. Chairman, as the gentleman from California [Mr. MILLER] said, he and I were on the Committee on Insular Affairs which handled this matter when the war was still on; we started working on it then. There were three figures before our committee, all estimates. One was $500 million and another estimate was $600 million. The committee said, "We will provide $400 million now, and if more is necessary, they can come back again."

I made this statement on the floor of Congress, and it can be found in the RECORD for April 10, 1946:

> I doubt that $400 million will ultimately be enough and I want the record to show that fact. We in the committee recognize that we may have to increase the amount somewhat. We are conservative in our estimate. We said, let us authorize this amount now until we see how things go. If another hundred million or even $200 million is eventually needed to put the Philippines back on a sound basis, I am sure we will do it.

This was said in the debate. Nobody challenged it or disagreed. This was the position of the committee and of the Congress, which was made clear in the RECORD and understood by all.

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

Mr. BROOMFIELD. I yield to the gentleman.

Mr. HAYS. The gentleman from Minnesota says that this $73 million is not going to have anything to do with putting the Philippines back on a sound basis?

Mr. JUDD. No.

Mr. HAYS. This is purely a windfall, mainly to a group of large corporations. They are going to get it. I have found nothing in the bill that says that they have to use it to rehabilitate the Philippines. They will be able to use it any way they want to use it, and you and I know how they will use it.

Mr. JUDD. But only if they can establish to the satisfaction of the Commission that they have already invested in the rehabilitation of the Philippines an equal or larger amount than the remaining amount due them under the awards.

Mr. BROOMFIELD. I think the gentleman will find also, if I may answer the gentleman from Ohio, that 85,000 of these claims are under the $25,000 figure.

Mr. JUDD. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. GEORGE P. MILLER].

Mr. GEORGE P. MILLER. Mr. Chairman, I think it should be made clear at this time that any of the moneys involved here have been expended in the

rehabilitation of the Philippines. Before a claim could be approved an agreement had to be entered into that the money would be spent, and this money was spent by the claimants at the time their claims were approved. This is how the Philippines were helped to be rehabilitated. This was a Rehabilitation Act. It was not reimbursing people for losses. Before they could get it they had to agree to spend this money in the Philippines, and the money was spent in the Philippines.

Let me call your attention to the language on page 4 of the bill, and to stress particularly the language beginning in line 10, "since the date of the loss or damage on account of which the original award was made he has heretofore invested in such manner as furthered the rehabilitation or economic development of the Philippines."

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

Mr. GEORGE P. MILLER. I yield to the gentleman from New York.

Mr. LINDSAY. The gentleman from Ohio [Mr. HAYS] said that the requirement for reinvestment in the Philippines had been waived.

Mr. GEORGE P. MILLER. Because this money was spent 12 to 15 years ago when these people got their money. The only place they can waive it is to be paid in dollars in this country now rather than in pesos.

Mr. LINDSAY. It is repaid now. This is to be a reinvestment?

Mr. GEORGE P. MILLER. It is a past investment they will be paid for. This will bring it up to 75 percent.

I want to point out that we do have an obligation toward the Philippines. Somebody has said that the Philippines would have been invaded whether we were there or not, and whether we were there or not we would have invaded the Philippines ourselves in order to choke off the Japanese in their attempt to control the resources of southeast Asia. Read the reports recently issued by the Japanese admiral who commanded at Pearl Harbor. He told why they were not interested in taking Hawaii. They wanted to isolate the Philippines so they could get the oil and other resources in Asia to fight the war. So the war in the Philippines would have been fought for this reason.

These people were our wards for 50 years. They have been brought up in our likeness and image. They have been given our ideas of democracy. Let me point out that if it were not for the resistance of the Philippine people during the war the Japanese would have been able to continue to fight on for several years. The troops that it took to keep control and the endless supplies that were sent in to the Philippines and the battles that took place bled Japan white, so white that when the chips were down and we thought they had troops in Manchuria and elsewhere, they were nothing but a shell of armies. They had been depleted to send reserves to the Philippines. That was the result of bleeding them white in the Philippine Islands. The contribution of the Philippine people had been great. They are our cousins. They are the only nation in the Orient today on which this country can rely. They are the only ones that have invited us to come there and use their islands as an outpost. The relationship between these two governments has been great.

I want to emphasize again what the gentleman from Minnesota [Mr. JUDD], told us. We had no idea how much money this was going to take. We said we will accept the figure of $400 million and that is what we wrote in the report. I am going to read the language again:

> While the committee feels it is urgently necessary to provide through this legislation for the rebuilding and restoration of the physical plants of the Philippines, it is generally realized that additional legislation will probably be necessary in the future to augment and supplement the benefits which will be accomplished through S. 1610.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JUDD. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, there are about half a dozen questions that we ought to ask regarding this bill to authorize payment of the balance of awards made for damage sustained in the Philippines during World War II.

The first question is whether we should pay anything.

The second is: If anything, how much it should be?

The third question is: How are the payments to be made—if it is decided to make them?

The fourth is: In what currency should they be made?

The fifth is whether payments should be made to all legitimate claimants, including Americans who are not now resident in the Philippines.

May I take up the ones about which there is most disagreement.

Should the U.S. Congress at this time authorize the payment of the unpaid balance of the awards made under U.S. legislation by the War Damage Commission in the Philippines set up for that purpose? I believe that we should authorize such payments, for two main reasons. One, the moral obligation, and that is the overriding reason; the other is the practical reason the benefits to be obtained for our country in the whole Far East.

We in the Congress in 1946 gave our people and the Filipinos reason to believe that the United States would pay up to 75 percent of the amounts awarded by the War Damage Commission on claims that individuals or corporations or firms or institutions like churches and schools submitted for damage suffered during the war. As was said earlier by the gentleman from California [Mr. GEORGE P. MILLER], he and I were serving on the old Insular Affairs Committee when it prepared and sponsored the Philippine Rehabilitation Act of 1946. At that time Mr. Paul V. McNutt was our Governor General to the Philippines, which did not as yet have its independence, but had a Commonwealth status with relation to the United States. The Governor General and his staff worked very closely with the committee under the chairmanship of the distinguished gentleman from Missouri, Mr. Jasper Bell. The policy was adopted, after much consideration, that in order to rehabilitate the islands most effectively it would be better to make payments to the more than a million persons and businesses and institutions which had suffered damage ranging from the loss of a caribou or the destruction of a little hut or agricultural tools and machinery to the partial or total destruction of a factory or school or hospital, or whatever it was. After adjudication by the Commission appointed by President Truman, more than a million awards were made and all were paid up to $500 out of the $400 million provided by Congress for the purpose. It was estimated that the claims approved would perhaps amount to between $500 million and $600 million—which proved to be a very accurate estimate. But with no reliable data available at the time, the committee voted to authorize only $400 million to start with, more could be provided later if needed to pay the awards, up to the 75 percent authorized in the bill. Up to $500 was immediately paid on each award made and that took care of about 1 million of the claims. A little more than 86,000 claims were left on which more than $500 each had been awarded. These 86,000-plus claimants were first paid 40 percent of the amount awarded in excess of $500. Later another 12.5 percent was paid, exhausting the $400 million Congress had appropriated. This left a gap of 22½ percent between the 52½ percent paid and the 75 percent to which the claimants were entitled under the understanding which we in the committee as well as the Filipinos certainly had at the time. This bill is to authorize payment of that unpaid balance of 22½ percent.

The Government of the Philippines at that time was very weak and unstable, the country had been under Japanese military occupation for 4 years. Our own view was that we should not give the whole amount to the Philippine Government because it was not strong enough to handle the difficult problem of such extensive rehabilitation. There would be incredible pressures put upon the men in charge at a time when they had all they could do to get the Philippines back on its feet. By giving payments to the more than 1 million damaged persons who would use it to rebuild, replace, or repair their homes or to get their little stores or farms going, the whole economy would be stimulated more than by giving a lot of money at the top in the hope it would get down to the people under the trinkle-down philosophy.

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

Mr. JUDD. I yield to the gentleman from Tennessee.

Mr. EVINS. Recognizing the moral obligation, which everyone seems to agree to, the War Damage Commission has gone out of operation, so why has it taken these more than 15 years to handle these claims?

Mr. JUDD. The reason was this: At the time the Commission ran out of money in 1950–51, we were at war in Korea. Nobody knew what was going

to happen in Asia, and attention was focused on Korea. If it had not been for the upset conditions in that part of the world, I think the Congress at that time, when the matter was fresh in our minds, would unquestionably have made this amount available.

Another reason why there has been some difficulty in arriving at the amounts still due was that in 1948 a special bill was passed—I believe it was introduced by the gentleman from Massachusetts [Mr. McCORMACK], now our distinguished Speaker—to give more complete and in some cases total reimbursement to schools, hospitals, orphanages, and churches for damages sustained to property connected with their educational, medical, and welfare work. Therefore, a good many of the original claims have now been paid in full under that legislation. That is one reason why this $73 million is a maximum; we know that the amount actually still due is considerably less because of payments made under other legislation. We do not know just how much less and cannot know until this bill is passed and funds are made available to dig out the records and a reconstruction is made of all the payments made, the amounts still due, and so on. Then we will know exactly how much is still to be paid. My guess is that it will not be over $65 million, perhaps still less.

Mr. EVINS. It seems to me it is very difficult to ascertain the amount because of the lapse of time. Are the records available?

Mr. JUDD. Sufficient data is available so that we know the $73 million will be more than sufficient. There are firm records on that. Some of the old IBM cards are dog-eared and twisted and will not go through the machines. These might have to be remade, but they also have a master list on which the major figures of all the claims have been copied. Therefore it will not be as much of an administrative problem to determine who is due what as we first thought would be the case.

Mr. EVINS. I thank the gentleman.

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

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

Mr. GROSS. Is it not true that the testimony appearing in the committee report shows that some records have been totally destroyed?

Mr. JUDD. Yes, some cards, but not the master list. It shows the whole list of names that was submitted with the awards that were made and the amounts that have been paid. From this and the cards, if needed, the accounts can be reconstructed and a determination made of what is due. The matter was taken up with the Treasury Department which has the records. They said they did not have any funds to pay for this work, but that when a bill was passed for this purpose and funds made available, the work could and would be done.

Mr. GROSS. If the gentleman will yield further, the gentleman said that the payments have been delayed because of the Korean war. Has not the Korean war been over for 8 years? Why the long delay in bringing this bill to the floor?

Mr. JUDD. There were several reasons. Action was delayed while efforts were being made to get payment by the Philippines of the $24 million agreed upon in 1950 in the so-called Romulo-Snyder agreement as the amount owed us by the Philippines for certain funds advanced earlier to it and not repaid. Secretary Anderson wrote in June 1960:

> We believe it would be unfortunate if the balance of the war damage claims were paid without obtaining satisfaction of this debt which has been a troublesome issue in our relation with the Philippine Government for the past 5 years.

The Philippine Government settled this obligation with a payment in April 1960. Surely it is time the United States settled its obligation.

Then the gentleman will recall that last year there was a question about some American tobacco having been landed in the Philippines allegedly without a proper permit or license. Local producers of tobacco protested violently. It became an issue in the election there last fall. After the election the new President of the Philippines said that it would be submitted to the Philippine courts and he would abide by the decision of the court. The court decided that the tobacco could be received. Thus another roadblock has been removed.

As to previous reference to the Eisenhower administration's attitude, you will find that Under Secretary Dillon's statement on this in 1960 was almost exactly the same as in the letter sent last year by Congressman Hays, now Assistant Secretary Hays. Mr. Hays' letter appears on page 8 of the report and you will find the same language used by both the Eisenhower and Kennedy administrations.

Mr. Hays wrote this:

> While the United States is under no legal obligation to make further war damage payments in the Philippines, it is the view of the Department of State that an ex gratia payment to resolve this special situation would be of substantial assistance to the United States in attaining its foreign policy objectives. Additional war damage payments are looked upon by the Filipino and American claimants as the fulfillment of a moral obligation, long since voluntarily assumed by the U.S. Congress, to provide assistance to individuals who sustained losses in the Philippines through its defense of U.S. interests during World War II. The Philippine Government and people sincerely feel that the failure of the United States to appropriate additional war damage compensation has defeated a legitimate expectation of assistance from the United States to a firm ally which suffered severe damage in the mutual war effort. The Department of State considers that settlement of this claim would remove any basis for the Philippine belief that the United States has not fulfilled its promises to the Philippines.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. JUDD. Mr. Chairman, I yield myself 5 additional minutes.

Mr. BARRY. Mr. Chairman, I would like to ask the gentleman controlling the time on this side if he is going to give me some additional time.

Mr. JUDD. The gentleman has used 16 minutes.

Mr. BARRY. I have had no time during general debate.

Mr. JUDD. The gentleman has used more time than any other Member except the gentleman from Wisconsin, handling the bill.

Mr. BARRY. I am still entitled to some time during general debate as distinguished from time consumed on arguments under the rule.

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

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

Mr. HAYS. I want to make it clear, either now or when you correct your remarks, that when you used the words "Congressman Hays," the gentleman meant Brooks Hays, who is not a Member of Congress at this time, but is an Assistant Secretary. There is only one Congressman HAYS at the moment, and I do not want anybody to think I am in favor of this.

Mr. JUDD. I thought I corrected the misstatement when I added "Assistant Secretary of State Hays."

How are the payments to be made? By the Foreign Claims Settlement Commission, an agency already in existence. It will not receive any new claims. We will not open up any old claim. It will not adjudicate or readjudicate any claim. The Foreign Claims Settlement Commission after advertising will merely pay the balance due to any person who can show he is in fact the legitimate claimant or the heir or successor in interest to the claimant to whom the award was originally made. He must show that he did not purchase the claim unless in the ordinary course of business with acquisition of all the assets of a business firm.

He must show that no one will receive more than 5 percent of the award for services rendered. I am told that ordinarily the lawyer's fee in handling claims is 10 percent. In this, it is cut down to 5 percent.

Also, if the claimant resides outside the United States, he must establish to the satisfaction of the Commission that he has heretofore invested in the rehabilitation or economic development of the Philippines an amount not less than the approved award.

Mr. Chairman, should we now make this remaining payment of 22.5 percent due on the awards? I believe we should. Perhaps the Congress should not have given them to believe we would pay this amount. But the fact is we did. The Filipinos feel we have not fulfilled our understanding. So do I. It is a definite moral obligation.

Mr. Chairman, the thing that has damaged the United States around the world more than anything else is a fear that they cannot be quite sure of us because we have not always kept our word. In various agreements made during the war and in postwar conferences, we made promises that we did not fulfill. They do not feel sure of us now. That jars us but it is a hard fact we must recognize. It is true not only in Asia; it is found in Latin America. Especially since the Cuban fiasco, there is a feeling that the United States cannot be depended upon fully. I do not know of any act right now that would

restore our prestige more than for us to pass this bill, to carry out what we gave our loyal friends, the Filipino people, the right to believe we intended to do. Basically, the question is not whether the payments will help as much in rehabilitation now as they would have if made earlier; the question is whether the United States will do what is right. That reason by itself justifies the passage of this bill. The fact that it is so late only makes it all the more important that we do it now.

But there is also the practical reason; to pass it now is a timely act of wisdom. The Philippine economy has been in bad trouble; it is shaking now. They have just elected a new President whom they and we believe deserves our full confidence and support. He has instituted some needed reforms. He has brought in men with good records. There is a better prospect of getting the Philippine economy on a sounder basis. But it needs a boost badly at this time. This bill would give a real boost, economically and politically, as well as morally.

When one looks at the amounts of money the United States has given to countries all over the world to which we had no obligation and which sometimes were far from friendly to us and our cause, just to get the continued use of an airport or a base or other uncertain benefits, and then considers the very special relationship between the Philippines and ourselves and what we have done together as close partners in war and peace, surely it makes good sense to pass this bill.

The Philippines suffered more physical damage than any other country in the war, including Japan and Poland. Most of the damage was inflicted by us in the liberation from Japan. The Filipino people never wavered or hesitated in their loyalty when they were being bombed day after day by American planes. They gladly paid a terrific price in the joint efforts to regain their freedom. They were proud of their partnership with us. Surely in comparison to what we have given to other countries that are less important to us and where the reason is far less justifiable, this bill ought to be passed.

Mr. Chairman, it has been said that this claim settlement sheet used by the War Damage Commission does not constitute an obligation. Perhaps not, but it shows that an obligation existed. First, it shows the amount claimed and the amount approved by the Commission; and it has a code number indicating why a portion was disallowed. Next, it shows the amount approved in excess of 1,000 pesos, or $500, and then 75 percent of that excess. Then it lists the previous payments and the amount of the present payment. The last item is "Amount to be paid," which is the amount still due to make the total payments up to 75 percent of the award approved. Certainly that makes it perfectly clear that our own Commission understood that the United States expected to pay that amount. The Commission paid out all that the Congress provided at the outset. Let us not delay longer in paying the remaining balance due.

Mr. Chairman, that leaves one objection: that some large companies or organizations or wealthy individuals will get large amounts, as the gentleman from Ohio [Mr. HAYS] has pointed out. The only answer I know to that is that there is no way to give "equal justice under law" unless we give it to the rich as well as to the poor. I do not believe we should refuse to pay the small payments due to 85,000 little claimants just because the same formula would give big payments, over 50,000 pesos, to about 280 other claimants. We have discharged our obligation to more than a million. Now let us take care of the remaining 86,000, paying the amounts to all, whether large or small, to which under the law they are legitimately entitled.

Mr. ZABLOCKI. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. HAYS].

Mr. HAYS. Mr. Chairman, I think there are a couple of matters that should be cleared up for the record, at least, and one of those is that I have no objection to paying the rich as well as the poor. The thing I object to is the fact that under this bill the rich and the poor and the inbetween have waived their obligation to do what the Philippine war damage money was supposed to do in the first place, and that is to rehabilitate the Philippines.

Now, somebody said, "Oh, well, they have done this. We know they have done this." What does the report say? They do not say that in the report. In the report on page 15 they say:

> Further, it is assumed that those who have continued to reside in the Philippines and to engage in business there since the end of World War II have invested an amount at least equal to that of the awards due them under the 1946 act.

Now, there is a lot of assumption in that statement, really. First they assume that they have invested the money; and secondly they say "due them under the act." Well, you can read it and you can reread it and explain it and torture it and do all you want to with it, but what the act really said was, "We estimate that the war damage to the Philippines will be $400 million"—that is, 75 percent of it will be $400 million—"and we hereby authorize and appropriate $400 million to cover it."

Now, if the committee made an error—and I expect there were a lot of reasons for the error, knowing how these things work—I suspect a lot of these claims were inflated; no question about it. And, secondly, they divided up the $400 million. There was no legal obligation to pay any more, and there is no moral obligation, really, to pay any more.

As I said before, if I were sure that this money was going to be used for the benefit of the Philippine people or for the rehabilitation of the Philippines, that is one thing, but I do not think anybody can honestly say that this is not in the main windfall legislation. That is what it amounts to.

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

Mr. HAYS. I will be glad to.

Mr. ZABLOCKI. Apparently it bothers the gentleman from Ohio that these claimants paid in pesos would not use the pesos for the rehabilitation of the Philippines. Can the gentleman tell us for what other purpose they would use them?

Mr. HAYS. Oh, yes. I have a good imagination, based on knowledge. They might do like the Alliance for Progress—the Alianza para Progreso—people are doing. They are taking the money right over to Switzerland and chucking it in banks, with numbered accounts. Do not ask me how they got it there. But, the people who know something about Latin American finance say there is more capital going out of Latin America to Swiss banks than we will be able to put in under the Alliance. And, listen, when you get into the Orient, they can teach you tricks in spades on how to juggle money. They have forgotten more than the Swiss will ever know about it.

Mr. ZABLOCKI. If the gentleman will yield to me. After I get to the Orient, it will be too late for me to ask a question. Will the gentleman yield?

Mr. HAYS. I would like to yield to the gentleman when he is out in the Orient. That would be the best time.

Mr. ZABLOCKI. The gentleman does not mean to imply that the Filipino claimants would put the pesos in the banks in Switzerland?

Mr. HAYS. I mean they can exchange pesos or any other thing that is printed money in this world today, even that crummy money that Castro prints. You cannot get much for it, but you can take it to Switzerland or some place and trade it for something else at about 100 to 1. It can be done. You can trade four pesos for a dollar if you take them to Switzerland, Hong Kong, Japan, or anywhere else.

Mr. ZABLOCKI. Mr. Chairman, will the gentleman yield further?

Mr. HAYS. I yield to the gentleman.

Mr. ZABLOCKI. I want to assure the gentleman that the members of the committee were just as much concerned about this problem as is the gentleman from Ohio. We gave the matter lengthy study. We heard testimony on this very matter. However, after the testimony we were satisfied that the manner in which the bill provides for payment is the best way to do it.

Mr. HAYS. The only answer to that is that the gentleman from Wisconsin is easier satisfied than am I.

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

Mr. HAYS. I yield to the gentleman from Michigan.

Mr. JOHANSEN. I wonder if the gentleman from Ohio can throw any light on the language which is contained in lines 11 through 13 on page 2 of the bill, which reads as follows:

> Amounts paid under this Act shall not be subject to the provisions of section 104(c) of the Philippine Rehabilitation Act of 1946.

I have read the provision referred to, and it goes specifically to the safeguards provided in the use of this money. Is there any substitute contained in this bill to provide such safeguards?

Mr. HAYS. I think that goes to what I have been saying—the thing that bothers me in the entire bill is that the safeguards are waived.

Mr. JOHANSEN. If the gentleman will yield further, the safeguards are completely eliminated as a result of the elimination of this section?

Mr. HAYS. Completely eliminated.

Mr. COOLEY. Mr. Chairman, shortly after V–J Day I visited the Philippines. The once beautiful city of Manila was a sad and sorry sight. At night there were more lights on the boats in Manila Bay than in the city of Manila. I saw the devastation and I visited with the suffering people. I went to Corregidor and to Bataan and there I realized the great and terrific suffering of those who were maimed and murdered in the cause of freedom. No more courageous men ever lived than those who bled and died on Corregidor and on all of the ramparts of freedom in that part of the world.

It is with great satisfaction that I add my voice to the approval of H.R. 8617 which I am confident will be enacted by the House without further delay. The payment of the balance of awards to Philippine war victims implicit in the Rehabilitation Act of 1946 has long been delayed. The discharge of a moral obligation by the United States to our valiant allies and friends in the Philippines means only the accomplishment of the ends of justice in a manner fitting the traditions of our country.

The recent removal of obstacles to the acceptance of U.S. grown tobacco in the Philippines in conformity with the laws, court decisions, and policies of that country further demonstrates the dependability of United States-Philippine relations and the basic security of our friendship with that Republic. In a way we should be highly gratified that an occasion arose for the further demonstration of the harmony which exists between our respective peoples.

Any thought of further opposition to the passage of H.R. 8617 ought by this time to have been dissipated and if there is any added purpose in these remarks it is to emphasize this point and again to urge my colleagues one and all to cast their votes in favor of this worthy legislation.

Mr. RYAN of New York. Mr. Chairman, I wish to take this opportunity to urge the passage of H.R. 8617, a bill designed to complete fulfillment of a pledge made to our Filipino allies during the tragic days of World War II.

Mr. Chairman, for over 60 years the United States has intimately affected the destiny of the people of the Philippines. Our record of assisting those people in learning the tools of self-government in the preindependence period, our granting of independence to the Philippines on July 4, 1946, and our close alliance and deep spirit of friendship with the Filipinos in the postwar years are well-known facts.

Our overall record in the Philippines is an honorable one. I believe that all Americans can point with pride to the years in which we worked to prepare the Philippines for independence. I believe further that our administration of the Philippines was enlightened. For we did more than give the Filipinos the education, health conditions, and economic welfare with which to create a viable society. We also implanted deeply the seeds of democracy. The Filipino people have attacked with vigor the twin problems of new independence and economic underdevelopment. During the period that we administered the Philippines we engendered a spirit of justice and fair play which inspires the Filipino people and cements the understanding between our peoples. Today, we are proud to call the Philippines the showcase of democracy in Asia.

Beyond our generous and vital aid and technical assistance programs to the Philippines—which, I need hardly add, are greatly appreciated by the Filipino people—we have a further responsibility to meet. That is to correct a wrong that for over 10 years has been working to undermine our friendship with that country. Adoption of H.R. 8617 will be in the spirit of trust and good faith which have for so long characterized our relations with the Philippines.

Mr. Chairman, within weeks after the outbreak of World War II President Roosevelt pledged that the Filipino people would be fully compensated for damage suffered during the war. This promise was reaffirmed by prominent Americans throughout the period of hostilities. Our pledges served to help sustain the people of the Philippines during the dark days of the war. The gallantry of the Filipino resistance fighters saved many, many American lives. Furthermore, in no occupied Asian country did the Japanese militarists' attempt to turn Asian against Caucasian meet with such a total lack of popular support.

The war brought severe destruction to the Philippines, first during the initial Japanese invasion, then during the occupation period in which guerrillas battled the Japanese throughout the country, and finally during the liberation campaign. This last phase was the most destructive. American artillery fire and bombardment flattened scores of buildings. The city of Zamboanga was 90 percent destroyed. Manila, the capital, was 50 percent destroyed. Estimated damage to physical property in the islands ran to over a billion dollars at prewar values.

On April 30, 1946, Congress passed the Philippine Rehabilitation Act. This bill established the Philippine War Damage Commission and authorized $400 million to meet legitimate private property claims that were submitted. At the time the bill was passed no one could be sure how much money would be claimed. As we were dealing with individual claimants, and not making a lump-sum settlement with the Philippine Government, there was simply no way of anticipating what the extent of claims would be. The figure $400 million was nothing more than a sum set aside to meet the bulk of the claims; it was recognized that we would probably have to authorize additional funds at a subsequent date. Under the Philippine Rehabilitation Act of 1946 the first $500 of any successful claim was to be paid in full. Seventy-5 percent of the portion of the claim above $500 was to be paid. The relevant language of the bill reads:

> In case the aggregate amount of the claims which would be payable to any one claimant under the foregoing provisions exceed $500, the aggregate amount of the claims approved in favor of such claimant shall be reduced by 25 percent of the excess over $500.

It is clear from this language that we committed ourselves to honor 75 percent of each just claim above the initial $500.

Now, what happened to the $400 million? As was intended by the bill, these funds first went to pay all claims under $500 and the first $500 of larger claims. The remaining funds were prorated and went toward partial payment of the rest of the larger claims. However, there was not sufficient money to equal the 75 percent the claimants were authorized to receive. Instead they received only 52.5 percent, leaving 22.5 percent to be paid at a future date when additional funds were authorized.

Mr. Chairman, during the war we pledged full compensation to the Philippines for damages. But in the 1946 act we reduced all claims over $500 by 25 percent. Beyond that, 22.5 percent of the successful claims was not paid for lack of appropriated funds. And finally, postwar costs went up exorbitantly. The War Damage Commission estimated that even those Filipinos whose claims were entirely successful actually received less than 20 percent of the cost of reproduction of their businesses, homes, and so forth.

The 25 percent reduction in the total claim as stipulated in the 1946 bill was agreed to between the United States and the Philippines, and no one is asking that we pay this now. Likewise, we are not committed to underwrite the price rises in the postwar Philippines. We are, however, committed to payment of the 22.5 percent.

H.R. 8617 has just one purpose. That is to authorize funds to pay successful claimants 22.5 percent of their claims above $500, thus to bring the total figure they receive up to the 75 percent due them under the terms of the 1946 act.

Mr. Chairman, I wish to emphasize another point. H.R. 8617 does not permit the opening of any new claims. It is solely designed to complete payment to claimants who have received awards under the 1946 act. Payments will be made by the Foreign Claims Settlement Commission to original claimants or their successors in interest.

The sum necessary for completing our obligation to the Philippine people for damages suffered during the war is $73 million. Funds which remain after the payment of all approved claims will revert to the U.S. Treasury.

Opponents of this bill sometimes say that it is too late to do anything more to accomplish the objective of the 1946 act, which was the economic rehabilitation of the islands. This argument misses the central point, which is that we are committed to the completion of payments on claims which we have already accepted as valid. Insofar as is practical, H.R. 8617 attempts to provide that the funds are put into the develop-

ment of the Philippine economy. Those residing in the Philippines are assumed to have invested a sum at least equal to the amount of the awards due them under the 1946 act. This assumption is a sensible one and is made for the purpose of administrative efficiency. However, claimants residing outside the islands must demonstrate to the Foreign Claims Settlement Commission that they have reinvested in the Philippines a sum at least equal to that of the claim and in such a manner that was beneficial to the Philippine economy.

Emphasis is sometimes placed on the fact that there are several large claimants who will receive $25,000 or more under this bill. Certainly these larger interests should receive compensation, and it was for this reason that they were granted awards in the first instance. I would like to point out, however, that the bulk of the funds will go to some 86,000 claimants who will receive the greatest benefits.

This question is much more than a case of private claims on the American Government. It is a question of the Philippines national claims on the American people. In a recent statement on the Philippines Gen. Douglas MacArthur said, and I quote:

> We have no ally so completely loyal and devoted. There is, however, a strong undercurrent of feeling that in its relative dealings with the nations of the world the United States has tended to overlook to some extent the needs and necessities and even the just claims upon us of the Philippines.

Further, he states:

> While nothing can seriously jeopardize the common cause which binds our two countries together, the belief of the Filipinos in the American sense of justice is a very precious ideal which should not lightly be sacrificed.

In these brief remarks General MacArthur gives eloquent testimony to the necessity of recognizing the importance of our discharging our obligations.

This view is confirmed by the State Department, which has asserted, and I again quote:

> The Philippine Government and people sincerely feel that the failure of the United States to appropriate additional war damage compensation has defeated a legitimate expectation of assistance from the United States to a firm ally which suffered severe damage in the mutual war effort. The Department of State considers that settlement of this claim would remove any basis for the Philippine belief that the United States has not fulfilled its promises to the Philippines.

In addition, it states:

> It is the view of the Department of State that an ex gratia payment to resolve this special situation would be of substantial assistance to the United States in attaining its foreign policy objectives.

It is clear that the Philippine people regard this as a very serious matter. The good faith of the United States is being called into question, not only by those having claims, but also by those who see our neglect of this issue as an affront to the friendship they feel for the United States. We have an opportunity here to right a wrong which threatens the healthy foundations of friendship between the peoples of the United States and the Philippines. We should remedy this situation through the passage of H.R. 8617.

Mr. PELLY. Mr. Chairman, I have tried to listen to the debate on H.R. 8617 with an open mind.

This bill would authorize an additional $73 million of reimbursement toward Philippine war damage claims.

It would be in addition to the $400 million appropriated under the Philippine Rehabilitation Act.

Certainly, I agree with previous speakers who have said if the United States desires to extend aid to any foreign nations their first choice would be the Philippine Republic. As a matter of fact, I gather we have given $1,675 million to this friendly country under foreign aid. Certainly, when it is considered that Communist nations such as Yugoslavia and Poland each have received hundreds of millions in foreign aid, I think what we have done for our friends like the Philippines who oppose communism is none too much.

But our national debt is at a new high. The first 9 months of fiscal 1962 the U.S. budget deficit was $8 billion. For fiscal 1963 there is an estimated $7 billion deficit.

Gold stocks are now down to $16.49 billion. The required reserve fixed by law is $11.5 billion and foreign claims on our supply exceed our gold stock by $6 billion.

Why now should the Congress suddenly, after 15 years, decide to hand out more money to those who suffered war damage in the Philippines? Congress has never committed itself to any such additional payments.

After all, this constitutes a handout to certain corporations and organizations, including a racetrack and a brewery. I do not see any moral obligation to make such payments.

On the other hand, as I see it, the United States of America is the one that is going to need rehabilitation. This will add another $73 million to our debt and to the flight of gold.

I must oppose the bill.

Mr. ZABLOCKI. Mr. Chairman, I yield the balance of the time to the chairman of the full Committee on Foreign Affairs, the gentleman from Pennsylvania [Mr. MORGAN].

Mr. MORGAN. Mr. Chairman, I rise in support of H.R. 8617, a bill to authorize the payment of the balance of awards for war damage under the terms of the Philippine Rehabilitation Act of 1946.

The details of this bill are rather technical and some of them involve complex matters, including foreign exchange rates and the rights of the heirs of persons to whom awards were originally made.

I will leave the discussion of these detailed matters to the gentleman from Wisconsin, the able chairman of the Foreign Affairs Committee, Subcommittee for the Far East and the Pacific, and to the members of his subcommittee who have held hearings on this matter in the present and in previous Congresses and who are fully prepared to explain and discuss the provisions of the bill in detail.

Let me remind the House also that the ranking minority member of the subcommittee, the distinguished gentleman from Minnesota, has not only participated in the hearings on the pending bill but served as a member of the old Insular Affairs Committee which reported the Philippine Rehabilitation Act of 1946, the original legislation dealing with this matter.

It seems to me that there are really only two basic questions which we have to answer in connection with the bill before us:

The first is, Do we owe the people of the Philippines this money?

The answer to this question is simple and is affirmative. We do have a moral obligation to pay the balance of the claims as adjudicated and awarded by the U.S. Philippine War Damage Commission before it went out of business in 1951.

There is no legal obligation. The Philippine rehabilitation program was not undertaken because we had a legal obligation to reimburse the people of the Philippines for the damage they suffered during the war. There is a clear moral obligation, however.

We enacted legislation establishing a Commission. We invited the people of the Philippines to file their claims and had them adjudicated. We said to these people: "If you file your claims and they are found to be justified, we will pay." We did not say: "We will see about paying these claims later." We did not say: "We will decide whether or not to pay the claims when we see what conditions are at some future date."

The people who submitted claims and justified them before our Commission did so with the clear understanding that the United States would make payment.

We authorized and appropriated $400 million to pay these claims, and it turned out that this sum was not large enough. We estimate that it will take $73 million more to discharge this moral obligation.

The other question which this bill involves arises because of the time which has elapsed since the enactment of the original legislation in 1946.

The war ended in 1945; the U.S. Philippine War Damage Commission wound up its affairs in 1951; the war damage inflicted on the Philippines has been repaired.

Now, there are very few people who believe that a promise is any less a promise because it is 16 years old. We promised to pay off these claims, and that promise is still valid. Nevertheless, I am sure that all of us need reassurance that the $73 million which this bill authorizes will not be wasted or misused.

Let me remind you that the basic purpose of the original legislation was to encourage the people of the Philippines to rebuild as quickly as possible. We did not say to them: "Wait until you get the money which we are making available" but "Go ahead as quickly as you can with whatever resources you can lay your hands on."

The Philippine people did go ahead and have done a remarkable job in erasing the ravages of war. Fortunately, a lot of the money made available under

the Philippine Rehabilitation Act did arrive in time to pay bills and to pay off loans incurred by individuals and business firms to finance reconstruction.

Although the Philippine war damage has been repaired, there is no question but that the Philippines are in vital need of investment capital, particularly capital for small- and medium-sized business enterprises. It seems clear to me that that is where most of the money authorized by this bill will go. All of the claims of $500 and less were paid off under the original appropriation. The evidence available to us now, which is tabulated on page 7 of the committee report, indicates that approximately 54 percent of the unpaid awards involve claims of less than $25,000. This money will go to individuals and firms many of whom are engaged in small and medium business activities.

The money under this bill is not being paid to the Philippine Government. It will not be distributed by any agency of that Government, nor will it be used by the Philippine Government to finance Government projects. It will go to private individuals and will be available for private investment.

To anyone who asks: "Will this money help the Philippines in meeting vital and urgent problems?" the answer is "Yes." The Philippines do need the money.

The more important question is: "Will voting this money help the United States?" The answer to this is an emphatic "Yes," because it will discharge an old obligation which has long been a sore point in our relations with the people and Government of the Philippines.

I hope the House will give overwhelming approval to this measure.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

The Clerk will read the bill by section.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Foreign Claims Settlement Commission (hereafter in this Act referred to as the "Commission") shall provide, out of funds appropriated pursuant to this Act, for the payment of the unpaid balance of awards heretofore made by the Philippine War Damage Commission under title I of the Philippine Rehabilitation Act of 1946. No payment shall be made under this act to any person, or to his successors in interest, on account of any award unless payment was made on such award under the Philippine Rehabilitation Act of 1946, and the maximum amount paid under this Act, when added to amount paid under the Philippine Rehabilitation Act of 1946 and section 7 of the War Claims Act of 1948 on account of any claim shall not exceed the aggregate amount of claims approved in favor of such claimant after reduction under the last proviso of section 102(a) of the Philippine Rehabilitation Act of 1946. Amounts paid under this act shall not be subject to the provisions of section 104(c) of the Philippine Rehabilitation Act of 1946.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask some member of the committee—the gentleman from Minnesota [Mr. JUDD] if he cares to answer—how much money we have dumped into the Philippines since the end of World War II?

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

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

Mr. JUDD. While I do not endorse the suggestion that our money has been "dumped" into the Philippines, I reported earlier that we have given the Philippine Government, including payments to veterans who fought with us, a total of $1,284,900,000 of economic assistance, and $390 million to rehabilitate and support their armed forces in the form of military assistance. That is a total of approximately $1,675 million over the last 17 years.

Mr. GROSS. In other words, $1.5 billion?

Mr. BARRY. $1,675 million.

Mr. GROSS. Since the end of World War II?

Mr. JUDD. That is right; the $400 million under discussion today, the $120 million in that same War Rehabilitation Act to restore public facilities, government installations, railroads, bridges, telephone and power service, and so forth, in order to get essential services going.

There was another act to assist, as I said earlier, in restoring schools, hospitals, orphanages, charitable institutions, and that sort of thing.

Mr. GROSS. Churches?

Mr. JUDD. Plus assistance to the Filipino armed forces and benefits to the veterans who fought with us.

Mr. GROSS. Did the gentleman use the word "churches," too?

Mr. JUDD. No.

Mr. GROSS. I do not think he did, but I will supply it.

Mr. JUDD. The aid was not for churches that were used solely for religious purposes, as I recall, but many institutions in the Philippines are, like parochial schools, managed by the churches. We could not give aid to the schools and the hospitals operated by churches without giving some aid to the churches, in fact.

Mr. GROSS. How much did the Philippines collect from the Japanese by way of reparations or for any other reason?

Mr. JUDD. $500 million for capital goods; $20 million in cash in the form of processed goods, and $30 million for services on such things as installations, transportation charges, and so forth; a total of $550 million.

Mr. GROSS. That is $550 million which the Japanese have put into the Philippines by way of reparations, and so forth?

Mr. JUDD. Yes.

Mr. GROSS. We were compelled to shoot up the country in order to liberate it, to liberate the people there. And the reason why we shot it up in order to liberate the people was because of the Japanese; is that not correct?

Mr. JUDD. That is correct.

Mr. GROSS. Then why have not the Japanese paid, and why are they not today paying this bill, instead of the taxpayers of the United States? The gentleman talks about rehabilitation. Let me ask the gentleman from Minnesota, who is going to rehabilitate this country when national bankruptcy overtakes us? Does the gentleman have any ideas about that?

Mr. JUDD. If the gentleman is going to talk figures, I am sure that the amount put into the rehabilitation of Japan, counting all methods by which we have put money there, is larger than that which has gone to the rehabilitation of the Philippines. But it was not expended in Japan because we were partial to the Japanese. We got into a war in Korea and it was necessary for us to spend billions in Japan in order to fight that war in Korea. It was easier, quicker, and more economical to build up industries in Japan than to get all we needed in Korea from the United States.

Mr. GROSS. I am not talking about the war in Korea now. This has nothing to do with the war in Korea; the war in Korea has nothing to do with the outflow of cash from the taxpayers of the United States in this and previous bills to the Philippines.

Mr. JUDD. It may not have anything to do with the outflow of money from the taxpayers of the United States, but the major reason for our large expenditures in Japan was to help win the war in Korea.

Mr. GROSS. The reason for our spending money in Japan was to win the war in Korea?

Mr. JUDD. Yes, sir. We had to get supplies quickly. It was easier to get them in Japan than elsewhere.

Mr. GROSS. All the more reason why the Japanese should have picked up this bill and others.

Mr. JUDD. They did not have the funds with which to do it.

Mr. GROSS. I thought the gentleman said we had spent money in Japan because they were equipping us for the war in Korea.

Mr. Chairman, I do not understand what the gentleman is talking about. The gentleman does know that we loaned $1.8 billion-plus to the Japanese at the end of World War II, does he not?

Mr. JUDD. Yes.

Mr. GROSS. And he knows that the other day we settled that so-called loan of $1.8 billion for $490 million; and not even the $490 million is to come back to the Treasury of the United States; $25 million of the $490 million is to go for cultural purposes—cultural purposes—and the rest of the $490 million is to be used in large part, it is reported, to develop markets in Asia for Japanese goods.

Mr. JUDD. Our aid to Japan does not come under the foreign aid bill.

Mr. GROSS. So we do not get a cockeyed penny of the $1.8 billion back to the U.S. Treasury, if the settlement is as I understand it; we do not get a penny back to help relieve the debt that was created by lending them $1.8 billion. And they are not even helping us in this Philippine situation for which they were entirely responsible.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. GROSS] has expired.

Mr. GROSS. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

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

There was no objection.

Mr. GROSS. So the answer is that the Japanese were not called upon to rehabilitate the country that they subjugated and occupied and that we liberated; is that correct, and if it is not, why not?

Mr. JUDD. I would say this: I do not know of any money that we have spent that has brought us greater returns than the money that has been put into Japan. If the gentleman will look at the map and look at the screen of over 1,000 miles long that Japan provides against the potential enemy on the mainland of Asia; and look at the bases, naval and other, which are the only places adequate for repair of our ships beyond Pearl Harbor, he will begin, I think, to realize that the value received by the United States, especially to its security, is many times the amount of money invested in Japan.

Mr. GROSS. So we shoot up a country, then we shoot the money out in the millions and billions to repair the damage.

Mr. JUDD. That may be, but we cannot live in today's world by saying that "Because I shot you yesterday, I now ignore the fact that your welfare is essential to me today."

Mr. GROSS. I will say to the gentlemen from Minnesota that as a result of all this foreign giveaway business; all this spending money from Timbuktu to Iceland and back again and for every other extravagance known to man this Government is headed for a collapse. Certainly the gentleman will agree with me that we cannot continue these insane fiscal programs.

Mr. JUDD. Yes, but the great increase in our national expenditures has not been in foreign aid, it has been in expanded domestic programs. Is the gentleman opposed to those?

Mr. GROSS. I am opposed to the $100 billion that has been kicked out in the giveaway program all over the face of the earth since the end of World War II.

Mr. JUDD. The great increase in our expenditures and in our budget has been on domestic programs.

Mr. GROSS. Where are we going to look for help when the balloon collapses in this country? Where are we going to look for help and rehabilitation? Since the gentleman has been supporting so avidly all of these multi-billion-dollar handouts through the years, when we go broke, who is going to help us?

Mr. JUDD. If we lose our security and have to defend ourselves alone in a hostile world, then I assure the gentleman it will cost many more billions of dollars.

Mr. GROSS. Where would you turn today for the security that you claim to have bought? Where in the world is it?

Mr. JUDD. Last fall I was in the Far East and visited the countries from Japan and Korea around to Turkey. There are some 3 million soldiers there that our men say are just as good soldiers as they have ever seen. They have been well trained and are tested. I do not know what the gentleman thinks it would cost to get defense, including American boys, equal to what those soldiers and the bases available to our Armed Forces provide us.

Mr. GROSS. I disagree with the gentleman. I do not think we can rely on mercenaries. I do not think we are really getting anywhere in the Congo today with the mercenaries that are on our payrolls.

Mr. JUDD. Let us talk about the Congo separately. The gentleman asked me where we got the military help in Asia—the soldiers I mentioned are not mercenaries. They want to defend their own countries. They have fought for decades and centuries to get their independence. They are willing to fight to defend it. They are not mercenaries.

Mr. GROSS. I assume the gentleman is talking about Turkey now.

Mr. JUDD. I do not think the gentleman could call George Washington's men mercenaries of France, when France was helping us to gain our independence. The people in these countries are fighting for their independence and we are giving them assistance to enable them to defend their independence.

Mr. GROSS. I can call Hessians mercenaries who fought for the British in our war for independence and I can call the Ethiopians, the Moroccans, and all the rest of those troops in the Congo mercenaries because we are paying for them.

Mr. JUDD. I do not like the word "mercenaries" applied to these forces in Asia of whom I was speaking.

Mr. GROSS. How many Turkish troops were there in Korea as compared with the standing army they had in Turkey? How many did they send to Korea?

Mr. JUDD. They had a battalion, at least, and not a one of them succumbed to Communist brainwashing.

Mr. GROSS. All right, let us not emote over these things.

Mr. JUDD. I am just telling the gentleman they are good soldiers.

Mr. GROSS. Yes; they are good soldiers, but how many did they have as compared with the divisions we sent to Korea?

Mr. JUDD. Look at what their economy could provide.

Mr. GROSS. We paid their bills. It was not a question of their economics. How many did the British send to Korea? How many did the French have in Korea? How many did any of the so-called free world nations have in Korea? They were conspicuous by their absence or their token forces. India, which had 5 or 6 million men under arms in World War II, had a hospital unit in Korea, did it not?

Mr. JUDD. Yes, but they might have said, "Who was it that divided Korea?" We were lucky they sent us any help at all. They might have said, "You deal with it. You created the situation."

Mr. GROSS. We shoot up these countries to liberate them, then we spend billions of dollars to put them back together again.

Mr. JUDD. The gentleman frequently makes these statements. I think once in a while somebody ought to refute them.

Mr. GROSS. Well, you cannot refute or deny them. The record is too clear for that.

Mr. Chairman, I am not going to be a party to taking tax dollars from the citizens of the Third Congressional District of Iowa in order to hand over $798,825.42 to a brewery in the Philippines. Neither am I going to hand over another substantial chunk of their money to the operators of a horserace track. This is a bad bill and I want no part of it.

Mr. BARRY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARRY: Strike out all after the enacting clause and insert in lieu thereof the following: "That there is hereby authorized to be paid by the Government of the United States to the Government of the Republic of the Philippines a sum not to exceed $73,000,000 in full satisfaction and final settlement of all awards for war damage compensation made by the Philippine War Damage Commission under the terms of title I of the Philippine Rehabilitation Act of 1946 (60 Stat. 128).

"SEC. 2. There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated the amount of $73,000,000, less the amount determined by the Secretary of the Treasury in consultation with the Secretary of State to be owing to the Government of the United States by the Government of the Philippines under the terms of the agreement relating to the repayment of funds advanced to the National Defense Forces, Republic of the Philippines, by the United States Philippines-Ryukyus Command signed at Washington November 6, 1950, and entered into force on that date.

"SEC. 3. There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated a sum not to exceed $10,000 which shall be available to the Secretary of the Treasury for administrative expenses which may be incurred in supplying records appropriate and needed by the Philippine Government consistent with the purposes of this Act, and the transfer to the Philippine Government of such records is hereby authorized."

Mr. BARRY. Mr. Chairman, this amendment would simplify the present bill. It would award this additional sum to the Government of the Philippines to be distributed by that Government. Not only would this simplify the issue, it would better satisfy the initial purpose of the claims act. That purpose was to rehabilitate the Philippines, not to repay individuals. Repayment to individuals was entirely incidental to the main objective of rehabilitation. This was fully and clearly stated in the committee report and in debate on the House floor. The proponents of the present bill state that one of its advantages would be a bolstering of the Philippine economy. I submit that this would be better accomplished by awarding the money directly to the Philippine Government so that the funds can be expended in such a manner as to increase the economic base of that country. Since we are considering such a substantial payment under initial legislation designed for recovery from war, I

submit further that it would be better expended on major projects such as dams, highway construction, and dock facilities.

There is no doubt but that the present Government would be highly capable of the wise administration of these funds. The present Government has moved to abolish exchange controls, stabilize the peso at its true value, and lift many other governmental restrictions on economic activity. Such a sum, paid directly to the Philippine Government, would assist it further in promoting meaningful economic and social development.

Since damages sustained during World War II have long ago been repaired and already partly compensated for, this use of the funds under consideration would seem much more practical and much more beneficial to the Philippine people as a whole. Though I oppose this payment on principle, if it is to be made then let it be made in such a manner as to best satisfy the intent of the original enabling legislation and to best serve the interests of the Philippine people.

I urge the House to adopt the present amendment and would call attention to the provision in the bill presently before you, that the safeguards which were in the first bill which we adopted in 1946 are waived. That particular part of the bill is brought out by the gentleman from Michigan [Mr. JOHANSEN].

The second thing I would like to say is that the cost of administering the bill presently before you as distinguished from the amendment which I proposed is just fantastic. They would reactivate the Commission. It would have a permanent staff. They would be raking over the coals of 87 volumes of records that exist from the old Commission which went out of existence in 1951 at which time many of the records were destroyed.

There is one other point which has not been mentioned with regard to this amendment. If this money goes to individuals as suggested by the committee bill, this money undoubtedly would reduce our balance of payments insofar as our exchange is concerned. However, if this money is given to the Government directly there is a very large opportunity we Americans will get some of this money back. In our consideration of the foreign aid program before us we estimate that 73 cents of every dollar that is expended in foreign aid does come back in the form of purchases in this country. It creates exports of 73 percent in dollars of the foreign aid given. There is an opportunity in the amendment which is before you—there is a good chance that a very large proportion of the $73 million will come back in the form of purchases in this country, thereby not endangering the imbalance of payments any more than necessary.

The statement was made that Secretary Dillon favored the present legislation. I want to assure you that this is substantially not so.

Earlier in my remarks I read Secretary Dillon's letter of March 3, 1960, when we were discussing the rule. In speaking for the Eisenhower administration, Secretary Dillon wrote:

> The executive branch believes that the rebuilding, replacement, or repair of war-damaged property in the Philippines is no longer practicable.

And a few days thereafter, Secretary Anderson, Secretary of the Treasury at the time, stated that the Treasury Department strongly prefers S. 2328. The amendment which I have just offered is substantially the same as the Senate bill which at that time was approved by the Eisenhower administration; namely, a bill authorizing payment of not to exceed $73 million to the Government of the Republic of the Philippines as distinguished from payments to corporations and individuals.

Mr. ZABLOCKI. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. ZABLOCKI. I am delighted to yield to the Speaker of the House.

Mr. McCORMACK. If there is one man whose opinion is worthy of profound consideration in connection with any matter involving foreign aid, it seems to me that man, based upon his prior experience during and after World War II, is Gen. Douglas MacArthur. To me Gen. Douglas MacArthur's views in connection with this subject would receive my profound consideration. In a letter dated August 7, 1961, to the gentleman from Wisconsin [Mr. ZABLOCKI], who has the floor, General MacArthur after a careful study of the evidence before the committee supported the bill that is now before the House and he said:

> Prompt action on your bill cannot fail to help both the Philippines and our own beloved country.

The committee has given the matter very careful consideration. Lest we forget, let out minds go back not so many years ago when we were engaged in World War II. The people of the Philippines showed tremendous courage; they made great sacrifices. The action of the peoples of the Philippines meant a lot to our own country because after Pearl Harbor we were on the defensive and we needed a period of approximately 2 years before we could build up our military forces, our productive capacity, our ships, our Air Force, and everything else. The Philippines entered into that picture very significantly not only for their own interest but also the sacrifices they made and the great pain and travail they suffered was in the national interest of our own country. We should remember those facts. In my opinion, the committee has done an excellent job. I hope that all amendments will be defeated and that the bill as reported by the committee will be passed.

Mr. ZABLOCKI. I thank the Speaker for his fine contribution.

It is unfortunate that our memory is dulled by time. On the committee table are pictures of the devastation, of the terrific amount of damage, done to the Philippines during the war. These things tend to fade from our memory, and we forget what we owe to our friends in the Philippines.

As the gentleman from New York has said, his amendment, in essence, is identical with the substance of S. 2328 which was introduced in the 86th Congress. That bill called for a lump-sum payment of $73 million to the Philippine Government, less the amount owed our country under the Romulo-Snyder agreement.

I want to point out to the Members of the House that our subcommittee gave full consideration to this proposal. If I recall correctly, we rejected it almost unanimously.

This particular bill was again proposed by the previous administration in letters to the Vice President and the Speaker of the House, dated December 31, 1960. This legislation was not introduced, however, in either House during the 87th Congress because responsible Members realized that the proposed method of payment was inequitable, and would not result in justice to the individual claimants.

As I said earlier, these 67,000 small claimants have never received their just due. I believe the House will not agree to the proposal offered by the gentleman from New York, because it does not do justice to individual claimants. Further, in section 2 of his proposal, the gentleman from New York calls for an offset of some $20 million. This is the amount which was involved in the Romulo-Snyder agreement. This matter has been settled by the Philippine Government in April 1961.

That settled the Philippine obligations to the Government of the United States under the Romulo-Snyder agreement. There is no reason, therefore, to bring up this matter in conjunction with the legislation before us, and to try to reduce the amount of money proposed to be authorized for the payment of claims by some $20 million. This provision of the amendment can only be interpreted as demonstrating lack of faith in the word of the Philippine Government after that Government has already demonstrated its sense of responsibility by meeting its just obligations. Further, it shortchanges the claimants.

Mr. Chairman, I hope the amendment will be defeated.

Mr. HAYS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York.

Mr. Chairman, as I said earlier, I support this amendment because I think there is some chance that the money might be used for purpose of the legislation in the beginning, which was to rehabilitate the Philippines if it were given to the Philippine Government.

I am not an attorney, and I hesitate to debate the merits of legal matters with attorneys. I do not know much about the rules of evidence. But I thought you could only bring a witness to testify once. They have brought General MacArthur out of Waldorf Towers to testify on this bill, which is more exercise than he has had in a long time. Is this the only witness they have?

Actually, I do not know what General MacArthur's attitude would be toward giving this money to the Government of the Philippines. I suspect if the question were put to him, Would you rather give it in a windfall to these corporations and individuals or would you rather give it to the Philippine Government to be used—tie some strings to it, I am not opposed to that—for projects which would benefit the Philippine people, and I am hazarding a guess this illustrious witness, who has been quoted here so often this afternoon, would say, "Yes, perhaps if you are going to give additional money, we ought to do it that way."

I am not sure we have an obligation at all. When you start giving away money, it is pretty hard to stop it; but if you are going to do it, this would be the most effective way to do it, in my opinion.

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

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

Mr. BECKER. Would the gentleman say by this method of paying the money to the Philippine Government it would accomplish the purpose and the intent of the legislation to reimburse those who had lost property under the War Claims Act?

Mr. HAYS. Well, if we let the Philippine Government reimburse them, I suspect they would have a better idea of who should get it. The thing that intrigues me is that we say we want to reimburse them if they put the money to work in the Philippines, and we say in the bill we waive any requirement that they do that. Now, if the Philippine Government would initiate such a requirement, maybe they would only reimburse the people who put the money to work. All we say in the report is we assume that they have done this. We do not know whether they have or not, and we do not care very much about it. I would be curious to know how the Filipino Racing Commission, or whatever name it bears, rehabilitates the Philippines or how the San Miguel Brewery is doing a rehabilitating job. These are some of the people who will get this money.

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

Mr. HAYS. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Of course, we have no information as to how a racing organization can contribute to the rehabilitation of Philippine economy. Coming from Milwaukee, however, I can assure the gentleman that a brewery does contribute to the economic welfare, employment, and productivity of a community. It is a definite economic asset. Milwaukee is certainly an example of this.

Mr. HAYS. Well, if that is true, why is it that two or three of your biggest breweries in Milwaukee have gone bankrupt lately?

Mr. ZABLOCKI. They have not gone bankrupt.

Mr. HAYS. Oh, yes. I read the newspapers.

Mr. ZABLOCKI. They have merged to produce better beer.

Mr. HAYS. Oh. I thought they merged to produce bigger profits. But, they are just interested in good beer?

Mr. ZABLOCKI. As long as they produce better beer, you do not object to that; do you?

Mr. HAYS. Oh, yes, but they do not make good beer. But, go ahead; have a good time. I do not care too much about that.

Mr. ZABLOCKI. Is the gentleman stating that he would prefer the Philippine Government to make the payments to the claimants? Unequivocally, the Philippine War Damage Commission and the Foreign Claims Settlement Commission have outstanding records in the adjudication of claims. Does the gentleman imply that the Philippine Government could do a better job?

Mr. HAYS. Yes, and maybe quicker. The War Damage Commission has been in existence 16 years. As I said earlier, I made a prediction about the Congo and everybody laughed. I said Castro was a Communist, and I got reviled, but he admitted it. I predict that our War Damage Commission will be here when you and I have been dead for 50 years and forgotten for another 100.

Mr. BOW. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York.

I think I can speak from experience on the question of the war damage to the Philippines. In the Second World War I was a war correspondent and I went into Manila with the very first troops to enter that war-weary city. I saw the destruction occur. I know how it was caused. The city was about 98-percent destroyed, and I saw the rest of the Philippines laid to waste.

Mr. Chairman, I have been back several times since then and noted they have done a magnificent job of recovery. I must say to my friend from Ohio [Mr. HAYS] that I am going to have to bring the witness back again, for I was with him last July in the Philippines. I had the opportunity of being with Douglas MacArthur on his so-called sentimental journey on his return to the Philippines, and when the gentleman from Minnesota [Mr. JUDD] says that we will raise our prestige by this payment, I must say to you, my colleagues, that on that day of last July in the Philippines I saw 2 million Filipinos come to the airport to pay tribute to Douglas MacArthur. We did not have to give them $73 million. I do not believe their friendship is for sale. Their friendship has been earned by past experience and by the things that we have done for them in the past. And, during all that travel through the islands Douglas MacArthur was recognized as a great soldier, statesman and friend and the friendship for the United States was so evident every place we went.

The President of the Philippines said to me that there might someday be differences between our Governments, but there never could be a break in the friendship between the Filipino peoples and the peoples of the United States. So I say to this Committee that this $73 million is not going to raise our prestige in the Philippines. This is not going to be the answer.

Mr. Chairman, when I look at the $298 billion of debt of this Nation, I wonder what will happen to the Philippines if that day comes when this country goes down and if we become insolvent; if the day comes when we no longer can stand by them because of our bankruptcy. Then, I ask you, what will happen to the Philippines? It is more important that we preserve fiscal responsibility and the preservation of our own Nation than to continually put out this money.

Mr. Chairman, let me say this to the gentleman who mentioned something about San Miguel Brewery: I know something about San Miguel. Fortunately, San Miguel stood all of the ravages of war, and it operated. It changed from the Japanese troops taking advantage of it to the American troops taking advantage of it when we went in. But they are down here for 798,000 pesos. San Miguel is one of the big breweries of the world today in operation, and it ships hundreds and hundreds and, perhaps, thousands of cases of beer into the United States. Are we going to give them 798,000 pesos to continue their competition against American enterprise? They do not need it.

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

Mr. BOW. I am delighted to yield to the gentleman from Ohio.

Mr. HAYS. In answer to the gentleman's question, if this bill passes, that is just what we are going to do.

Mr. BOW. We are going to do it, not only with reference to this corporation, but others in the form of rehabilitation which will permit them to further provide competition against American industry.

Oh, yes, some of this may trickle down in the form of this payment to San Miguel to the people of the Philippines, but unless the amendment which has been offered by the gentleman from New York [Mr. BARRY], is carried, the people of the Philippines who may need this assistance, because of its not being taken care of in the past, will not receive any of these funds.

Mr. Chairman, I hope the gentleman's amendment will carry.

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

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

Mr. JUDD. Does not the gentleman think that perhaps more of the money might get into the hands of some of these big concerns if the funds were made available to the Government out there at a time when it is not too stable and, necessarily, is subject to strong pressures?

Mr. BOW. I would say to the gentleman from Minnesota that I am of the opinion that the present administration of the Philippines is an honest,

stable, worthwhile administration and capable of carrying out its responsibilities.

Mr. JUDD. That is right, but it has a terrific job to get irregular practices under control.

Mr. BOW. I would not by any means say to the gentleman that I would be fearful that that administration of the Philippines today would not see that these funds were properly administered, and honestly administered.

Mr. JUDD. If the gentleman will yield further, I am completely sure it is trying to do that, but the pressures are very great in that part of the world in matters of this kind, and I do not want to make its burden or its task any harder. Let our own agencies accept responsibility for distributing this final payment as they did the original ones.

Mr. BOW. Mr. Chairman, I prize my friendship for these fine people. I have many friends among them. I hope some day to visit with them again. They are a proud people and I think rightfully so. Our trade with them, and continued interest in their welfare and progress means much more than payment of millions to those listed in the report of the committee. Let nothing that is said here today in any way cast a shadow on the mutual friendship and respect we hold one for the other. Their sons and ours sleep together under the crosses at Fort McKinley and elsewhere on their beautiful islands. Let the world know we shall always defend their heritage of freedom that we bought so dearly together.

Mr. GEORGE P. MILLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I agree fully with the previous speaker when he said that the passage of this bill is not going to materially affect our relationships with the Philippines. We are tied together in a blood bond from Bataan through the fight to recapture the islands. That bond is insoluble. Even the politicians either here or in the Philippines cannot affect the feeling of the Filipino people for us, nor our feeling for the people of the Philippines. But is not this all the more reason that because they have been our friends, because they did make those sacrifices which the gentleman from Ohio so eloquently spoke about, that perhaps we should give them some consideration in the form of keeping our word?

Mr. Chairman, let me point out the fact that none of this money is going to any organization or any company that has not already spent the money in a rehabilitation program. They had to spend the money. San Miguel Brewery had to rehabilitate its plant. It did it early, and used its own funds. We paid up to 52 percent of a 75 percent claim which they had for the rehabilitation of that institution, as we did for the others. All we are asking you to do now is to keep the pledge that we gave to these people that they would be reimbursed for a percentage of the money they spent.

We have no legal obligation to do this. This was a rehabilitation act placed on the books to assist these people who were then in dire need. We made them put up the money. Now we were only able to pay 52½ percent of the 75 percent of the approved claims that we said we owed them. This is a moral obligation.

Let me call another witness to the stand in the person of one Mr. Chip Boland who I think commands the respect of this House and who in 1958 when he was the Ambassador to the Philippines told me that nothing could do more to recement our relations with the Republic of the Philippines. There were some minor difficulties, some friction and the passage of this act and the fulfillment of our obligations under the Philippine Rehabilitation Act would restore the good will between our countries.

I am not necessarily a worshiper of big business, but if big business has invested its money on the basis that they would be reimbursed for a portion of it, and at a time when it was hard to get money to rehabilitate that country, I am not going to walk out on big business or little business or little people. This is something we owe them.

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

Mr. GEORGE P. MILLER. I yield to the gentleman.

Mr. HAYS. The gentleman keeps on saying that they have invested the money. Will the gentleman show me where in this act or in the report of the committee or anywhere else it says that they have done it? It says that we assume they have and then we go ahead and waive any requirement that they do do it.

Mr. GEORGE P. MILLER. Before the claim was approved and before they got 1 cent they had to begin the investment of their money in the rehabilitation of the Philippines.

Mr. HAYS. That is right.

Mr. GEORGE P. MILLER. And it was done. This matter cannot be opened up. The gentleman said that this Commission will be here a long time. This Commission ended its work and returned to the Treasury of the United States $500,000 of the $3 million that it was given for administrative expenses. It was hailed as one of the most efficient operations ever undertaken.

Mr. HAYS. That is not the Commission that I am talking about.

Mr. GEORGE P. MILLER. But this is the one that approved these awards, and there is no one who can go back now and disallow them or add to them. We are accepting the findings of the Philippine Rehabilitation Commission. Under those findings such companies as San Miguel, the Race Course, Procter & Gamble, had to put their money in, in order to get even a portion of their own money.

Mr. HAYS. It is agreed that they had to put their money in, but as the bill and the report says, we assume they did.

Mr. BECKER. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, with respect to this amendment and the original bill, I should like to get something clear from the gentleman from New York. Under this amendment, which is actually a new bill, in what way is the Philippine Government restricted or controlled to reimburse the people who are mentioned in the report, or the firms or organizations? Is it just a payment to the Philippine Government of $73 million for war rehabilitation?

Mr. BARRY. In answer to the gentleman's question, there would be no obligation on behalf of the Philippine Government and no direction how they were to use these funds. However, I can assure the gentleman that we received yesterday a summary of the Philippine War Damage Bill prepared, I believe, by the Department of State——

Mr. BECKER. I thank the gentleman. He has answered my question. That is all I wanted to know. In his amendment there is no direction under which the Philippine Government has to reimburse anyone for any war claims damage. I think that answers the question completely. We would have no right, I am sure, to obligate or to direct another foreign government to do something with money we are giving them. In other words, what we are doing by the amendment—and I assure the gentleman I am not criticizing the amendment—what we are really doing under his amendment is making a payment to the Philippine Government of $73 million.

Therefore, we lose the concept of the bill as approved by the committee for any war claims damage. I just want to get that straight.

I would like to ask this question, if I can get a very brief answer.

Mr. ZABLOCKI. If the gentleman will yield, I would like to make a further observation. The Philippine Government does not have a list of claimants.

Mr. BECKER. It is merely the intent of the amendment I want to make clear. The question I would like to ask has been bandied about here considerably but no one has really made a clearcut answer to it; that is, why the restrictions were cut out on page 2 of this bill. That is the question raised by the gentleman from Ohio [Mr. HAYS] and the gentleman from Iowa [Mr. GROSS], why the amounts paid under this bill shall not be subject to section 104(c) of the Philippine Rehabilitation Act of 1946. Why? The gentleman from Ohio, I believe, has given some reasons.

Mr. HAYS. If the gentleman will yield, I think the reason, as near as I could find out, was that these people cannot prove they ever spent the money in the rehabilitation of the Philippines. If they had to do that, most of them could not collect.

Mr. BECKER. That may be true, but I would like to ask the gentlemen on the committee to give me a very concise reason, a brief one.

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

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

Mr. JUDD. Before awards were made the claimants had to agree to invest the payments in rehabilitation of their own plants and businesses. The San Miguel Brewery was practically destroyed, I understand. It is now in operation. It obviously spent at least that much money

in the rehabilitation of its own plant, although we can hardly go in today and spend weeks and months trying to show that every dollar or peso is spent for the promised purpose. They were given it for the purpose of rehabilitating their plants. Their plants have been rebuilt or restored. Obviously they did invest at least that much in the rehabilitation of their plants.

Mr. BECKER. There is no way of proving the amount of these claims, so you waive this restriction.

Mr. JUDD. There is no way you can prove they spent every last dollar received in the rehabilitation of the plant.

Mr. BECKER. I thank the gentleman.

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

Mr. BECKER. I yield to the gentleman from Michigan.

Mr. JOHANSEN. I should like to offer for the assurance of the gentleman that when the present pending amendment is disposed of I shall offer a very similar one to strike out the word "not" in line 11 on page 2 in order to provide very clearly that this shall be subject to the restrictions of that act.

Mr. BECKER. I am just as much concerned as anyone in the House about any moral or legal commitments we may have, but these commitments have not been clarified at all. They have been referred to.

I should like to ask another question now. It has been stated here time and again on the floor that we are committed by previous obligations made by our Government and by the Congress.

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

(By unanimous consent, Mr. BECKER was allowed to proceed for 5 additional minutes.)

Mr. BECKER. I should like to support this, but I want to get at least some justification for spending $73 million of the taxpayers' money. I vote against these appropriations, and I do nct want to get caught off base for doing something I cannot justify in my mind.

Under what section of law and what law has this Government committed itself prior, to paying additional sums of money, when we have already in years past paid the commitments made in previous legislation?

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

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

Mr. JUDD. The original Philippine Rehabilitation Act authorized the setting up of a War Damage Commission to receive claims, adjudicate them, and pay the amounts awarded. We provided $400 million as a rough estimate of what they might amount to, but at the time it was stated in the hearings and in the record that it very probably would not be enough, and we gave them to believe and we gave ourselves to believe that if the $400 million was not enough, we would then provide whatever additional amount was required up to 75 percent, not of the claims, but of the adjudicated awards.

Mr. BECKER. This was not stated in previous legislation?

Mr. JUDD. No.

Mr. BECKER. But it was in the hearings of the committee?

Mr. JUDD. It was in the hearings and it was in the debate. I read that here earlier this afternoon.

Mr. BECKER. But individuals participate in this debate and the Congress does not vote on debate or on statements made by individuals. I am talking about a congressional commitment to go further than the $400 million already authorized.

Mr. BARRY. There is no congressional commitment.

Mr. JUDD. There is no legal commitment. We said that from the very beginning; that is made clear in the report.

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

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

Mr. GROSS. So in all forms of aid, we triple the $400 million and, as the gentleman from Minnesota said just a short time ago, this is now up to $1,600 million.

Mr. BECKER. What I am trying to get at here—to make clear—is that there were some commitments made at Punta del Este last year of approximately $20 billion by representatives of our Government whereas there was no commitment by the Congress. Therefore, I do not feel obligated to go along with that commitment of last year and that is why I am now questioning and raising the point as to what commitment actually was made, and I find that none was made except that only in debate there might be additional sums later on and we would be, therefore, assumed to be obligated.

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

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

Mr. BARRY. In the message to claimants which was given to every claimant, it is very clearly set forth in paragraph 4, as follows:

> As you perhaps know, all of the money paid by this commission for private claims was derived from taxes paid for by people of the United States. The payments were unprecedented because at no other time has one nation paid for the war damages of another. They were made because of the longstanding friendship which has existed between our two countries. The American people knew of the loyalty of the Filipinos to the United States during the war and when independence was granted to the Philippines, they were well aware that this new Republic would require financial assistance because of devastation of its economy caused by the war.

Mr. BECKER. I might say to the gentleman that somehow or other I think the House is getting rather confused, and I am sure the American people are getting even more confused because while we would be paying $73 million to people who are very friendly and one of the best and friendliest nations, I feel it is very difficult to vote against this while we have been supporting in years past, and are supporting presently, with billions of dollars to Communist and Communist controlled countries who are fighting out to destroy us—such as Yugoslavia—and training their pilots in our country with American taxpayers' money. They are out to destroy us. At least the Philippines are a very friendly country as the gentleman from Ohio [Mr. Bow] said, but it will not raise our prestige one iota with them whether we pay this money or not.

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

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

Mr. BARRY. I would like to point out the advantage that my amendment has over the committee bill and there is substantial support for it, if you reinterpret what has come down from the administration today in justification of the bill now before us. They say:

> If H.R. 8617 is passed (the bill now before us), the need for the Philippine Government to draw down the loans already granted will be greatly reduced, interest payments will be diminished and the Philippine economy given a much needed shot in the arm at the most critical stage.

If they say that about the bill presently before us, the amendment I propose will substantially increase all the factors which they say should be beneficial to the Philippine economy and may make unnecessary for us to grant as large loans and grant aid to the Filipinos as we might otherwise in the future. So if the gentleman is looking for a reason to support the amendment as distinguished from the committee bill I say that is a substantial reason, plus the matter of maintaining our balance of payments and foreign exchanges as I indicated in my remarks when I was addressing the House.

Mr. BECKER. I think the gentleman, my colleague from New York, has made some very good points.

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

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

Mr. JUDD. On the point of authorization, the Rehabilitation Act stated:

> The Commission is hereby authorized to make compensation to the extent hereinafter provided on account of physical losses, destruction of or damage to property in the Philippines occurring after December, 1941.

And so on. And the conditions thereafter provided were the things we are talking about. First, all awards to be paid up to $500. Then the larger awards would be paid up to 75 percent.

The Commission was set up to pay claims according to those provisions and this bill is like a supplemental appropriation to pay the remainder due up to 75 percent of the amounts approved.

Mr. O'HARA of Illinois. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, my interest in the Philippines goes back a great many years; it goes back to the period of 1898. That was 64 years ago, much longer a period than the average age of the Members of this distinguished body.

All these years there has been building in Filipino hearts and in American hearts, with ever intensifying affection, a friendship of two peoples, widely

separated by thousands of miles of ocean waves, that has few if any parallels in history.

I was moved when the Speaker read the message from Douglas MacArthur. Douglas MacArthur knows the people of the Philippines, because it was his father who was in the Philippines in 1898; it was his father who won over Aguinaldo, who became the stout friend and champion of the United States. I do not think anyone in this country could possibly know the heart of the Philippine people as does Douglas MacArthur, who followed in his father's footsteps in his dedicated and understanding service to a people striving to maintain in the far Pacific a republic on the pattern of our own.

I think of young Shanks, 61 years ago, my comrade in arms in the siege of Santiago in Cuba in the Spanish-American War, of which I am the sole surviving veteran in the Congress. Returning from the fighting in Cuba, a combat veteran at 16, he volunteered for service in the Philippines. Slain in battle, for over 60 years his body has rested in the soil of the Philippines. He was one of many who in their youth sailed away to help the Filipinos in their struggle for freedom and independence, and whose bodies long since have integrated in the soil of the Philippines.

Many who lie in honored graves in Arlington were in their youth members of the Army of the Philippines. The Veterans of Foreign Wars of the United States was founded by the veterans of the Army of the Philippines and the Army of Santiago.

Yes, Mr. Chairman and my colleagues, the foundation of American-Philippines friendship was laid a long, long time ago. American men and women went to the islands to teach in humble schools. Filipino men and women came to the United States to observe, to study, to prepare for the roles ahead as builders of a strong and enduring republic standing in the far fetches of the Pacific as fortress of democratic representative government.

In the years of American need, when our country was faced with its fight for survival, and things were going badly in the Pacific, the Filipinos stood up, courageously, uncompromisingly, unconquerably, on our side. In heart, in loyalty, in spirit of sacrifice, in scorn of the thought of surrender, the soldiers from the islands of the Philippines were as American as the soldiers from Illinois, New York, and the other States of the Union.

Yes, Mr. Chairman and my colleagues, the foundation of American-Philippine friendship was laid in sweat, sacrifice, and blood by Filipino as well as American hands. It is a two-street friendship, as any friendship must be to endure. Any rupture to such a priceless friendship, whether by thoughtless inadvertence or by intent, would be recorded in history as the tragedy of the 20th century.

Our country rebuilt Germany, with whom we were at war when the Philippines were fighting and dying by our side as our comrades in arms. Our country helped to raise Japan from the wreckage of war, the Japan that had overrun the Philippines and showered devastation on her cities and countryside because the Filipinos remained steadfast to their American friendship. Can we turn the cold shoulder on the Philippines and live with our self respect?

Mr. Chairman, it is not in the American pattern to slap down a true and proven friend. It is not in the American tradition to renege on an obligation, accepted after proper adjudication, whether the beneficiary be friend or foe. I fear the verdict in the court of world opinion if ever the United States should turn upon a friend or renege on a lawful obligation for no reason valid in honesty and morality.

Now, a word or two as to the merits of the bill. I follow one simple rule when I am on a committee and a subcommittee of that committee composed of distinguished and able persons of both parties gives long study to a subject, then comes in with a bill that unanimously it recommends. I accept its recommendation unless I have had an equal opportunity to study the subject, am as well informed on all controversial provisions, and then have reached a contrary conclusion. I do not go in for superguessing. I do not think good legislation results from the matching of coins.

This bill has been before the Committee on Foreign Affairs in several sessions. It was under long study, I think with weeks of hearings, by the subcommittee headed by the gentleman from Wisconsin. When this subcommittee unanimously recommended the bill to the full committee, I thought its recommendation was entitled to great weight. Who was on that subcommittee? Among others, the gentleman from Wisconsin [Mr. ZABLOCKI], who happens to be a Democrat, the gentleman from Minnesota [Mr. JUDD], and my beloved colleague from Illinois [Mrs. CHURCH], who happen to be Republicans, representing, however, somewhat different approaches to foreign aid. When I find a subcommittee composed of outstanding Democrats and outstanding Republicans unanimously recommending a bill, I certainly am going to accept that bill in preference to a one-man bill, authored by one man sitting as though at a game of solitaire, and on the hidden impulse of the moment presented as an amendment to the Committee of the Whole without any consideration or recommendation other than his own. That is scarcely in line with the orderly processes of the greatest legislative deliberative body in the world.

Mr. Chairman, I hope the Committee of the Whole will stand by the unanimous recommendation of the subcommittee headed by the gentleman from Wisconsin, its chairman [Mr. ZABLOCKI], on which serve also the gentlewoman from Illinois [Mrs. CHURCH], the gentleman from Minnesota, Dr. JUDD, and others, and vote down the substitute bill offered as an amendment by the gentleman from New York.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BARRY].

The question was taken, and on a division (demanded by Mr. ZABLOCKI) there were—ayes 8, noes 38.

So the amendment was rejected.

Mr. JOHANSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JOHANSEN: On page 2, line 11, after the words "amounts paid under this Act shall", strike out the word "not."

Mr. JOHANSEN. Mr. Chairman, in offering this amendment I am directing attention to, and attempting to eliminate, the sleeper in this bill. That sleeper is the 11th, 12th, and 13th lines on page 2 which read:

Amounts paid under this Act shall not be subject to the provisions of section 104(c) of the Philippine Rehabilitation Act of 1946.

The effect of my amendment will be to reverse the statement and provide that the amounts paid under that act shall be subject to these provisions.

I direct your attention to the fact that the title of this bill reads as follows:

A bill to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946.

If this title of the bill were accurate and correct it would be "under the terms of the Philippine Act of April 30, 1946, except for section 104(c) of said Act."

This bill provides specifically that the requirement of showing there has been a reinvestment or use of the funds or is to be in line with the original provisions of the act is specifically retained in case of payment made to anyone outside of the Republic of the Philippines to a claimant residing outside the Republic.

If the provision is valid as setting a limitation of the terms of payment with respect to citizens living outside the Philippines, it certainly is valid with respect to persons living within the Philippines. If it means nothing in the one case, it means nothing in the other; if it means something in one case, it means something in the other; if its deletion means nothing in one case, then why is this exception provided?

Mr. Chairman, I urge adoption of my amendment in order to retain the only provision under which the purposes of the bill H.R. 8617 will be carried out, the only provision which sets the criteria, the standards, and the conditions.

With respect to the overall matter, I just have one additional word to offer. I think my record of 8 years establishes that I am not prone to vote for foreign aid. If there is any country to which I would be sympathetically so disposed, it is the great Republic of the Philippines. Also, I too am moved by the statement of the great Gen. Douglas MacArthur. I am interested in some of the new converts he has won to his wisdom. I see sitting on the floor of this House the distinguished former Speaker of the House, the gentleman from Massachusetts [Mr. MARTIN]. I recall, as an assistant to my predecessor, sitting in the gallery of this House and hearing a famous message read by the

gentleman from Massachusetts to the House. I must say General MacArthur's advice to the effect that "in war there is no substitute for victory" did not command some of the support which he seems to command in this matter on the part of some of my friends on the other side of the aisle.

If I were to vote for foreign aid, I would certainly do it for the Philippines. However, if you assume in any given year of fiscal expenditures that we have a $5 billion deficit as against an $80 billion budget, that means $1 out of every $16 spent for whatever cause is money we do not have. It is deficit money, it is borrowed money. This $73 million means that out of this total amount we are talking about so glibly here today $4½ million will be borrowed money. The interest for a year on that amount of borrowed money will be $182,000. If the deficit is $10 billion, you double those figures.

I am hopeful that some day there may be a bit of legislation offered for the rehabilitation of the United States.

Mr. JUDD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the adoption of this amendment would force the Foreign Claims Settlement Commission to open offices in the Philippines and go into an exhaustive investigation of every province and every city and every village where these 85,000 awardees live.

We have made provision in the act on page 3—we have not read that section yet—that if claimants living in the Philippines at the time of the war, but now living outside of the Philippines, are otherwise eligible to receive payments under the act, they must show to the satisfaction of the Commission that they have invested an amount equal to the payment in the rehabilitation of the Philippine economy. But, if you look at section 104(c) of the original Rehabilitation Act, which the gentleman's amendment would bring into operation, it provides that all of the provisions of this title shall be subject to the requirement that, to the fullest extent practicable, the Commission shall require that the lost or damaged property be rebuilt, replaced, or repaired before payments of money are actually made to claimants under this title.

Now, some of such property that has not been rebuilt, replaced, or repaired, should not now be rebuilt, replaced, or repaired to be put in the condition it was at that time. This would require them to go back and rebuild the kind of thing that was there 15 years ago.

Let me read the next proviso in section 104(c):

Provided, That if the Commission determines it is impossible for any reason beyond the control of the claimant, or is impractical to rebuild, replace, or repair the lost or damaged property, the Commission may make payment to the claimant without making said requirement.

If the Commission waives the requirement that he rebuild, replace, or repair the damaged property, it then must require a condition which was referred to earlier; namely that the awardee agree to "invest the whole of such payments in such manner as will further the rehabilitation or the economic development of the Philippines."

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

Mr. JUDD. I yield to the gentleman from Michigan.

Mr. JOHANSEN. What provision then is made to check or to control these payments or determine whether they are to be made if you delete all of these criteria?

Mr. JUDD. There will be no requirement that the man who gets $425—and that is the average amount of the claims under $25,000—will have to go back and rebuild his shanty or get the same kind of a cultivator he had at that time. But if he was entitled originally to receive that amount under the provisions of the act, the final payment that he did not get, he would not have to spend it for the same purpose. We say in the report that it is assumed that he did reinvest the amount received or a comparable amount in the rehabilitation of his property or of the country. He had to agree to do so to get the original award and the Commission had to have reason to believe he would do so when it made the award. The fact is that to spend these thousands of little payments in whatever way, is bound to help rehabilitate or boost the economy. We put in the bill the condition regarding those now living abroad because they might want to take the money away from the Philippines and it would not assist the economy; therefore they have to show that they have actually invested in the Philippines an amount at least as great as the amount to be received.

Mr. JOHANSEN. Mr. Chairman, will the gentleman yield further?

Mr. JUDD. Yes.

Mr. JOHANSEN. The gentleman referred to the amount of $400 and some.

Mr. JUDD. Four hundred twenty-five dollars for the small ones.

Mr. JOHANSEN. Which is, I believe, about 900 pesos or thereabouts.

Mr. JUDD. Yes.

Mr. JOHANSEN. That all may be very fine, talking in terms of averages, but here are figures that run to a quarter of a million, half a million, a million, and so on, and the gentleman is saying in effect there is to be no requirement in connection with the issuing of even any of these large amounts.

Mr. JUDD. If they live abroad and take the money abroad, they have to show that they have invested an equal amount in the Philippines.

Mr. JOHANSEN. But in the Philippines there is no such provision.

Mr. JUDD. No, because that would require a reopening of the claims, and this is a bill merely to pay the unpaid portion of all damage claims. These payments are reasonably certain to be spent in the Philippines.

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

Mr. JUDD. I yield to the gentleman from California.

Mr. YOUNGER. Is it not true that these payments would add to the outflow of gold?

Mr. JUDD. We would have to spend dollars to buy pesos in order to pay the claims in the Philippines, but when people abroad get dollars, they generally spend them in the United States, the only place that dollars are ultimately valuable.

People or governments abroad want dollars in order to get what dollars will buy in the United States, or to pay their bills here. So, we would buy pesos and pay claimants in pesos, and the main purchaser of the dollars probably would be the Philippine Government which would use them to meet its balance of payments with the United States.

Mr. HAYS. Well, the gentleman assumes that they will use the dollars to buy something in the United States. But if they do not, that represents an obligation which we have to pay in gold; is that not right?

Mr. JUDD. That is right. But if the balance-of-payments situation between the Philippines and the United States is such that it is paying the United States, this helps the foreign exchange position of the Philippines and does not drain dollars away from the United States.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join with my colleague, the gentleman from Michigan [Mr. JOHANSEN], in his observation that it has been interesting to hear the name of General MacArthur brought so profusely into the discussion this afternoon. I recall a time when that name did not mean so much to some of the people who have been using it. I wonder if there has been any communication from one, Harry S. Truman, with respect to this bill, or whether we can accept the MacArthur statement that has been given us this afternoon with full force and effect, in the absence of any statement from Mr. Truman?

Mr. Chairman, I am also intrigued by the use of another name, this afternoon, in behalf of this bill, that of Assistant Secretary of State Brooks Hays. I recall the fact that when the Brussels World Fair was staged a year or two ago, the State Department joined in sending a number of American Indians over to Brussels, this being an Americans exhibit of some kind or another. I do not do very much foreign junketing, and so I did not see this exhibit. But, at any rate, the upshot of this matter of taking some American Indians from South Dakota or North Dakota over to Brussels was the fact that the exhibitor went broke and these Indians were left stranded high and dry in Brussels. They were eventually brought back I understand, with State Department funds. But then Mr. Brooks Hays and his cohorts over in the State Department insisted that these Indians—and some of them, I understand, were on the public assistance rolls—dig up and pay the Government the cost of their transportation back to this country.

Mr. Chairman, I cannot fail to observe that Mr. Brooks Hays today is all for giving $73 million—another $73 million—to the Philippines, they having already gotten $1,675 million, but he strongly opposed the State Department paying the expenses of these American Indians back from Brussels, Belgium. It

seems that anything goes for the foreigners, but another and completely different standard is applied to American Indians and American citizens by Mr. Hays and other of his cohorts over in the State Department.

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

Mr. GROSS. I am glad to yield to the gentleman from Ohio.

Mr. HAYS. The gentleman is referring to a former Member of Congress, who later was an Assistant Secretary of State?

Mr. GROSS. Yes. Let me make the record completely clear that I am in no way referring to the gentleman from Ohio [Mr. WAYNE HAYS].

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

Mr. GROSS. I am glad to yield to the gentleman from New York.

Mr. BARRY. In working this out on a congressional district basis, this would amount to $167,000 from each of our congressional districts. I began to think of 167 people I could call on in the 27th Congressional District whom I could ask to give $1,000 of their money to pay these war claims, many years long since past, and I must say that I would be a little embarrassed to do it.

I think, perhaps, some of the Members might be embarrassed to have their constituents know that they voted here today to give $167,000 from their congressional district without any strings attached at all.

Mr. Chairman, the amendment which has been offered by the gentleman from Michigan [Mr. JOHANSEN] would at least require certain original safeguards to see that the intent of the original bill is followed.

Mr. GROSS. Did the gentleman ever stop to figure out the cost of the $100 billion foreign giveaway program, and what it amounts to for every man, woman, and child in his district?

If the gentleman will do that, the gentleman will get some rather startling figures.

Mr. BARRY. The difference is that what is given under the foreign aid bill is at least given with certain restrictions which the present bill totally discards.

Mr. GROSS. If the gentleman knows of any restrictions, I wish he would tell me about them.

Mr. BARRY. In our foreign aid program which now consists mostly of loans, we have for fiscal year 1963 an objective that 80 percent of the money shall be spent in the United States. Under the bill we are now discussing it is all outgo as there is no restriction whatsoever requiring purchases in the United States. Therefore we will lose on balance of payments and we will lose on exports.

Mr. GROSS. I again urge the gentleman to try the foreign giveaway bill on for size in his district on the same basis and see what he gets.

Mr. Chairman, I support the amendment offered by the gentleman from Michigan [Mr. JOHANSEN], for it should at least do something toward preventing windfall payments of millions of dollars.

Mr. HAYS. Mr. Chairman, I move to strike out the necessary number of words.

Mr. Chairman, I think this amendment and the opposition to it really show up the bill for exactly what it is and where it stands now. This proves that the proponents of the bill do not want these people to be forced even to show that they spent the money under the regulations that were laid down. This shows beyond any doubt that it is a windfall proposition.

The gentleman from Minnesota [Mr. JUDD] made the point that this would reopen the whole thing and privately the gentleman from Wisconsin said that this would perpetuate the War Damage Commission forever. Only if it wanted to be perpetuated forever. It would only reopen the whole thing if they wanted to reopen it. All they would have to do is to give the claimant a year in which to file—and they could say by regulation that within 6 months he shall furnish evidence. Put the burden on the fellow that is going to get the money. He should furnish evidence that he spent the money or an equivalent amount of money for the purposes of the act. This is common, everyday practice.

If the department of Internal Revenue calls a taxpayer in it puts the burden on him. They say, "You appear to have had certain income; show us, produce your evidence. Get out your check stubs, produce your business records."

There would not be a thing to it. Further than that, if you are really concerned about the little people—and I am not so sure that there are too many little people in here, as I look over the list—you can offer an amendment if this passes exempting anybody who gets $1,000 or less. Waive it for him, but let the brewery people, the Racing Commission, Standard Oil, Cal-Tex, put up the evidence. Do you not think they have records? Do you not think they have auditors? Do you not think if they have spent the money, it would not take their auditors and the people who keep their records more than a day and a half to dig them up and show to anybody's satisfaction?

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

Mr. HAYS. I yield to the gentleman.

Mr. JOHANSEN. Is the gentleman able to say whether these larger beneficiaries such as those he has mentioned, have made these showings at any time?

Mr. HAYS. No, I am not able to say that and neither are the proponents able to say that. That is why the waiver is in there. All they can honestly say they have said. They are honest men and they honestly said, to get this bill through, we are going to assume that they did it. We do not know whether they did it or not. We are assuming they did.

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

Mr. HAYS. Yes, I yield.

Mr. JUDD. There was no policing of the original awards as I recall. The act provided that as a condition for the making of such payment, "the Commission shall require that the whole of such payment shall be reinvested in such manner as will further the rehabilitation," et cetera. The Commission had to have evidence that convinced it that the recipient would do this. But it did not follow through, as I understand, with policemen to make sure that every cent was so reinvested.

Mr. HAYS. That is no excuse; if the cop was not on the beat the first time, that does not say that he never should be again. If there were not any policing the first time, all the more reason for asking these groups to show their records. I say to you that it would not be any hardship on any of them. They either have the records or they do not. If they have the records to show that they spent the money, they can show them.

The gentleman has said that this is a moral obligation. To show you my good faith, I have fought this bill for years, but if you approve this amendment and it goes into the bill, I shall vote for it.

Mr. JUDD. Mr. Chairman, would the gentleman approve an amendment providing that on all amounts over say, $25,000, or whatever figure may be chosen, the claimants would have to make this showing?

Mr. HAYS. The gentleman is in no position to approve or to consent to anything. But the gentleman has already said that he thinks an amendment like that would be in order and I would certainly vote for it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. JOHANSEN].

The question was taken; and on a division (demanded by Mr. JOHANSEN) there were ayes 28, noes 42.

Mr. JOHANSEN. Mr. Chairman, I demand tellers.

Tellers were refused.

The Clerk read as follows:

SEC. 2. Within sixty days after the enactment of this Act, or of legislation appropriating for administration expenses incurred in carrying out this Act, whichever is later, the Commission shall prescribe and publish in the Federal Register and give appropriate publicity in the Republic of the Philippines concerning the period, not in excess of twelve additional months, within which application must be filed under this Act. The Commission shall complete its determination with respect to applications filed under this Act not later than two years after the last date on which applications may be filed.

SEC. 3. The Commission shall give maximum publicity in the Republic of the Philippines to the provisions of this Act, and through utilization of the records of the former Philippine War Damage Commission shall attempt to notify individual claimants of their right to file applications for payment under this Act, by mailing notice thereof to the last known address of such claimants as shown by such records.

SEC. 4. The Commission shall notify all applicants of the approval or denial of their applications, and if approved, shall notify such applicants of the amount for which such applications are approved. Any applicant whose application is denied, or is approved for less than the amount of such application, shall be entitled, under such regulations as the Commission may prescribe, to a hearing before the Commission or its rep-

resentative with respect to such application. Upon such hearing, the Commission may affirm, modify, or reverse its former action with respect to such application, including a denial or reduction in the amount of award theretofore approved. All findings of the Commission concerning the persons to whom compensation pursuant to this Act is payable, and the amounts thereof, shall be conclusive and not be reviewable by any court.

SEC. 5. (a) Each award made under this Act shall be certified to the Secretary of the Treasury in terms of United States currency on the basis of the rate of exchange (i.e. P/2 equals $1) which was applied in the Philippine Rehabilitation Act of 1946, for payment out of sums appropriated pursuant to section 8 of this Act. Such payments shall be made in accordance with such regulations as the Secretary of the Treasury may prescribe. Payments authorized under this Act shall be made in United States dollars or in Philippine pesos at the option of the Secretary of the Treasury; however, payment shall not be made outside of the Republic of the Philippines to any claimant residing outside the Republic of the Philippines unless he establishes to the satisfaction of the Commission that since the date of the loss or damage on account of which the original award was made he has heretofore invested in such manner as furthered the rehabilitation or economic development of the Philippines an amount not less than the claims approved in his favor after reduction under the last proviso of section 102(a) of the Philippine Rehabilitation Act of 1946. After all approved claims have been paid up to the maximum permitted, the balance of the appropriation shall revert to the United States Treasury. Payment shall not be made under this Act on any claim filed under the Philippine Rehabilitation Act of 1946 or under this Act which was acquired from a predecessor in interest by purchase, except where such purchase was in the ordinary course of business in connection with the acquisition of all assets of a business firm.

(b) Such of the records of the Philippine War Damage Commission as the Foreign Claims Settlement Commission may deem necessary for carrying out its functions under this Act shall be transferred to the Foreign Claims Settlement Commission.

SEC. 6. The total remuneration on account of services rendered or to be rendered to or on behalf of any applicant in connection with any application filed under this Act shall not exceed 5 per centum of the amount paid by the Commission on account of such application. Any agreement to the contrary shall be unlawful and void. Whoever, subject to the jurisdiction of the United States, violates this section shall be fined not more than $5,000 or imprisoned for not more than one year, or both. Where any payment is made in violation of this section, the Commission shall take such action as may be appropriate to recover the same.

SEC. 7. For the purposes of carrying out this Act, the following provisions of the International Claims Settlement Act of 1949 shall, to the extent not inconsistent with this Act, be applicable in the administration of this Act: Subsections (c), (d), (e), and (i) of section 4; subsections (d) and (e) of section 7; and subsection (c) of section 7 except that with respect to applicants not subject to the jurisdiction of the United States, references in such subsection (c) to the Comptroller General of the United States shall be deemed to refer to the Secretary of the Treasury.

SEC. 8. There is authorized to be appropriated not more than $73,000,000 to make payments on awards certified pursuant to this Act, plus such additional sums as may be necessary for the administrative expenses of the Commission and of the Secretary of the Treasury in carrying out this Act.

The CHAIRMAN. If there are no further amendments, under the rule the Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DAVIS of Tennessee, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8617) to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946, and to authorize the appropriation of $73 million for that purpose, pursuant to House Resolution 537, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

Mr. HAYS. Mr. Speaker, I object to the vote on the ground that a quorum is not present, and make the point of order that a quorum is not present.

The SPEAKER. Under the unanimous-consent agreement entered into, further consideration of the bill will be postponed until tomorrow.

Without objection, the point of order of no quorum is withdrawn.

There was no objection.

GENERAL LEAVE TO EXTEND

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the pending bill, H.R. 8617.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ADEQUATE MEDICAL CARE NEEDED FOR OUR SENIOR CITIZENS

Mr. DANIELS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point.

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

There was no objection.

Mr. DANIELS. Mr. Speaker, there has been a growing recognition that it is vital to the national interest that our aged be given the protection of medical care under an effective, financially sound, and encompassing program.

With this objective in mind, I introduced a bill today intended to provide proper and decent health security for our senior citizens.

I have given careful study to the various health proposals and have found that the social security approach to medical care for the aged is the one that will best solve the problems involved and will provide fair and adequate protection for persons 65 and over.

My bill proposes that the following services be furnished eligible beneficiaries under the old-age and survivors insurance and under the railroad retirement programs: hospital care, nursing home care, hospital outpatient diagnostic services, and home health services. These health benefits would be available to an estimated 14.7 million aged persons; 95 percent of the present number of workers would be covered, including their wives—or widows—at age 65.

In my State of New Jersey, as of December 1961, the number of beneficiaries 65 and over receiving social security is estimated at 430,000. The total number of beneficiaries protected by these health benefits is estimated at 569,000. This latter figure includes persons eligible under railroad retirement and those now 65 and over who are still working and would be qualified for health benefits.

In Hudson County, N.J., which I have the privilege to represent, the number of beneficiaries 65 and over receiving social security is estimated at 45,000 as of April 1960. The total number of beneficiaries who would be protected by these health benefits is estimated at 58,400. This latter figure includes persons eligible under railroad retirement and those now 65 and over who are still working but who would be qualified for health benefits.

The cost of these health benefits would be financed by an increase in social security contributions of one-quarter of 1 percent each by the employer and the employee and three-eighths of 1 percent for self-employed. At the present time, the employee pays a social security tax on the first $4,800 of annual earnings—this earnings base would be increased to $5,200.

The average wage earner will pay about $1 per month through the social security system for health benefits for both himself and his wife—or widow—beginning at age 65.

Older people have low incomes and high health costs, many refrain from seeking the care they need because they cannot pay for it or are unwilling to ask for help. Fifty-three percent of our older people have incomes of under $1,000 a year; half of the older couples have incomes of less than $2,500.

My bill will provide the necessary coverage to protect older people against some of the heavier medical costs that they face, at the lowest possible cost to the individual, without placing a great burden on the aged when their earning capacity is small. The health of our senior citizens is extremely important to all of us and the adoption of such a plan as I now offer is urgently needed in the best interests of the Nation.

WILDERNESS VALUES

Mr. PIRNIE. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. SAYLOR] may extend his remarks in the body of the RECORD and include extraneous matter.

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

There was no objection.

Mr. SAYLOR. Mr. Speaker, the American people place a high value on the areas of wilderness that still remain unspoiled in this country—areas, as defined in the Wilderness Act (S. 174) "where the earth and its community of life are untrammeled by man."

Those of us who have been especially concerned with the preservation of our remaining areas of wilderness have come to realize that we are not representing only a small minority, as some have thought, of specially interested outdoor folks, but rather that we are dealing with a characteristic concern of the American people.

Americans—whether they are Republicans or Democrats, city people or suburban or rural, westerners or easterners—Americans have a characteristic interest in wilderness. Whenever it comes to a vote it wins by a big margin. Nor are the values that we place on wilderness entirely recreational. They are various: scientific, educational, historical, as well as scenic and recreational.

One of the contributions of the wilderness study made for the Outdoor Recreation Resources Review Commission and published on April 16, 1962, is in its observations and interpretations of the values of wilderness. The "Summary of Findings and Recommendations" of this report—a volume entitled "Wilderness and Recreation—A Report on Resources, Values, and Problems"—is in six parts. Part 4 summarizes the study's findings and recommendations on "Wilderness Values." The earlier parts of this summary have already appeared in the CONGRESSIONAL RECORD, day by day: Part 1 on "What Is Wilderness," part 2 on "Wilderness Resources," and part 3 on "Potential Alternative Uses for Wilderness Resources." Part 4 is as follows:

PART 4—WILDERNESS VALUES

A. CONCEPTS OF VALUE

The values arising out of wilderness tracts rest on the special kind of environment they provide. This is an environment with unusual or unique esthetic or biological characteristics and an apparent lack of human impact, sustained over a relatively large area since primeval times. This highly specialized environment may produce values of two broad classes.

First are the recreational or direct values which accrue to wilderness users. Included here are both those values which depend on the unique environment—deep personal revelations, experience of natural beauty, etc.—and those which depend on conventional recreational activities such as fishing, hunting, nature study, and the like, which do not necessarily require vast undeveloped tracts but which may give to participants greater satisfaction in wilderness tracts than in other environments.

Many wilderness values depend on the vastness built into our definition by the 100,000-acre minimum criterion. But to assert that a deep personal revelation is frustrated in an undeveloped tract of 95,000 acres and released in one of 105,000 acres in extent is, of course, absurd. Nor can one say that a very fine experience of nature is unavailable on a trout stream in the Rockies, 200 yards from the car; or that one cannot find solitude with a natural setting during a walk in the "back 40" of a Pennsylvania farm. But the magnitude of such responses is greater in a wilderness and increases in proportion to the size of the wilderness.

In addition, there is a composite value in wilderness recreation that cannot be reproduced anywhere short of an authentically rugged and big tract of undeveloped country. It derives from all the activities and experiences one enjoys or doesn't enjoy—camping, primitive travel, exhaustion, incomparable solitude, miserable weather—in a setting big enough for their simultaneous happening with elbowroom.

The composite appeal of wilderness recreation is difficult to separate into component values. Results of questionnaires administered to summer recreationists in several selected wilderness areas, however, suggests that response to wilderness values can be considered in two general classes. The two strongest motivations of wilderness use are a wish to escape from the more onerous influences of a highly complex urban existence and the positive attraction of natural beauty. That these two motivations should prove about equally persuasive might be expected since they are complementary. The character of wilderness stands in sharp contrast to the character of modern urban life, and many of those who wish a change from the latter turn to wilderness.

A second broad class of wilderness values are the indirect ones which accrue to society regardless of recreational use. This class can be considered in two subcategories.

The first includes such benefits as undisturbed watersheds and scientific values obtainable from study of biological associations of a kind which would not otherwise be available. Such values are often identified as "social values" because the benefits accrue to large groups or to society as a whole rather than to individuals.

The second subcategory of indirect values arises because, entirely apart from wilderness use and experience, some people's reactions to (and hence evaluations of) nonwilderness experiences are conditioned by the knowledge that wilderness exists. Just as the value of a zircon is enhanced by the value of diamonds, so the value of using a county park is enhanced for many recreationists by knowledge that the north woods still exists.

In more general terms this kind of value is sometimes identified as "vicarious benefit" or "the wilderness idea." Whatever it may be called, this value too is relevant for public policy because it has provided motivations for tangible action by people—people who may never register as wilderness recreationists but who like to know the wilderness is there, and who express this motivation through political institutions. These people, too, use the wilderness.

Substantial numbers of people respond to this essentially symbolic value, many of them with great vigor. Certain of the survey data in chapter 5 suggest that both the numbers of individuals reacting to such values and the intensity of their interest in them may contribute strong pressure for the maintenance of wilderness.

Throughout this array of wilderness values there are major difficulties of precise definition and measurement. Some of these difficulties arise from limitations in the scope of our economic institutions. In practice, the measurement of various value components entering into a given problem may be particularly difficult where nonmarket classes of value are important. Despite these difficulties, economic analysis may help significantly in solving the problems of identifying values expressed outside the market. Determination of the weights to be applied to each of the several classes of wilderness value once they have been identified must remain a matter of judgment. Such interclass comparisons of value must be guided by information drawn from many social institutions of which the marketplace is only one.

B. MEASUREMENTS OF VALUES

For reasons which have just been suggested, actual data relevant for measuring each of the several classes of wilderness values described above are much more difficult to obtain than other kinds of information about wilderness. A concerted effort to provide data on wilderness use, undertaken on behalf of this study by the U.S. Forest Service and the National Park Service in 1960, produced highly variable results which apply only to portions of the spectrum of wilderness values.

One measurement of the direct recreational value of wilderness is the number of users. The best available evidence indicates that in 1960 about 1.6 million people entered national forest or park wilderness (one-half mile or more away from a road) for recreational purposes. About one-fourth of these users camped one or more nights within these areas, and nearly 70 percent traveled by foot. About 80 percent of use occurred during the 3 summer months.

The agencies which provided the basic data urged great caution in use and interpretation of these estimates. We endorse this caution. The uncertainty of the estimates is telling evidence of the fact that until bases for measuring wilderness values are greatly strengthened, policy decisions must be made on a tenuous foundation. Additional studies of this problem have recently been started. They should be strongly supported and augmented not only for quantitative, but for qualitative, evaluations.

The acceleration of wilderness recreation is suggested by the fourfold increase in man-days of use experienced between 1947 and 1959 on designated national forest wilderness areas. Both the statistical studies reported in chapter 6 and the analysis of users in chapter 5 suggest that a number of the factors responsible for these past increases in wilderness recreation will continue to reinforce the demand for it. Our projections of total man-days of wilderness use in the United States for the year 2000 indicate an increase of 10 times the 1959 level. Those chapters also provide suggested methods for improving both the reliability and the extent of information pertinent to appraisal of this dimension of direct recreational value. The irreversibility of wilderness character and accelerating increase in wilderness demand indicate a need for better accumulation and analysis of wilderness area data; and a general go-slow policy in allocating lands now roadless to development.

The basis for analysis of indirect values is even less satisfactory than for direct values alone. Possible lines of approach through economic analysis are suggested in chapter 6. Survey techniques analogous to those of chapter 5, as applied to appropriately different samples of the general population, would also provide information useful for such an appraisal. But neither of these approaches has yet been applied to wilderness value problems on anything like the scale needed if reliable measures are to be obtained.

We believe that the concepts of value outlined here are valid and useful for assessing alternatives in the use of wilderness areas and for evaluating wilderness recreation. To apply these concepts in a practical way, major problems of duplication, underenumeration, and lack of comparability in use statistics as currently collected must be eliminated; additional kinds of information about users significant for measuring direct values must be collected; and motivational surveys, studies of the valuations implied in past decisions, and systematic analysis of both expert and public opinion must be conducted to provide better guides to indirect values.

Many choices affecting the future of wilderness tracts (e.g., in connection with the

pending reclassification of national forest primitive areas) will have to be made in the years immediately ahead. Once a decision to forgo wilderness status for an area has been carried out, it cannot be reversed—the wilderness characteristics will have been destroyed. In view of the time required to build a more adequate basis for appraisal of wilderness values, initiation of a well-designed program aimed at appraisal is urgent. Until such information has been provided, decisions on problems of wilderness allocation and use will continue to rest on largely arbitrary judgment.

Mr. Speaker, the contribution of Dr. James P. Gilligan and his associates at the Wildland Research Center of the University of California, who conducted this study and prepared the report, are of special importance as we consider the Wilderness Act passed last September by the Senate and now before this House with an urgency emphasized by the President and many others.

An informed understanding of the various values involved and the dependence of these values on the unique environment that must be preserved as wilderness, is essential.

The urgencies of our situation are well brought out in the study's revelation of increasing pressures on our limited wilderness resources.

The acceleration of wilderness recreation suggested by a fourfold increase in a dozen years—from 1947 to 1959—on national forest areas of wilderness is startling.

The projections of Dr. Gilligan and his colleagues at the Wildland Research Center of total man-days of wilderness use in the United States for the year 2,000, indicating an increase of 10 times the 1959 level, are similarly impressive.

We shall do well to act promptly to preserve all the wilderness that we can consistently with our other needs.

Part 5 of the wilderness report's summary, to be presented in a subsequent extension of remarks, dealing with "Future Supply of Wilderness Resources," opens with the sentence:

> Wilderness environments are already clearly in scarce supply.

Thus the values placed on wilderness by the American people are emphasized.

REPRESENTATIVE CHARLES A. BUCKLEY

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. KEOGH] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. KEOGH. Mr. Speaker, a very interesting and timely letter appeared in today's issue of the New York Times concerning the record in the Congress of my old and dear friend the gentleman from New York, CHARLES A. BUCKLEY, chairman of the House Committee on Public Works. I believe this letter puts in proper perspective the vast contributions that the gentleman from New York [Mr. BUCKLEY] has made to the well-being and welfare of the economy of our Nation and his home State of New York during his tenure as chairman of the Public Works Committee. I would like to include a copy of this letter to the editor of the New York Times, as follows:

To the EDITOR OF THE NEW YORK TIMES:

In your editorials against Representative CHARLES A. BUCKLEY's reelection to the House you refer to his "pork-barrel power" as chairman of the Public Works Committee. If it were not for this so-called pork-barrel authority New York State and the Nation would be without the St. Lawrence Seaway, the Niagara Remedial Works and Power Development, the Tennessee Valley Authority, the water pollution control program, providing research and Federal aid to communities for waste treatment plants, etc. We would be without the 41,000-mile Interstate and Defense Highway System, funds to permit the U.S. Corps of Engineers to conduct the hurricane study of the entire east coast, renovation of the White House, the new Customs Court and Federal Office Building in New York City as well as other Federal office buildings and post offices throughout the State. Then there are the 176 civil works projects for New York authorized by Mr. BUCKLEY's committee since he assumed the chairmanship, including beach protection of the Atlantic coast of Long Island, deepening and dredging of New York Harbor and channels, the Hudson River channel, Fire Island Inlet navigation and beach erosion control, and the southern New York flood control project.

If this be pork barrel, then let's have more pork and a bigger barrel to hold it. New York should have more CHARLIE BUCKLEYS and fewer biased newspaper editors.

ISRAELI INDEPENDENCE DAY

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. BAILEY] may extend his remarks at this point in the body of the RECORD and include extraneous matter.

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

There was no objection.

Mr. BAILEY. Mr. Speaker, on this 14th anniversary of the establishment of the State of Israel we recall the lengthy struggle which preceded the restoration of Jewish national independence and pay tribute to the magnificient accomplishments of this exciting young nation. Israel, as a state and as a people, is the living embodiment of the struggle, the aims and aspirations of the movement for the restoration of Jewish national autonomy. This movement has existed for nearly 20 centuries, ever since the Second Jewish Commonwealth was destroyed by the legions of Imperial Rome and deportation and slavery became the lot of many of its citizens. During the final quarter of the last century it assumed its modern form, and in 1948 achieved its purpose: Jewish independence and the reconstitution of the ancient Jewish sovereignty.

Israel has many facets, but none is more deserving of our attention than the mixture of Eastern and Western people who have flocked to the Jewish homeland. The Jews have always been a people of the East as well as the West, and it is perhaps not a coincidence that the modern Zionist movement started midway between the national liberal movements of 19th century Europe and the reawakening of Asia and Africa in the 20th century. The Jews were not the only people whose national independence was wiped out by an alien conqueror, whose very national frontiers had disappeared from the map and who yet rose again. The major difference was that so many Jews had been torn from their native land so that the process of revival include an "ingathering of the exiles," as it has been called. The protracted national struggle for liberation, independence, and statehood was matched by a great cultural revival and the use of Hebrew as a modern language.

Throughout the centuries Jews have maintained themselves in some part of the land of Israel, in the holy cities of Jerusalem and Safad and the mountain villages of Galilee. The early generations of immigrants who came to Palestine at the start of the 20th century were overwhelmingly European. Only after the foundation of the state in 1948 did nonwestern Jews in large numbers seek a new life in the Jewish homeland. The proclamation of independence whose 14th anniversary we are celebrating today promised that "the State of Israel will be open to Jewish immigration and the ingathering of the exiles," and that promise has been faithfully observed. Indeed, one might say that immigration is Israel's lifeblood. The right of every Jew to settle in Israel, one of the fundamental principles of the state, was given legal sanction in the law of the return, passed in 1940. About 1 million have come in since May 15, 1948. These included displaced persons and other refugees from east and central Europe, but also eastern Jews, including Yemenites and Moroccans, Tripolitanians and Kurds, Iraquis, Tunisians and Algerians, and Egyptians.

During the early days of mass immigration, the entire Jewish community of Yemen was flown to Israel in giant transport planes, traveling, as the Yemenites said, "upon eagles' wings." Since then the tide has ebbed and flowed, but averaging over 32,000 a year. Israel is still ready to take in all Jews who are allowed to leave and wish to come.

Many immigrants arrived without means or skills, and the Government has spent large sums to provide housing and training for its new citizens. About half the immigrants who arrived during the creation of the state settled in towns, while some joined the rural settlements. The process of being transported from one way of life to another has naturally created social, economic, and political problems, yet Israel is successfully experiencing a process which we know well in the United States—the assimilation of wave after wave of new immigrants.

The integration of new immigrants is only one aspect of Israel's achievements during the past 14 years. Economic development is proceeding at a rapid pace. Phosphates, nitrates, and copper are being produced from ancient sources. With the help of modern irrigation, citrus fruits, and grain production have been expanded tenfold since 1948. Israel has a growing export trade, and must continue to expand her economic facilities.

Similarly we may salute Israel's cultural achievements, which include one of the leading symphony orchestras of the world, the Israel Philharmonic Orchestra. The new Hebrew University, with an enrollment of 7,000, is one of the finest seats of learning in the Middle East. As in the past, when scholars flocked to the temple for wisdom, they now come to the university to learn the principles of democracy. Then, too, old Hebrew culture is spread throughout the modern world by performing folklore troups, acting as good-will ambassadors of the state.

The skeptics of 14 years ago, who thought that the new state would never survive the conditions of bankruptcy, economic weakness and war are being told to come and see for themselves. New ships and airlines have been pressed into service to facilitate the tourist trade and travelers can see the foundations of their own religion, be it Hebrew, Christian, or Moslem.

And what they see is a democratic state, a modern state, a state which through its own hard labor and perseverance, has sustained every trial and has emerged strong and independent. Israel has won acceptance among the nations of the world, not only in the West, but also among the newly independent nations of Asia and Africa. Particularly close and friendly relations have grown up between Israel and some of the new states of southeast Asia and west and central Africa. The example of Burma in developing close social and economic ties with Israel has been followed by Ceylon, Cambodia, Laos, Thailand, and the Philippines, as well as Liberia and Ethiopia, Nigeria and other countries of central and west Africa. Frequently Israel has placed at the disposal of these countries the services of technicians, scientists and specialists. Students and civil servants come to Israel for training in various subjects, and some economic enterprises have been set up jointly by Israel and several of these states.

Thus the State of Israel continues to serve as a crossroads between East and West, just as the Jewish people of ancient days were familiar with many civilizations, both in Jerusalem and in their exile throughout the world. We in the United States enjoy a deep and abiding friendship with Israel; we admire its pioneering spirit and its counterpart in our own history.

We salute the State of Israel on its 14th anniversary as an independent state.

IMPACT OF IMPORTS ON THE MASSACHUSETTS SHOE INDUSTRY

Mr. LANE. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD and to include certain pertinent matter and tables.

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

There was no objection.

Mr. LANE. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following interesting correspondence and facts concerning the shoe industry as it would be affected by H.R. 9900, the Trade Expansion Act:

BOSTON, MASS., *May 5, 1962.*

Hon. THOMAS J. LANE,
House Office Building, Washington, D.C.:

Reletter leather type shoe imports increased 84 percent in first quarter 1962 over 1961, or twice our estimated rate of increase. Such volume of imports, now equal to over 8 percent of U.S. production, under existing duties substantiates fears of shoe manufacturers in your district for survival under H.R. 9900. Three essential amendments to H.R. 9900 to protect shoe industry have been submitted to House Ways and Means Committee. Your personal support of the shoe manufacturers and their shoe workers needed now as never before, and we earnestly recommend you personally inform the members of this committee of your views.

MAXWELL FIELD,
New England Shoe & Leather Association.

NEW ENGLAND SHOE AND LEATHER ASSOCIATION, INC.,
Boston, Mass, May 1, 1962.

Hon. THOMAS J. LANE,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN LANE: Thank you for your recent letter acknowledging receipt of the shoe industry's brief on H.R. 9900, the Trade Expansion Act of 1962, and our fact sheet setting forth the impact of imports on the shoe manufacturing industry.

We are enclosing an additional fact sheet concerning the shoe industry in your State and suggest that you consider this industry's importance to Massachusetts when safeguards and protective measure amendments to the bill come up for consideration.

Please feel free to call on our office if we can be of service at any time.

Very truly yours,

MAXWELL FIELD,
Executive Vice President.

NEW ENGLAND SHOE & LEATHER ASSOCIATION, INC.,
Boston, Mass., April 9, 1962.

Hon. THOMAS J. LANE,
House of Representatives,
Washington, D.C.

MY DEAR CONGRESSMAN: We understand that you have received from the New England Council a copy of the report entitled "The Trade Expansion Program and Its Meaning for New England," dated March 20, 1962. You will be interested to know that, pursuant to instruction of our board of directors, we have initiated correspondence with the New England Council seeking to correct their views and conclusions regarding the shoe industry in New England and to obtain the council's recognition of the shoe industry's special contribution to the strength of the New England economy.

We have made it clear that a full study of the facts will reveal that H.R. 9900 needs ameliorating amendments if the New England shoe industry is to survive as a healthy, vigorous and large employer in the sixties.

The New England shoe industry employs more than 80,000 workers in New England, and 25,000 persons are employed by our suppliers. In contrast, the council report lists as the 57 largest New England exporting industries likely to be the chief beneficiaries of the proposed program, industries which employ in the aggregate 330,000 persons, of which the largest employers are the aircraft engine industry, employing only 42,200 persons, and the shipbuilding and repairing industry, employing only 21,300 persons. The New England shoe industry is the largest employer of labor in Maine and New Hampshire, and the fourth largest employer in Massachusetts.

We enclose for your study a copy of the shoe industry's statement concerning H.R. 9900 as presented to the House Ways and Means Committee on April 5, 1962. You will note the specific recommendations contained on the last two pages of the statement.

We also enclose for your information a fact sheet relating to the impact of imports on the New England shoe industry.

We hope you will give all the enclosures your personal careful consideration before reaching a decision as to your action with respect to H.R. 9900, and we will welcome your comments or questions.

Sincerely,

MAXWELL FIELD,
Executive Vice President.

IMPACT OF IMPORTS ON THE MASSACHUSETTS SHOE INDUSTRY—FACT SHEET

1. Production: Massachusetts is the leading shoe producing State in the Nation.

1961:

Shoe production (pairs)	101,804,000
Shoe shipments (pairs)	102,571,000
Value of shoe shipments (f.o.b. plant)	$432,090,000
Ratio of Massachusetts production to U.S. total (percent)	17

2. Employment: Shoe industry is second largest manufacturing employer in Massachusetts.

1961:

Shoe (except rubber) manufacturing employees	39,000
Tanning, leather and leather products (except shoes)	17,800
Total	56,800

3. Total wages paid to Massachusetts shoe workers, 1961 (estimate), $15,840,000.

4. Total 1961 U.S. shoe imports equal to 6 percent of U.S. shoe production and to 36 percent of Massachusetts output:

U.S. foreign trade in leather-type nonrubber shoes

[In pairs]

Year	Imports	Exports	Shoe production	
			United States	Massachusetts
1955	7,809,654	4,642,134	585,369,000	105,134,000
1956	9,998,939	4,531,470	591,757,000	102,918,000
1957	10,988,477	4,397,638	597,648,000	99,511,000
1958	23,596,541	4,224,648	587,115,000	96,023,000
1959	22,276,841	3,504,712	637,364,000	102,322,000
1960	26,616,508	3,244,316	598,442,000	95,557,000
1961	36,783,815	3,034,545	599,790,000	101,804,000
Percent change, 1955–61	+471.0	−34.6	+2.5	−3.2

MILK CONSUMPTION

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

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

There was no objection.

Mr. KYL. Mr. Speaker, recently, because of specific headlines in newspapers, I asked the Health, Education, and Welfare Department why it is essential to publish radiation counts in relation to milk.

These headlines read "New Peril in Milk Noted," "Fallout Rise in Milk." Newswriters developed these headlines to follow information issued from HEW.

Now it is no wonder that milk consumption falls each time such a statement is printed. These are genuine scare headlines.

According to Dr. James Hundley, Assistant Surgeon General:

> All foods, including milk, are involved since radioactive products appear in them. Again, there is reason to believe that there is a degree of concern out of proportion to the facts.

The statement goes on to say that there has always been radiation in the atmosphere and in foods.

Further statements from the experts indicate clearly that there is no present danger from radioactivity in milk.

In its response to my recent complaint, the HEW Department says:

> The Public Health Service has stated consistently that present and foreseeable levels of radioactivity in milk are no cause for alarm. Emphasis also has been placed on the importance of milk to the growth development of millions of infants, children and teenagers. The public has been warned against curtailing consumption of milk, and milk products because of fear of radioactivity.

Yet, the Department insists in the same letter, that "it is necessary for the PHS to measure and make public the levels of radioactivity in milk."

The Department apparently cannot say, "in certain selected foods," nor is it capable, apparently of developing a general scale to measure such radioactivity in spite of their 1961 report on great progress in surveillance.

The Department can preach until doomsday that milk is good for you, and that every good citizen must drink x number of glasses a day for his own and the Nation's benefit, but as long as the headlines say "Radioactive Peril in Milk," people will turn to other foods and beverages which might possibly include as much radiation or other medical, biological or physical detriments, but without attendant publicity from the PHS indicating such dire peril.

It is my opinion that the unjustified reference to milk is probably the most important single factor in the health of the dairy industry today—and the practice should be discontinued immediately.

COTTON TEXTILE INDUSTRY

The SPEAKER. Under previous order of the House, the gentleman from North Carolina [Mr. WHITENER] is recognized for 60 minutes.

Mr. WHITENER. Mr. Speaker, on numerous occasions I have taken the time of the House to discuss a problem which is of great concern to the area which I am privileged to represent. It is of concern not only to the congressional district known as the 11th Congressional District of the State of North Carolina but to the entire area of the two States of North and South Carolina known as the Piedmont section. Of course, there are other areas of the country equally concerned with the problem, that is, the future of the textile industry and the jobs of the people who work in that industry.

Several weeks ago the Tariff Commission held hearings under a section 22 application filed by the Department of Agriculture on the question of the 8½ cents per pound subsidy on cotton being given to foreign manufacturers of cotton textiles. This comes about by reason of the fact that a foreign textile operator can buy American-grown cotton at 8½ cents per pound, or $42.50 per bale, less than the amount which must be paid by a domestic American cotton-textile manufacturer. This is cotton which in great measure the taxpayers of the United States have paid for; it is cotton which the textile plants or manufacturing concerns and the textile workers of this country are called upon to pay taxes to make available to foreign nations, and industries in foreign nations, only to have it come back in the United States when it is woven into fabrics and shipped here in competition with our own fabrics.

In talking to many of the knowledgeable people in the textile industry during the Easter recess of the House, and as recently as this past weekend, I was told again by them that this is the major handicap our American industry is having in meeting the competition from abroad. They say, in effect, that even though there is a wage differential, that with our productive capacity if we have a fair break on cotton price we can compete with the foreign countries, certainly on a more even basis than we can now. It seems to me rather strange that even though a great deal of time has passed, the Tariff Commission has not been able to come up with a decision on this important matter.

Mr. HEMPHILL. Mr. Speaker, will the gentleman yield at that point?

Mr. WHITENER. I shall be happy to yield to my friend from South Carolina.

Mr. HEMPHILL. I congratulate the gentleman, Mr. Speaker, on again bringing this continuing problem to the attention of the House and the Nation. We who live with the textile industry have been very happy that this administration, under the leadership of a great President, has seen fit to enter into the problem and instead of giving lipservice, which was so characteristic of the Eisenhower administration, that it has tried to do something about it in keeping with campaign promises. With the knowledge and experience our own President has of the textile industry he has proposed a program which the gentleman from North Carolina has discussed, a part of which is the 8½-cent-a-pound import fee which is presently being considered by the Tariff Commission. I hope that it will become a reality in the form of relief to a burdened textile industry.

I might ask the gentleman in that connection if he does not feel and believe that if the Tariff Commission is sensitive to not only the wishes of the administration and the promises of the administration but also to the wishes of the Congress and especially those of us from the textile areas which are affected it should make a quick decision; that it should also give that situation that is recognized by the Secretary of Agriculture a decision which imposes the 8½-cent import fee and which says in effect to American manufacturers and American textile workers and the American taxpayers: We of the Tariff Commission recognize the justice of your cause and our responsibility; we are going to do something about it.

I know the gentleman shares with me the hope and belief, perhaps the prayer, this is forthcoming, and I will ask the gentleman if that is not his wish and his desire at this time?

Mr. WHITENER. I will say to the gentleman from South Carolina I have been gravely concerned about the delay in getting an answer from the Tariff Commission. It seems to me that the Tariff Commission has perhaps gotten into this game that seems to be played around Washington of trying to delay the decision until there has been a vote on the new Trade Act, H.R. 9900. We have some feeling that the decision will be delayed in order that it may be used as a club over the heads of some of us who have looked with great suspicion upon some of the things that are going on in connection with unfair foreign competition that affects the jobs of American people.

Mr. HEMPHILL. I may say to the gentleman that insofar as the textile industry itself is concerned, I have read with a great deal of interest, and if the gentleman will not object, I would like to insert at this point in the RECORD resolutions which were unanimously adopted by the 13th annual meeting of the American Cotton Manufacturers Institute on March 31, 1962, which endorse the present program and which in effect said to the administration, to the Congress, and to the Nation, we are keeping faith here, we are keeping faith even though we have an industry which has suffered at the hands of the trade policies, if you can call them trade policies, of this Nation, which has suffered through the State Department; that there certainly have been mistakes, there are mistakes being made, and mistakes are continuing to be made, but we are going to keep faith.

Mr. Speaker, I ask unanimous consent to insert these resolutions at this point in the RECORD.

Mr. WHITENER. May I ask the gentleman, is he seeking to insert all of the resolutions of the American Cotton Manufacturers Institute?

Mr. HEMPHILL. No; just the resolution with reference to the trade policy and the resolution which is an expression of appreciation and the resolution regarding the cotton offset import fees.

The SPEAKER pro tempore (Mr. GEORGE P. MILLER). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The matter referred to follows:

RESOLUTIONS OF THE AMERICAN COTTON MANUFACTURERS INSTITUTE

A NATIONAL FOREIGN TRADE POLICY

The American Cotton Manufacturers Institute reaffirms its support of the President's textile program on an industrywide basis and recognizes the constructive action and the progress made to date in the implementation of the program since its inception on May 2, 1961. The arrangements covering international trade in cotton textiles coupled with efficient and vigorous enforcement will contribute to the growth of the industry, to increased employment, to the national security, and to the overall economy.

The textile program accepts and treats the problems of textiles on an industrywide basis and avoids inadequate, piecemeal remedies. The President has used the authority available to him to secure on a global basis an expansion of world trade in cotton textiles and apparel while providing the means of preventing further disruption of the markets of domestic producers such as the United States.

Action affecting wool and manmade fiber segments of the industry is anticipated shortly.

In addition, the Department of Agriculture, in accordance with point 4 of the President's program, has requested the Tariff Commission for an equalization fee to offset the disparity which exists between United States and world prices for cotton. The prompt correction of this disparity in its entirety is absolutely essential.

The President has proposed a policy of trade expansion intended to improve the U.S. balance-of-payments position, to meet the challenge of growing free world markets to win the economic struggle against the Communist bloc, and to accelerate the economic growth of the United States. The proposals for trade expansion include new procedures and authority to meet the conditions and challenges which face the United States and preserve the national security safeguards.

The development of a textile program and its implementation through international arrangements demonstrates that the authority of the President has been exercised vigorously and prudently in the interests of national security and economic growth within the framework of U.S. policy of expanded world trade. In view of our experience, we believe that the authority to deal with foreign nations proposed by the President will be wisely exercised and should be granted by the Congress.

We desire to assist the administration and the Congress to obtain a trade expansion act which will encourage and stimulate international trade, and at the same time will assure the continuance of the jobs of our American employees, the expansion of our domestic production, and will provide for the maintenance of our national security.

THE CASE PENDING BEFORE THE OFFICE OF EMERGENCY PLANNING

Thirteen days after the textile program was announced on May 2, 1961, the combined textile-apparel industry, in accordance with point 7 of the President's program, instituted an action before the Office of Emergency Planning under the national security provision of the Trade Agreements Act.

This action is without question the most comprehensive and exhaustively documented presentation ever made to this agency. The record was closed October 16, 1961.

An early and favorable finding by the Office of Emergency Planning is indispensable to a full implementation of the overall textile program which is essential to economic and military security of the United States.

EXTENSION OF PRESIDENT'S PROGRAM TO OTHER FIBERS IN ADDITION TO COTTON

Completion of the President's program for dealing with the import problems of other fiber divisions of the industry is imperative.

The interfiber relationships of manufacturing and marketing textile products are such that failure to deal promptly with the total textile import problem inevitably would create distortions throughout the industry. This would render the administration of the Geneva arrangements more difficult and would make needed corrective action much more drastic.

To avoid this we again urge the administration to move promptly in the development and implementation of a program covering products manufactured from manmade fibers, wool, and silk.

AN EXPRESSION OF APPRECIATION

Since the last annual meeting of the American Cotton Manufacturers Institute, our Government has devoted to the foreign trade problem of the U.S. textile industry an unprecedented degree of thoughtful consideration and constructive action. For this activity, we express our deep appreciation to the President and to his Special Cabinet Textile Committee.

We are genuinely indebted to a wide cross section of the Congress for its continuing understanding, interest, and activity with respect to the disruptive textile import situation. This congressional interest has provided a foundation of support and encouragement upon which the executive branch could build and extend its efforts.

The Geneva arrangements, along with vigorous enforcement and the anticipated early implementation of the remaining portions of the President's program, provide a basis for encouragement and for sound forward planning of future growth by this industry.

RESOLUTION ON THE COTTON OFFSET IMPORT FEE

In 1956 the Government instituted a cotton export program to make U.S. cotton competitive in world markets. World cotton prices were then some 6 cents per pound under U.S. cotton prices and the differential has since widened substantially.

This means that American cotton textile manufacturers are required to pay approximately one-third more for cotton than foreign mills pay.

The incredible inequity of the cotton cost differential has, of course, led to a sharp upsurge of certain categories of textile imports already stimulated by the lower wage and other cost advantages possessed by foreign manufacturers, to the great detriment of cotton farmers and textile employees.

These imports not only constitute very damaging and unfair competition to the U.S. textile industry, but also reduce the domestic consumption of the U.S. farmers' cotton and thereby interfere with the programs of the U.S. Department of Agriculture which the Government has established for the benefit of these cotton farmers.

Section 22 was written into our basic agricultural law to provide a remedy for precisely this type situation. However, despite the combined efforts of the textile industry and the raw cotton industry over the past several years, we have been unable to secure the relief which section 22 prescribes.

The administration has recognized this disparity and has requested the U.S. Tariff Commission to institute a section 22 proceeding, specifically suggesting the desirability of an equalization fee on the cotton content of textile imports at a rate sufficient to offset the raw cotton cost differential.

We commend the U.S. Department of Agriculture and its representatives for the excellence of the case made so strongly by them in behalf of such a fee, in the recent hearings before the U.S. Tariff Commission.

A healthy and growing domestic textile industry is indispensable to the maintenance and economic well-being of domestic cotton agriculture.

Prompt action in recommending the proposed fee and its prompt establishment by Presidential proclamation are essential to the preservation and expansion of the American cotton industry and to the most successful implementation of the Geneva cotton textile arrangements.

Mr. WHITENER. Now that the gentleman has mentioned those resolutions, and I was getting to them, and getting back to this section 22 application by the Department of Agriculture, I would call to the gentleman's attention that in the resolution entitled "The Cotton Offset Import Fee," the American Cotton Manufacturers Institute in that resolution said:

> Prompt action in recommending the proposed fee and its prompt establishment by Presidential proclamation are essential to the preservation and expansion of the American cotton industry and to the most successful implementation of the Geneva cotton textile arrangements.

Now, if I may proceed a little further along the line I had commenced to develop.

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

Mr. WHITENER. I will be happy to yield to my friend from Iowa.

Mr. GROSS. Now, if the present President of the United States, as the gentleman from South Carolina [Mr. HEMPHILL] says, is so sympathetic and so interested in the fortunes of the people who are being hurt, the textile people of the South, is it not possible that he could exercise some influence with the Tariff Commission to get some action over there? What prevents him from getting some action out of the Tariff Commission? He seems to be able to get action in other departments and with the steel people. Do you mean to say that he has no influence with the Tariff Commission? I am intrigued by this comment that this President is so sympathetic to the textile industry of the South, yet he cannot exert any influence in Washington.

Mr. WHITENER. If I may reply to the gentleman from Iowa, I remember that years ago there was a radio come-

dian or character who gave the response to questions by saying "Precisely why I am here."

I may add, perhaps with some timidity, that the words we are using here may cause our great President to have his memory jogged about this matter and exercise his persuasiveness in getting a decision, because whatever the decision of the Tariff Commission is—and I hope it will be favorable—but whatever it is, I think that those of us who are here about to make a great decision for our country within the next few weeks in this Congress ought to know what that decision is so that we can make our decision in the light of what has happened.

Mr. HEMPHILL. Mr. Speaker, will the gentleman yield for a comment, since the gentleman from Iowa referred to me?

Mr. WHITENER. I will be happy to, but I would like to proceed.

Mr. HEMPHILL. I would just like to make this comment, that perhaps our new and great President inherited a Tariff Commission which, like the previous administration, was sort of a do-nothing proposition—I hope that is not the case—but having been to the White House and having been to the previous administration asking for textile relief and having had vague promises and indifference and do nothing, I am not surprised that we may be getting out of the lethargy of the last 8 years.

Mr. WHITENER. I am sure my friend from South Carolina has heard the story about the very sick Irishman. Well, I am somewhat in that position now. We want help, and we do not care where it comes from. If there are any holdover Tariff Commissioners who are not members of our political party and not sympathetic with our views, I hope that lightning will strike tonight and that they will come around to our views, which we feel are the views that are in the best interest of the people of this country.

But, coming back to the American Cotton Manufacturers Institute resolution which the gentleman from South Carolina mentioned and which I was just about to discuss. The American Cotton Manufacturers Institute at its Miami convention adopted a rather unusual type of resolution. When you read the RECORD you will see it with your own eyes, because the gentleman from South Carolina has made it a part of his remarks. A great misunderstanding apparently has arisen as to whether this resolution was an endorsement of the trade policies now being urged upon the Congress in the form of H.R. 9900.

I was interested to read in several publications and particularly in the Southern Textile News of April 14, 1962, a news story quoting Mr. J. Craig Smith, president of Avondale Mills, in which he takes a different view of the meaning of the American Cotton Manufacturers Institute resolution. Mr. Smith, if I remember correctly, was at one time president of the American Cotton Manufacturers Institute.

I believe he has also held the position of president of the National Cotton Council. I could be in error about that, but that is my memory. However, I would like to read to my colleagues this brief news story which appeared in the Southern Textile News on April 14. This is a statement, apparently, prepared by Mr. Smith himself:

Some of the press reports concerning action taken by the American Cotton Manufacturers Institute in respect to President Kennedy's trade program have been quite misleading.

We did not endorse H.R. 9900, President Kennedy's trade bill.

In five separate resolutions, we did take the following action:

1. Expressed appreciation to President Kennedy and his special Cabinet Textile Committee and our friends in Congress for their consideration and constructive action.

2. Emphasized the necessity for the Office of Emergency Planning's designating the industry as essential to the economic and military security of the United States.

3. Pointed out the necessity for controlling, in addition to cotton textiles, imports of products made from manmade fibers, wool, and silk.

4. Called attention to the incredible inequity of requiring American mills to pay approximately one-third more for cotton than foreign mills and then letting the foreign mills ship their products here without paying a fee equal to the export subsidy on raw cotton.

5. Expressed our belief that the President should be given authority to deal with foreign nations in respect to foreign trade.

This last proposal was the only one that caused some difference of opinion in our industry. After the fullest, frankest, and most extended discussion, we concluded that based on our own experience, the President should have the additional authority and that it would be wisely exercised.

My own view is that entirely aside from the Geneva agreement, if Congress does not want to take back authority in respect to foreign trade—and it has clearly shown it does not—it is better to place it squarely on the President than to have a division of it between the President and the Tariff Commission. Under the present system, the Tariff Commission can take no final action. It can only make recommendations, and the President does not have to accept these recommendations unless he wants to. However, if the Tariff Commission doesn't make favorable recommendations, there is little he can do to help the situation.

Under such a setup, I can't see that the Tariff Commission, an appointive body, is in position to protect American industry. If the Congress is unwilling to assume this responsibility—and it is—it seems better to me to place this responsibility on the head of the country, who is answerable to the people every 4 years.

Our industry has taken no action implying that we would not oppose certain provisions of the Trade Expansion Act. Certainly, as individuals, we are violently opposed to the subsidy provisions of the act. The power to subsidize any business is the power to destroy all unsubsidized business, and I am very hopeful that Congress will strike these subsidy provisions from the legislation.

Mr. Speaker, I do not agree with Mr. Smith in some of his conclusions. Certainly, when he so categorically states that Congress has clearly shown that it does not wish to take back its authority in the field of trade regulation, I do not agree with that. I do not see how any Member of Congress who has stood in this Chamber and taken the oath to uphold and support the Constitution can turn his back upon the clear language of the Constitution which places the burden upon the Congress of the United States to regulate trade between the States and foreign nations, and I believe also it says something about trade between the Indian tribes. So, we just cannot, I think, escape the responsibility of the Congress in this field of trade regulation, foreign and interstate trade.

Mr. Speaker, in the textile area there has been a great deal of individual dissent from the position taken by the American Cotton Manufacturers Institute.

I had a letter a few days ago from a gentleman in my community whom I admire very much. As a matter of fact, just today I placed in the CONGRESSIONAL RECORD an editorial and a news story about an honor which has recently come to him. This gentleman is one of the senior citizens of my hometown. He has been one of the leaders in civic, industrial, and business life and has distinguished himself by unselfish public service in all areas which are worth while in a fine community. I speak of Mr. A. G. Myers, who is chairman of the executive committee of Textiles, Inc., which operates some 14 or 15 textile plants in my home county. Mr. Myers has held many positions of honor in the textile industry. He is also one of the outstanding men in the financial world in this country.

On April 10, 1962, he wrote me the following letter:

DEAR CONGRESSMAN WHITENER: After reading the newspapers for the past several days, I feel very much concerned about the future outlook of the textile industry, as its survival, in my opinion, depends altogether upon the action taken by this session of Congress and the authority vested in the President.

With our foreign competitiors having a wage scale of about 25 percent of our domestic industry, and in some cases as low as 10 percent, together with a cotton cost of 8½ cents, or 25 percent, less than our cost, it is had to see how the U.S. industry can survive unless restraints are placed on imports, either by proper tariffs, which would be preferable, or quotas, the latter being very hard to police. It is a foregone conclusion that it is only a matter of time until we will lose all of our export textile business to our foreign competitors, which will have its full effect on the country's gold supply.

Being in the yarn and thread business, which we sell to converters and garment manufacturers, we are naturally greatly affected by the shipments of finished thread and yarn which are being imported in large volume, although other segments of the industry are likewise greatly affected by foreign imports. While it has been stated that the volume of all textiles now being imported into this country is only about 6 percent and this does not seem large, it only takes about 2 percent of oversupply to demand to adversely affect the sales price.

In 1928 we had 38 million spindles in place in the United States; today we have about 20 million spindles in place, which means that many hundreds of mills have closed down because of inability to make a profit. Statistics for the past several years show that the domestic textile industry and its allied garment manufacturers stand right at the bottom of all industries as to earnings on capital investment and on dollar sales. The textile industry is important to the economy of the United States in times of peace and war, but it is not logical to operate any business that will not show a return on the investment.

It has not been too long since an important man in the administration made the statement that "the textile industry would have to do a better selling job and spend more for research," but, if the industry can be shown how to make a sale at 20 percent to 25 percent higher than imported products are being offered for, I think this man would render a greater service to the industry.

As to research, hundreds of thousands of dollars are being spent annually by industry and by schools supported by industry, and this field has not been overlooked.

Also, in recent years, the mills generally have spent sizable sums in installing modern machinery, and, as a result, the labor force has been reduced approximately 20 percent.

It is not necessary for me to tell you how dependent the Piedmont section of the Carolinas is on the textile industry, since it gives employment to so many people and many other individuals and businesses are dependent upon its payrolls.

Respectfully yours,

A. G. MYERS.

Mr. Myers has touched upon the heart of this problem so far as I am concerned. I am sure my friend from South Carolina will agree with him when he talks of the 20-percent reduction in textile jobs of American people that has been experienced in this country in recent years. It is they about whom we are concerned in our presentations here. Those who own the plants and those who have the investments can in many instances survive without continuing to operate the textile plant, but the man who is working in the mill supporting his family from his earnings has no place to go when he finds himself as one of that 20 percent of vanishing textile workers as the result of the inordinate imports of foreign-made textile products.

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

Mr. WHITENER. I yield to the gentleman from South Carolina.

Mr. HEMPHILL. I know the gentleman has been distressed, as I have, at the fact that some of the bureaus and some of the departments of this great Government of ours have spent a lot of the taxpayers' money in propaganda in the field of export and import jobs. What they have done is make studies satisfactory to their own policies. One of the subjects I saw and read with a great deal of interest was that imports create jobs. If they were to be honest enough at the Department of State, the Department of Commerce, and these other departments which put out this study of the textile industry to note the decline in the number of jobs since 1950, or if you want to take a 10-year period, since 1952, they would find that their own statistics give it the lie. What has happened has been that this industry has been the target of so much abuse.

I want to say to the gentleman again that I salute the fact that he is a continuing champion, an unhesitating champion of the rights of these people who work in the textile mills. He and I have had the advantage of growing up among them and serving them in various capacities in the public interest. Not only that, we have many of them as close personal friends and associates in various civic and fraternal associations. We know they are wonderful people. They want the continuation of their jobs, just as do other people. We know that they are the finest Americans. We know also that the people who work the textile plants in our part of the country have been quick to say that these are the most loyal and dedicated kind of people in the whole length and breadth of the United States today.

Again I salute the gentleman.

Mr. Speaker, I ask unanimous consent to revise and extend such remarks as I have made when the gentleman has yielded to me in connection with this special order.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WHITENER. I thank my friend from South Carolina and say to him that I could not agree more with anyone than I do with him about the nature and quality of the people in the textile plants in our section of the country. I suppose I would be rather foolish to disagree with him since I am one of those individuals, and have great pride in my textile heritage.

I was raised in a cotton mill village. I worked in the mills. My folks worked in the mills and still work there, some of them in management and some of them at the machines. I have a great emotional feeling for this great industry which transcends just bare economics, because it has been an industry that has not only been good to the section of the country where I live but has been of great benefit to me.

As one who has swept in the mills and run lap machines, stripped cards, ground cards, poured up yarn, laid up spools, creeled twisters and run many other jobs in the textile plants, I just have a real emotional feeling about this subject.

We are talking now about America at the grass roots. I do not believe I can ever attain that degree of sophistication that I see in some people who can deal with a job for a human being as a statistic or as a line on a chart. I think that this comes about because of the unfamiliarity of some of these people with what it means to have a job or not to have a job. So when we talk about this business of unfair competition taking a job away from an American citizen so far as I am concerned, it is not a question of a statistic, it is a matter of life and blood and bread and meat. It is the difference in a child of a human being having an opportunity to wear shoes to school or having to go barefooted. It is the difference between a boy or girl having a chance to go through the public schools and on to college. Yes, even to go to the Congress of the United States or to the presidency of a great university as some of the boys from the mills in my area have done. This is not something that can be reduced to a statistic as our friends in some of the agencies of Government seem to feel it can be.

I cannot see why I should go along with the idea that we ought to lop off the jobs of thousands of American textile workers simply because some say that overall the trade situation will be better, if we take those jobs away.

I cannot understand how anyone in this country knowing that the textile industry is the second largest employer of people of all the manufacturing industries can take a blase attitude about its preservation. I cannot see how anyone who lived through World War II and who saw what a push we had on for the production of the textiles can sit back and say they are interested in the security of this Nation and, yet, let over 800 textile plants go out of business since the end of World War II. Why, in my hometown when I would come in on leave during the war, every store and every building and every garage, upstairs and downstairs, wherever they could find a place to put some spinning equipment or some kind of textile machinery was being utilized for that purpose. They were doing that to get the textile products which were so essential to the war effort. Yet, today when we are told that this cold war will not ease up for at least 2 more years at best, this cold war which many tell us could go into a hot war, there are many who capriciously take the attitude that our textile industry is expendable. We cannot overlook the very elemental proposition that men must be clothed in time of war and in time of military emergency just as they must have rifles, and tanks, and missiles, and these other implements of war.

We talk about the textile industry and the jobs of the American people working in it. The Department of Agriculture in its release No. FASM–125 shows the different people who have an interest in the U.S. textile imports. They take into account the cotton merchants and the manufacturers of textiles. They could well have mentioned the chemical industry. I am told that the textile industry is the biggest industrial customer of the petroleum industry. Certainly in the electrical field—almost any area that you go into the industries are dependent upon the textile industry in part for a healthy profit situation.

Then the Department of Agriculture talks about labor and its interests, and they say this:

Another group having a direct interest in imports is American labor, especially those working in the U.S. textile industry. Employment of production workers in the textile industry as a whole totaled more than 1.1 million in 1947. Employment dropped to around 800,000 by 1958, a decrease of about 28 percent in 11 years. While some of this decrease in employment is undoubtedly attributable to import competition, it has been estimated by the chairman of the New England Governors' Textile Committee that the loss of employment from increased productivity has been at least three times as large as the loss from rising imports. Labor does not blame all of its woes on imports, recognizing the many other factors that have contributed to the textile industry's failure to participate fully in the growth of the American economy in the past 30 years. Labor has claimed, however, that the sharp rise in imports has seriously aggravated the industry's problems. As a consequence, labor has requested protection against imports produced by workers abroad whose pay scales are a small fraction of theirs, has suggested fair labor codes for commodities in international trade, and has urged wage adjustments that reflect changes in productivity. This attitude on the part of labor is a mod-

ification of its traditional role as an advocate of free trade.

That is not what I say about it, that is not what some person who has his fortune invested in the textile industry says about it, that is not what some person who earns his livelihood in textiles says about it—that is what the Department of Agriculture, the Foreign Agricultural Service Division of the U.S. Government has to say about the situation in textiles. Certainly this decrease in jobs necessarily comes about when we have these excessive imports, because you cannot compete with this type of unfair competition without speeding up production in our own plants, and our textile industry in this country has done that.

I can say to you as one who works with and lives with the textile people and textile workers that had it not been for their basic Americanism which caused them to realize that it was essential that the industry speed up production and increase production per man-hour, we would have had a chaotic condition in the labor situation in the textile area. But these people realized that to compete with low-wage American-subsidized foreign competition they had to put their shoulder to the wheel.

I hear these comments from some of the folks in the State Department. I believe it was last November in New York City one of the men who sits near the top in the State Department made a speech there in which he referred, in effect, to the textile industry as being an inefficient industry.

Recently, when I had the privilege of talking to some of the State Department folks who have made that statement in NATO headquarters in Paris, I pointed out to them that in the past 10 years the production per man-hour in the textile industry increased 60 percent. I asked him if he could name another industry that had done that in this country. He ducked his head and said he was not aware of that sort of information.

When we look about us and hear these accusations that in certain industries there is featherbedding, there are slowdowns, and all of those things happening, and realizing that as opposed to this accusation the statistics and records show that in the textile industry the people are producing more per man-hour by 60 percent than they were doing 10 years ago, I say that is a great tribute to those who work at the machines in that industry.

As we here in the Congress meet our responsibility to those people and to our own country, as well as to the security of our Nation, and to the economic welfare of our Nation, I hope we will remember that it is our responsibility to make the decisions as to the future course of this great segment of our economy.

I want to say as we move along here toward further consideration of our trade situation in this Congress, I will be deeply grateful to all of our colleagues who will give serious thought to our welfare, not only in textiles, but in other areas of industry where foreign competition has been so disastrous in its effect.

THE TEXTILE INDUSTRY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from South Carolina [Mr. HEMPHILL] is recognized for 60 minutes.

Mr. HEMPHILL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include extraneous matter.

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

There was no objection.

Mr. HEMPHILL. Mr. Speaker, before I proceed with what I would like to say here, may I take this opportunity to congratulate and salute my distinguished colleague, my neighbor, my longtime friend, the gentleman from North Carolina, BASIL WHITENER, for his remarks today and for the fact he has consistently been a champion of the rights and the jobs and the purposes of his textile people. He and I have been here on many occasions. We always hope we will not have to come here again, that we will not have to raise our voices for a depressed industry, an industry which has been threatened, which has been sorely depreciated and depleted by foreign imports. We come here in the hope that this relief which we have been promised and which we need desperately will come before we have occasion to get up again and raise our voices. We also hope that sometime in the future our colleagues will join us, because we have spent many hours and many days trying to bring our textile problems to the attention of the Nation, the Congress, and others who may have some authority, some influence, or some power in this particular field, that they may give us some of the relief which we so desperately need.

Not long ago I wrote to a good many of my textile people telling them of the situation insofar as the Washington scene was concerned, giving to them as best I could my impression of the President and his textile program with which the textile industry is concerned, and what the doctors would call the prognosis for the future, whether or not the patient is going to get well and what steps we will expect to take to cure the patient and how long the healing process would be.

I received many replies, and while I will not name the very distinguished gentlemen of that industry who favored me with a reply, I must say that I am most grateful to those who did reply and that these people share our continuing fight and our growing concern.

Now, while we were talking here and while those in the State Department were preaching loud and long about what they would do and that imports were not hurting us, one of my textile people who keeps up with the imports had occasion to read about them and study them, and here is what he wrote me less than a month ago:

I note that during January and February of 1962 cotton cloth imports totaled 89.8 million square yards compared to 46.9 million square yards for the same period in 1961. At the current rate of imports, 1962 will be the highest year for imports in our history. Likewise I note that during the January and February 1962 period there was 5.4 million pounds of cotton yarn imported compared with 1.7 million pounds for the same period in 1961.

Now, just about that time I had a manager of a plant in my district write to me and telephoned and later talked to me about a situation in which the Japanese, with their usual practice over the years, had zeroed in on a particular segment of the textile industry. Their exports to this country had increased something like 300 percent. The figures were published by those who dared to publish them but not by those who sought to convince by false propaganda that imports helped this country.

So, I went to the Department of Commerce and asked for verification, asked for information, asked for statistics. They told me to call the Department of State. The Department of State said that they were making a study of it but hush-hushed it up because we did not want to topple the plans of some American negotiations. I do not have the information yet. But, if the information is not forthcoming by the 1st of May, I intend to bare this scandal right here in no uncertain terms, and I intend to call names and quote figures, because the American textile people deserve the information instead of the propaganda put out by so many bureaus of their Government.

Speaking of the Japanese—and I have great affection for those people in spite of the fact that they stabbed us in the back at Pearl Harbor—getting into the textile field, they are a great people, and certainly, if they can fool some people in the textile field, like they have, do not think they do not put out good textiles, because they do. I am not advertising for them, but they have modern, up-to-date machines, as we have experienced in the past.

I have an article here dated April 26, 1962, from the American Textile Reporter, which is put out in my State. I do not agree with many of their views.

This particular periodical has castigated me in no uncertain terms at times, whether fairly or unfairly, I am not going to take the time to say here, but I think the article is worthy of consideration. It is entitled "Japanese Propaganda," and I insert it at this point in the RECORD under previous unanimous-consent agreement.

The article referred to follows:

JAPANESE PROPAGANDA

We heartily second J. Craig Smith's comments on inaccurate and misleading Japanese propaganda in his regular column in a recent edition of the Avondale Sun.

Mr. Smith said:

"An organization by the name of the United States-Japan Trade Council, registered with the Justice Department under the Foreign Agents Registration Act, has mailed a series of brochures to Alabama newspapers and chambers of commerce. The last of these to come to my attention contains the following statement: 'Alabama cotton farmers ship well over 10 percent of their total crop, year in and year out, to Japan alone.' They say that their purchases in Alabama amounted to $22,338,000 and they value the cotton they say they bought at $12 million.

"Anyone who knows anything about the cotton business in Alabama would know that this statement is grossly inaccurate. The

facts are that nearly all of the cotton grown in Alabama is used in American mills. To be positive that my facts were right, I asked one of our leading cotton merchants to get me the figures as to what cotton was shipped from Mobile last year. If Japan had bought cotton in Alabama, this would have been the logical place to ship it from. The Census Bureau's data on exports are compiled by customs districts. During the 1960–61 crop season, the total cotton shipped to Japan from district 19, which includes not only Mobile but also Gulfport, Pascagoula, and Birmingham, amounted to 3,345 bales. If this cotton had been worth $12 million, it would have cost Japan $7.17 per pound.

"I suppose the United States-Japan Trade Council would undertake to justify its figures by an averaging process. The circular certainly creates the opposite impression and no one reading it could conclude that the Japanese might be talking about cotton they bought in some other part of the United States.

"Japan, of course, doesn't grow a single bale of cotton. The must buy cotton from somewhere for her textile mills. She buys this cotton wherever it can be bought to best advantage. Without the U.S. export subsidy on raw cotton, Japan would buy nothing here. Even with the export subsidy, one recent year Japan bought little cotton in the United States.

"I had thought that perhaps Attorney General Robert F. Kennedy would like to call this inaccuracy to the attention of the Japanese. Senator LISTER HILL, Senator JOHN SPARKMAN, and Congressman GEORGE HUDDLESTON have expressed their interest to the Attorney General. Senator SPARKMAN sent me a letter from Assistant Attorney General Yeagley in which Mr. Yeagley says:

" 'The statute does not, however, impose any obligation upon any Government agency to determine the accuracy of the statements contained in the propaganda material disseminated by agents who are required to register under the terms of the statute.'

"In the meantime, I had a letter from Nathan B. Lenvin, Chief of Registration Section, U.S. Department of Justice, enclosing a 34-page pamphlet dealing with the Foreign Agents Registration Act. The following is copied from this pamphlet:

" '(b) It shall be unlawful for any person within the United States who is an agent of a foreign principal and required to register under the provisions of this Act to transmit or cause to be transmitted in the United States mails or by any means or instrumentality of interstate or foreign commerce any political propaganda (i) in the form of prints, or (ii) in any other form which is reasonably adapted to being, or which he believes will be, or which he intends to be disseminated or circulated among two or more persons, unless such political propaganda is conspicuously marked at its beginning with, or prefaced or accompanied by, a true and accurate statement, in the language or languages used in such political propaganda, setting forth that the person transmitting such political propaganda or causing it to be transmitted is registered under this Act with the Department of Justice, Washington, District of Columbia, as an agent of a foreign principal, together with the name and address of such agent of a foreign principal and of each of his foreign principals; that, as required by this Act, his registration statement is available for inspection at and copies of such political propaganda are being filed with the Department of Justice';

"The piece of propaganda which I sent to the Attorney General carried no reference whatever to the United States-Japan Trade Council's being a foreign lobbyist. I have now inquired if the Attorney General would like to call this omission to their attention.

"If an American company failed to make a disclosure required by the SEC, I don't believe the penalty would likely be only a warning."

Mr. Smith deserves the thanks and the congratulations of us all for bringing this typical piece of misrepresentation out into the open. For altogether too many years, the American people have obviously been considered easy marks for phony propaganda. It is perhaps too much to hope that Mr. Smith's exposure of one brazen or careless distortion will put an end to the practice. Our foreign competitors, not satisfied with trying to put us out of business, also want to look pious while they do it; and there are Americans who are willing to help them in return for a fat fee.

Mr. HEMPHILL. Mr. Speaker, among other plants that I have in my district are some plants known as the Springs Cotton Mills. All of the manufacturing plants in that particular segment of the American textile industry, so far as I can determine, are located in my district, and employ about 15,000 fine, great, lovable American people, people who go to church, people who give an honest dollar's worth of work for a dollar, people who pay their taxes and own their homes, people whose word is good, and people who are willing to sacrifice for their country and have sacrificed their sons and their daughters, their brothers and their sisters, in every war since that industry was located and began to expand in my district. I know most of them personally. This is an industry which I think is as efficient, if not the most efficient in the world, as any comparative industry, not textile, I believe, in the world, and which has a great operation. I am not advertising for them, but perhaps you have seen the Springmaid advertisements, which are among the cleverest known to the modern advertising society. In a recent bulletin, the Springs Bulletin of Tuesday, April 10, 1962, they had a statement by the young and very able president of that great company, Mr. H. William Close, which is entitled "Textiles at the Crossroads," and I would like to insert that article in my remarks at this point under previous permission granted to me, Mr. Speaker.

The article referred to follows:

TEXTILES AT THE CROSSROADS

(By H. William Close)

We look back on 1961 with mixed emotions. We increased our sales by 5 percent but our profits dropped 20 percent. We don't feel apologetic in that most of our reduction was due to the high cotton cost-low cloth price squeeze we experienced along with our competitors.

Because we all shared this problem, the Springs Cotton Mills and the industry in general had a mediocre year. However, we can still say that our percentage of profits to sales remained at the top of the industry.

More important is what we have done and are doing to retain and improve our position in view of the economic and political problems ahead.

We are now in the early stages of a massive transition from an efficient, high-quality manufacturer by today's standards to the modern, automated and electronically controlled production organization that will be necessary in the future.

Technical changes in sight are not earth-shaking. But they will make for considerably more efficient production. We have bought and are experimenting with high-speed cards, the newest shuttleless looms and the new finishing equipment which has been developed for higher quality and faster production. As they prove out, we are prepared to install them.

THE ELLIOTT PLANT

Nineteen hundred and sixty-one saw the ground breaking for our new Elliott plant near Fort Lawn, S.C. This plant is appropriately named in honor of our late president, Elliott White Springs. His business acumen was a major factor in supplying us with the $7 million it will cost and we believe that the building and the equipment therein will be in keeping with his vision of efficient, high-quality production.

The Elliott plant will include the latest in machinery; it will have the latest methods of materials handling; it will be refrigerated, and it will be capable of producing the highest quality fabrics at the lowest cost. An operation of this type was Colonel Springs' plan for the future and it is this plan we are carrying forward.

At Fort Lawn the Lancaster & Chester Railway is building a central warehouse complex to hold 100,000 bales of cotton. This facility will be used exclusively by the Springs Cotton Mills and will, of course, include the most modern handling equipment available and will enable us to blend more properly and at less cost the 400,000 bales of cotton we use per year.

We are looking toward the future. At the same time, we are working always for the improvement of economic and social conditions in our area.

In 1961 the Springs Cotton Mills operated on a full-time schedule and paid the largest payroll in its history to 12,500 employees. We made the largest cash profit-sharing distribution to our employees and paid the largest dividends to our shareholders. Our employment reached its highest point and we increased our employee benefits appreciably.

Through the Elliott White Springs Foundation we continued to expand our recreational facilities by completing a 12-lane bowling alley at Lancaster and starting construction of a 6-lane center at Kershaw. We made sizable contributions to vocational schools and colleges within the State and gave loan scholarships to 125 college students in our communities.

We gave a substantial portion of the funds necessary to build the modern, 40-bed Grace White Memorial Nursing Home in Lancaster and also supported other worthy community projects.

And we also paid our taxes. These totaled $17,525,000 in State and Federal income taxes. For the tax year ending June 30, 1961, the Springs Cotton Mills paid one-tenth of all corporate income taxes collected by South Carolina and one-quarter of all corporate income taxes collected from the State's textile industry.

WHAT MORE?

Is there a great deal more than can be demanded of an industry under our democratic system? In the years following World War II the U.S. State Department seemed to think there was. It wanted us to go further and become a sacrifice on the altar of diplomatic expediency.

If we screamed to loudly, as some say, there are few who can deny that our position was desperate. It is hardly less desperate today but we have, at least, some assurance from President Kennedy that our situation is being recognized.

The recent textile agreements reached in Geneva have given the American industry a graduated, 5-year stay of execution—if they are ratified by the other nations involved. President Kennedy's seven-point program and his recent commitments to Representative VINSON mark a healthy change of atti-

tude toward the textile industry—if the State Department can be persuaded to go along.

These are two big ifs. Even if these promises are faithfully kept, the American textile industry still faces the problem of competing in a world market under the handicap of the two-price cotton program. President Kennedy has suggested an 8½-cent import equalization fee to balance the export cotton subsidy and to protect the domestic market.

This equalization fee is vitally needed by the textile industry. It will be needed until the administration and Congress reach some solution of the problem of agricultural subsidies.

Why shouldn't we go all out to eliminate the two-price cotton program? It is impossible for any honest conscientious group, aware of the cost of the program to the taxpayer and aware of its unfairness, to deny that the textile industry should be able to buy cotton in the United States at the same price it is offered to our oversea competitors.

We, in this industry, sell our goods according to the law of supply and demand. We are accustomed to it and, given half a chance, will survive. Our Government still holds to low import quotas on raw cotton—another advantage for the farmer and a problem for the manufacturer. Why shouldn't the farmer also operate in a free market and sell under the law of supply and demand?

In our traditionally free economy no segment of essential production is less important than any other. Nor is it more important. Agriculture, because of its special treatment, is not only drowning itself but the taxpayers of the United States in its price-supported surpluses.

We realize that it is futile to call for political sanity in an election year but this is a problem which the administration and Congress must face. Elimination of the two-price cotton system would be the most logical place to start. Give the efficient producers of cotton a chance to increase their share of world markets at competitive prices and give the most efficient textile industry in the world a chance to meet all comers with both hands free.

The American cotton manufacturers are not asking special treatment. They are just asking real and permanent fair treatment.

As far as Springs is concerned, we are presently a healthy company in an ailing industry. We know we cannot long remain in this position unless the Federal Government recognizes the unfairness of the extra burdens carried by the industry and moves to correct these inequities.

Mr. HEMPHILL. Mr. Speaker, we are now considering—we of the textile area—what to do about the proposed trade bill. It is a matter of great concern to us because we have heard many vacant promises from the executive branch of the Government of another day. I referred to that matter a while ago, particularly those promises which were made under the previous administration which, apparently, did not believe its own statements, and had no intention of carrying them out or any idea they were going to do anything for the textile industry.

From time to time we have had legislation commonly referred to as reciprocal trade legislation, in which the textile people have been promised that they are not going to be hurt; that they had been provided for through other legislation, and that they were going to be taken care of, or statements to the effect "if you get hurt, we have something to take care of you." Time after time nothing has been done; time after time the hurting received neither sympathy nor action.

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

Mr. HEMPHILL. I would be happy to yield to my distinguished colleague from North Carolina.

Mr. WHITENER. I thank the gentleman for yielding, and express to him again my appreciation for his continued efforts in this battle for the people of America. I was just reminded by the statement that the gentleman made that in my remarks I had failed to do one thing which I particularly wanted to do. I suppose that is what happens when one does not speak from a manuscript, but speaks extemporaneously. The gentleman has mentioned this administration. I had intended—and if I can impose upon the gentleman's time long enough to do so—to say that notwithstanding the feeling of apprehension which our industry people and textile people generally have about the future, there is a very general feeling of appreciation and gratitude on the part of our segment of the textile industry, and certainly on my part, for the very worthwhile things which the President has done during his administration to help improve the deplorable condition with which the industry and our people were confronted for so long. I speak, of course, of the revised depreciation schedule for textile machinery, and the seven-point program of the President which is being implemented from time to time, as well as the efforts of the administration in the long-term Geneva agreement negotiations and, hopefully, what may happen on the section 22 hearings now unresolved by the Tariff Commission.

As the gentleman from South Carolina said earlier when I yielded to him, I think that there is every conviction and every reason for conviction that our great President understands the plight of the textile industry; that, understanding it as he does and having the motivation for public service we have observed in him, he has set upon a course of trying to do something about the inequity which has confronted our American people in the textile field.

I know that the gentleman from South Carolina must have been gratified, as was I, with the rather decisive type of action which the President took with reference to Hong Kong when he, through the proper agencies of government impounded I believe some 15 million, or maybe more, yards of fabrics destined for the United States.

So, speaking only for myself but, I believe, speaking accurately for the people of the area that I represent, while we are apprehensive as to the future, we certainly would not be candid and would not be doing what our heart tells us we should do if we failed to point out that we are deeply grateful for the understanding, for the consideration, but even more so for the action which the President of the United States and his administration have taken in recent days in behalf of this great industry which the gentleman from South Carolina so eloquently defends here today.

Mr. HEMPHILL. Mr. Speaker, I thank the gentleman and I share his sentiments entirely. Of course, one of the amazing things to me has been that even though the President has done something and the previous administration made only hollow promises, there are many who have not had the gratitude which my friend expresses and which I express, as do a great many of my people. I will say to them that this is our President and he is trying to do something for our people; and I salute him for what he has done. And while, like some others, I may have wanted more, I am so happy and it is refreshing to see something done and some consideration given, after the difficulties we have had. It is refreshing; and not only that, it is good to see a man carry out his campaign promises, as he has been trying to do.

I recognize the fact that we who have this problem on our doorstep and in our heart and on our agenda every day and every night, while here and down in our district, even if we may want more done, realize that the President of the United States has a great many responsibilities.

Mr. WHITENER. Mr. Speaker, will the gentleman yield further?

Mr. HEMPHILL. I am happy to yield to the gentleman.

Mr. WHITENER. I certainly would not want to be understood as defending the previous administration and its trade policies. But I think it should be pointed out that we who are concerned particularly about the textile industry do not like having a great deal more complaint with the previous administration than do other American industries, because during that administration on 28 occasions when that administration had an opportunity to make a decision favorable to American industry and American jobs, not only in textile but other industries, only 2 favorable decisions were made for the American people and their jobs. And I think that we should in fairness point out that while we who are concerned so much about textiles were disappointed at the performance of the last administration that we were not discriminated against, because I suppose that the record will show that the previous administration was impartially against relief for all segments of the American working economy.

Mr. HEMPHILL. I thank the gentleman. I might say I certainly did not think the gentleman was trying to defend the previous administration or its trade policy. I do not think either the distinguished gentleman from North Carolina, with his eloquence and his brilliance, nor any other man, can successfully defend the previous administration and its trade policy. If I am a student of history, I think history will call for a defense which cannot be forthcoming, because when you do nothing you are not acting as an American, you are not doing the best for the American people. That was the classic impact of that administration not only in the textile field but in all the trade fields. We slipped and we slipped and we slipped. Now we have a man who has inherited the worst and is doing the best with it.

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

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

Mr. PIRNIE. Would the gentleman point out in what respect he believes the State Department has changed and differed from the previous administration?

Mr. HEMPHILL. I would be happy to point that out to my friend. I think he reads the papers; I am sure he must. The State Department no longer blocks any action. The State Department no longer controls, so far as I can determine, the textile policy, but the President of the United States, one of the great Presidents, is now in charge, and he is President. Our President acts now just exactly the opposite of the previous administration.

Mr. PIRNIE. Does the gentleman indicate, then, that the State Department no longer has a role in that field?

Mr. HEMPHILL. I would not say that. I wish the gentleman were correct, and I hope he wishes he were correct.

If the gentleman had been here on previous occasions, we have had a little something to say about the State Department. But, you know, we inherited something from the gentleman's party that was not too good.

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

Mr. HEMPHILL. I yield to the gentleman from North Carolina.

Mr. WHITENER. The gentleman from New York has raised, I think, a rather important issue here when he says that the leopard has not changed his spots too much. I think the gentleman from New York is correct about that. The difference is that I believe we have a little firmer hand supervising.

I might say to the gentleman from New York, if the gentleman from South Carolina will yield further, that I have a little bill that I have introduced, and I would like to enlist the support of the gentleman from New York, for whom I have such a high regard. That bill says that notwithstanding the Foreign Service Act, notwithstanding the Classification Act, the Secretary of State shall have the right to decide who will be employed in the State Department, all folks who earn more than $8,000 a year. The purpose of that legislation is to get at the very problem which the gentleman from New York has so well brought out. I said this during the campaign in 1960, that I felt that our situation would be improved with a change in administration at the head of our National Government, but that I realized that whichever party went in power with this system of job protection of policymaking people that we have, particularly in the State Department, it is most difficult to get away from policies which have been established, even though they may be wrong.

I think, if I may say this to the gentleman from New York, that the difference is apparent down there only because of the supervisory help that they put in in the form of the Secretary of State and some of the others who work under him, plus the fact that the President of the United States at this time—and I am not here to throw stones at anyone else—has a deep understanding and a deep interest in this matter of our international trade.

May I point this out, and certainly I do not want to be unkind to anyone and, particularly, to an old friend, many years ago I became acquainted with a very fine young man who was president of the Junior Chamber of Commerce of the United States. Then sometime later when I came to the Congress, this young man was Assistant Secretary of Commerce in charge of the foreign trade desk or whatever the designation is of that particular position which he occupied. During the past administration, this young man went down into our section of the country, and at a meeting of textile people there, he in effect told them they did not know what they were talking about and that nothing was going to be done for them. It was about the same as walking into someone's home and hitting them over the head with a wet cloth. I was very interested a few days ago to get a piece of mail from a lobbying organization for this so-called free trade to find that that gentleman is now executive director of that organization, carrying on possibly the same type of lobbying that he took up, and I am sure at a good salary, as soon as he left the government service. I am not being partisan when I say that it is little wonder that an American jobholder in the gentleman's State of New York and in my State of North Carolina and in the State of the gentleman from South Carolina fairs so badly with these almost faceless individuals who do not have to answer to the people at the ballot box. I am sure that notwithstanding the difference of political parties between the gentleman from New York [Mr. PIRNIE] and myself and our colleague, the gentleman from South Carolina, we can all agree nothing is more important at this time than to make the right decisions in our international relations in the field of trade as well as in the field of diplomacy—and trade, I think, is equally important as our diplomatic decisions.

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

Mr. HEMPHILL. I yield to my distinguished friend. But, let me say that I share the affection of my North Carolina colleague for the gentleman from New York. The gentleman from New York is a great citizen and has served his country well, and as I recall he continues to serve in the Reserves and I have great affection and respect for him. I am happy to yield to my colleague.

Mr. PIRNIE. I thank the gentleman from South Carolina. I would just like to point out that I come from a section of the country that lost a great many textile jobs to your section of the country. That does not mean, however, that I am not sympathetic to the problems of your people because I am, and I fully understand the type of employee who is represented and for whom you are expressing concern.

Mr. HEMPHILL. I thank my colleague.

Mr. PIRNIE. I would also call attention to the fact that the problem with which the gentleman is wrestling is one of economics and of trade which must be resolved in this body in the very near future. It is not a matter of partisan politics. This question of inheriting problems is not peculiar to one administration. That is, perhaps, a liability extending back for some years. It has been an approach to this problem which has stymied the gentleman as it has many others as they have approached these trade problems requiring solution. I am hopeful when we are considering trade measures on this floor, we will recognize that these problems do exist and that we cannot meet them just by solving one segment of the overall problem. It must be viewed in its entirety. I was pleased to support the gentleman in the legislation to which he refers and I welcome any constructive action that we can take to preserve American jobs and payrolls in this country.

Mr. HEMPHILL. Mr. Speaker, I want to thank the gentleman from New York for his remarks. He raises a thought in my mind and it is this: One of the difficulties I think we have brought upon ourselves through the years has been the fact that Congress is entrusted with the trade and commerce of the country. We have committees supposedly entrusted with international trade and commerce. But we have delegated at times too much authority. I think the gentleman will agree with that. I am not talking partisan politics.

Having seen our mistakes—I think we all see them—having seen our mistakes, now is the time, since it is very crucial and very apparent that we are at the crossroads—the hardwood veneer industry in my area has been in difficulty and is at the crossroads; some years ago it was watches—they went down the drain—then bicycles, then the soft coal people and others. I think now that we have seen the wreckage and what has been done, all of us are going to try to pull together to do something to reverse the trend. I want to thank the gentleman from New York for his very kind and timely remarks.

Mr. PIRNIE. If the gentleman will yield further, I would like to thank him for his comments. I have been appreciative of the efforts he has made through the weeks and months; I know how sincerely he feels about this thing and how critical it is in the area he represents, and I know it is in the interest of this country to try to find a sensible solution for it.

Mr. HEMPHILL. I thank the gentleman very much for his participation.

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

INVESTIGATION OF OBJECTIONABLE MOTION PICTURES

The SPEAKER pro tempore. Under the previous order of the House the gentleman from New Jersey [Mr. ADDABBO] is recognized for 10 minutes.

Mr. ADDABBO. Mr. Speaker, I have introduced legislation today calling for an investigation of objectionable motion pictures and motion picture advertising most reluctantly. I had hoped and anticipated that the motion picture industry would reaffirm and strengthen its

own self-policing code. Assurances to this effect had been given to my subcommittee by representatives of the industry at public hearings in Washington in February of 1960.

But the growing storm of protest and indignation that has arisen throughout the country as regards the effects of certain motion pictures on human behavior has convinced me that this action by the Congress is necessary in the public interest.

Motion pictures always have had, and will continue to have, a tremendous impact on our national life. Whether this impact is good or bad is in direct proportion to whether or not the picture is good or bad. A number of authorities have testified as to the irreparable harm that can be done to both juveniles and adult behavior by highly suggestive films.

I believe that the American people would rather view motion pictures that are not repugnant to our cultural, moral, and social values. I share the belief that the industry has a duty to produce and exhibit pictures that will contribute to the American way of life and to refuse to accede to demands for suggestive materials.

For the reasons outlined above, Mr. Speaker, I believe that the creation of a select House committee for the purpose of conducting a full investigation and study of complaints regarding the production and distribution of objectionable motion pictures and related advertising.

I should like to emphasize that the select committee would in no way be concerned with censorship or otherwise imposing any controls on the motion picture industry. Necessary studies will be as completely objective as possible and on a strictly fact-finding basis to determine whether or not the increasing number of complaints being aimed at the industry are justified and whether or not legislation is necessary.

FORMER PRESIDENT TRUMAN'S 78TH BIRTHDAY

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from Missouri [Mr. RANDALL] is recognized for 30 minutes.

Mr. RANDALL. Mr. Speaker, I am grateful once again for the opportunity to express my admiration and high esteem for a great American and valued friend, Harry S. Truman, on this the occasion of his 78th birthday, today, Thursday, May 8. As always, it is a pleasure to pay tribute to the outstanding citizen of our congressional district.

I regret the lateness of the hour, and I sincerely regret, Mr. Speaker, that this special order could not have come earlier when several friends of our former President were in the gallery, gentlemen here in connection with the postal pay legislation, and in particular such old friends of his—John Monroe, of Fairmount; Bill Cady, of Ruskin Heights; Gene Scott, of Kansas City; Les Brown, from Clay County, and other friends from St. Joseph and Springfield, Mo.

To honor such a man is, of course, an honor in itself, and to be able to say that President Truman is a constituent, is really a first-class honor. It is a source of pride to be sent to the Halls of Congress from the congressional district which projected on the American political scene one of the ablest and most illustrious statesmen ever to be sent to the Presidency, and a man who was later destined to make some of the most important and eventful decisions ever reached in the White House.

Out in Kansas City earlier today, as is usual on each birthday of our former President, at one of our leading hotels, there was a luncheon in which several Members of the House and Senate participated by sending taped messages. I understand President Kennedy made a phone call to former President Truman during the course of the luncheon. It is no problem to extoll the many virtues and great merits of this respected and revered man, but it is somewhat difficult and quite a problem to speak about this important Missourian and great American without repeating some of the many words that have been written and spoken about him.

This is our 4th year to represent Missouri's Fourth District on Mr. Truman's birthday—May 8—and accordingly this will be the fourth time we have stood in the Well of the House and paid tribute to our former President on the occasion of his birthday. It is my sincere hope that our former President will not grow tired of the oft repeated, but always sincere laudations preached almost everywhere he goes.

Although I am certain to be repetitious today, I hope I may have many more opportunities in future years to again be repetitious in paying tribute to Harry S. Truman. If I am so fortunate, I know such will be brought to his attention in the now famous Truman Library in Independence, Mo., because I know it is a fact that Mr. Truman always allows time for reading of the CONGRESSIONAL RECORD, a publication he has known for many years, constantly presents new and challenging material on both domestic and national affairs.

Although redistricting will make some changes, at the present time, the Fourth Missouri District includes not only Independence, the home of the Truman Library, but at the southern end of our district, four counties away from Independence in Barton County, is located Lamar, Mo., the birthplace of Mr. Truman. In 1959 the home where he was born was restored and made a memorial shrine, and has since been visited by many thousands annually—which is just another indication of the numbers that admire our great citizen.

Mr. Speaker, I will not dwell upon many details of the early life of Harry S. Truman, but I will point out one or two things which contributed to the shaping of his later life. The family moved from Barton County to Independence in 1891. It is true that Harry Truman as a boy wore glasses at the age of 8, but nonetheless by the time he was 12 years old, we are told he had read the Bible twice. And by the time he was 15, he had read nearly every book in the Independence Library. This was not all of the activity which was to improve him or to prepare him for his future. Upon graduation from high school, he returned to the farm on which he was reared to devote his time to agriculture. You have heard many times the words of his beloved mother, "That boy could plow the straightest row of corn in the country, and could sow wheat so there would not be a spare spot in the whole field. He was a farmer who could do anything there was to do just a little better than anyone else." While his mother's remark may not have been unbiased, there were many observers who agreed with Mrs. Truman.

All the time he was farming, he continued his reading of American history and in particular about several of his historical heroes. He found many of these heroes were either engaged in military, finance or banking, or in agriculture, and he became determined to emulate the men he most admired.

You all know of his great military success as captain of Battery D, 129th Field Artillery, 35th Division, in World War I, where he led, as he puts it, "a hard-boiled bunch of Kansas City Irish," through the St. Mihiel and Meuse-Argonne offensives in France.

After returning from World War I in 1919 he reentered civil life and married Bess Wallace, his longtime sweetheart; he remained in business until 1921. In the year 1922, he was selected to run for the office of judge of the Jackson County Court to which he was elected. Four years later he was elected presiding judge of the county court. In this important office, Judge Truman became known all over Missouri, as the symbol of outstanding political honesty. With this in his favor, he easily won the office of U.S. Senator in 1934 and was subsequently reelected 6 years later.

In 1941 he headed the Special Committee To Investigate Contracts Under the National Defense Program, a title which was shortened by the press to the more concise description of Truman committee. This committee saved the country millions in Army construction work and other wartime expenditures, and led to the establishment of the highly efficient War Production Board, cutting down on faulty production of several major manufacturers and in general, forced better coordination of the entire American war program.

It is no secret that it was the strength and importance of his work as head of the Truman committee that led to his nomination as Vice President at the Democratic National Convention of 1944. He was elected to the second-highest office in the land in November 1944. Upon the death of President Roosevelt on April 12, 1945, he became the 32d President of the United States.

If I may disagree for a moment, I think it would be well to say at this point that for awhile there was some question as to whether Mr. Truman would be described as the 32d President or the 33d President. This all goes back to the time of President Grover Cleveland when Mr. Cleveland, as you know, was elected to the Presidency twice, but not consecutively.

Some have said Mr. Cleveland's first term made him the 22d President; Benjamin Harrison became the 23d, and

with Mr. Cleveland's second term he became the 24th President.

Mr. Truman quite properly has pointed out Grover Cleveland was one person and it is of no consequence that his terms were not consecutive. Accordingly, Mr. Truman has always preferred that he be listed as the 32d President, and for us, he will always be the 32d President.

When he answered the summons on that fateful date of April 12, 1945, he said:

> I only ask to be a good and faithful servant to my Lord and to my people.

The man who made this statement, whether it was a prayer or a promise, used it as a guide through the following years of his Presidency and uses it today in his retirement.

President Truman assumed office at one of the most unpropitious moments in history for a change of leadership, all with only 3 months experience as Vice President.

He was immediately required to take the leading part in winning World War II, then making the peace, establishing the United Nations, reconverting from a wartime to a peacetime economy, and tackling the job of helping the wartorn lands. Moreover, to make the task additionally difficult, Mr. Truman had to fill the shoes of Franklin Delano Roosevelt, the most popular and colorful President since Theodore Roosevelt a half century before. These men had both been classified as among the political immortals in American history. Questions were asked by all, "Would Mr. Truman, walking in the shadow of such a predecessor become a great President?"

The facts are clear enough today, indeed Mr. Truman was able in his second term as President to establish himself among the list of the truly great Presidents. I submit this fact is not only undeniable on its face, but is easily supported by the record.

I think at this time it might be well to observe that some of the greatest of American Presidents have aroused criticism while in office and departed from the Office of the Presidency with their opponents vowing to undo what the departed President had accomplished. This was certainly the case with George Washington, and was also the case with Harry S. Truman. George Washington had held a firm Federal control over the American Republic, and when he left his critics said they would show him, but in the end, George Washington's program was good enough to keep.

When Mr. Truman departed the Presidency in 1953, it was prophesied there would be a whirlwind revamping of many policies just as soon as that "man from Missouri" was out of the White House. But you and I know that the great reformers who were going to undo our former President's policies wound up leaving them alone in most part. Why? Because these policies were good ones; good for our Nation and good for the world.

When Harry Truman assumed the Presidency, it was not many months until he had to make decisions which did not prove to be popular. The decision to use the A-bomb against Japan was not popular, and he frankly said, "Let there be no doubt about it—I did not like the weapon—but I had no qualms if millions of lives could be saved." Thus, in the face of bitter criticism, he steadfastly and courageously ordered the dropping of the atomic bomb to shorten the war against Japan. This measure, while militarily sound, did not calculate to add to this unanimous acclaim. Here, again, was one of the best tests of the man—to proceed to do the right thing even though it may not be the popular thing.

After the bomb decision and the end of World War II, Mr. Truman next exerted his effective leadership in the organization of the United Nations.

Mr. McCORMACK. Will the gentleman yield?

Mr. RANDALL. I would be happy to yield to the distinguished majority leader.

Mr. McCORMACK. In connection with the A-bomb decision I remember not so long ago, before the death of the late President Franklin D. Roosevelt, when I was with him one day, and the campaign to regain the Philippines was about to be accomplished, the late President Franklin D. Roosevelt told me that the Joint Chiefs of Staff had submitted three plans for the next move by our forces, two of them having to do with the invasion of certain parts of continental Asia, and one a direct attack upon Japan. He told me that in the estimates of American losses and casualities of the Joint Chiefs in their recommendation and report to him on the direct invasion into Japan, American casualities in their opinion and estimate would be one million Americans. Now, applying the ordinary ratio of those killed to those wounded of four to one, that would have meant that there would have been 200,000 American lives lost and 800,000 Americans wounded in varying degrees. This is not hearsay, however, on my part. That is something which was told to me personally by Franklin D. Roosevelt, and that fact faced President Truman when he had to make that eventful and fateful decision, because involved in that decision was an estimate by the Joint Chiefs of Staff of one million American casualties.

Mr. RANDALL. I am sincerely grateful for the contribution of the Speaker of this House. A moment ago I referred to our beloved Speaker McCORMACK as the majority leader, this was a slip of the tongue on our part and yet it seemed so easy to do when he was standing back there at his old station where he served so many years, so brilliantly as our majority leader.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield further?

Mr. RANDALL. I would be happy to yield to our distinguished Speaker.

Mr. McCORMACK. Might I say I miss the activity as majority leader, and the debate on the floor. Of course, everyone knows that I am an ardent Democrat. One of the thrills of the majority leader was taking the floor and engaging in some wholesome political debate for the benefit of my Republican friends.

Mr. RANDALL. I thank the gentleman again for his very splendid contribution.

The United Nations is without question the strongest armament for peace which we have in the world today. When that organization was completed, Mr. Truman visited it and offered suggestions to strengthen the U.N., and it was because of his interest in foreign affairs that he became a principal advocate for the Voice of America, even one of its first advocates, which has since beamed its message to many lands. I saw in the press only this past week an announcement to the effect that other nations have been added to the list of countries to which the Voice of America sends its nightly messages.

After World War II, with President Truman at the helm, the United States successfully fought communism without war through several of his monumental decisions. Greece and Turkey were spared from the Communist peril. The Marshall plan became the biggest force in thwarting Communist political victories. NATO added unity to the forces against communism across the European continent.

Among Mr. Truman's other great decisions following World War II was his answer to the Soviet blockade of Berlin with the airlift. This he made most effective, in fact so effective the Soviet lifted the blockade. Had this blockade been successful, it would have snuffed out forever the hopes of West Berlin.

Another very important decision which he made quickly and without hesitancy was to send troops to Korea to fight communistic aggression in 1950. Almost as quickly he was given approval of the Congress. This decision called the bluff of communism in Asia and met the Red menace in Korea head on.

Were it not for these timely decisions, we might now be isolated in a Communist-dominated world; for these decisions, everyone of us should be thankful and I guess that is why so many of us hope we may continue to have the benefit of his advice on the many decisions now facing us—and to face us in the future.

At all times and in all things, President Truman saw his duty and performed it with a will and an ability fitting to his office. Under such circumstances there is no doubt that history will accord a very high place to this man from Independence, just as the people of all America accord him a high place in their hearts today, May 8th, on the occasion of his 78th birthday.

There is so much that is good that could be said about you, Mr. President, but one thing we should never leave unmentioned is that your life story is that of a very uncommon man who was so blessed that you considered yourself a common man. This true humility is what led you to do everything you did as our Chief Executive in terms of what was in the best interest of our country and because of this history will prove your full measure of greatness.

It is a matter of great pride to me that this man of great mind and great heart, and great accomplishment, is a resident of the Fourth Missouri District, which I represent.

In closing may I say, "God bless you, Harry S. Truman" with many more years of good health and indomitable spirit. It is my distinct pleasure to salute you on this, your day, and wish for you many more happy birthdays in the future, birthdays in a world made better by your presence.

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

Mr. RANDALL. I am delighted to yield to our Speaker.

Mr. McCORMACK. Mr. Speaker, I am very glad that I am here on the floor while the distinguished gentleman from Missouri [Mr. RANDALL] is making his speech about the man whose place in history is already made and who will go down in history not only as one of the great Americans of all time but one of the great leaders in the entire history of the world.

The gentleman from Missouri [Mr. RANDALL] has referred to some of the great decisions made by President Harry Truman. Everyone knows that as President, when Harry Truman made a decision, first, he made it himself, and secondly, he meant it. The Communist leaders knew that when Harry Truman made a decision they had to live with it. And the leaders of the nations of the free world knew that when he made a decision he meant it.

Probably few men in history had so many major decisions to make in such a limited period of time in the several years he was President of the United States as did Harry Truman. His judgment, as history shows, was unerringly correct. His life is like a story by Horatio Alger; staring out the hard way, climbing up, overcoming difficulties with that grim determination and honorable ambition and then becoming the President of the United States, the greatest office within the gift of our people and the most powerful office in the world.

It shows that there is no substitute for experience. When he went into the office as President of the United States he carried with him the experience he had of the hard knocks of life and also the experience he had obtained as judge and as U.S. Senator. It was my pleasure to support him in the 1944 convention for the nomination for Vice President. I also was present when he was sworn in as President of the United States after the unfortunate and untimely death of my late friend Franklin D. Roosevelt.

Between Harry Truman and me there developed a friendship that was strong, lasting, and permanent. It is a friendship that exists not only between Harry Truman and me but between Harry and Mrs. Truman and John and Mrs. McCormack.

President Harry Truman is one of the most potent voices in America today, as he was while he was President, and he is one of the most influential speakers in American life.

I made allusion to one of the problems that confronted him in connection with making a decision on the A-bomb, as to what information the late Franklin D. Roosevelt gave him. It is a tremendous responsibility when the President knows that the Joint Chiefs of Staff estimate was that there would be 1 million American casualties, and that meant at least 200,000 Americans killed in the event of a direct invasion of the heartland of Japan.

Harry Truman was possessed of sound judgment, instinctiveness. It was amazing, being able to look into the future and see what the law of natural consequences would be as the result of a decision he made or as the result of a decision he failed to make. The great Marshall plan saved Europe from Communist domination. A Europe dominated by the Communists meant that their influence would extend throughout the entire world and the effect of that would have been an isolated America. He saw that the concept of Fortress America, which some honestly entertained, was wrong, was loose thinking, poor thinking, unwise thinking, and not in the best interests of our country. I was one of those who agreed with him. The situation today supports his judgment and supports the decision he made.

But over and above everything, those fine qualities he possessed, such as sound judgment, instinctiveness, that brought about an unerring judgment, he had to have one more quality to put them into operation, and that was the quality of courage. Everyone knows that Harry Truman is possessed of extraordinary courage. He is a man who does not know fear.

Many years ago in Missouri he fought the Ku Klux Klan as the gentleman from Missouri [Mr. RANDALL], in the well of the House now, so very well knows. We found him always during his entire life fighting on the side of decency, of constructiveness, of building. During the most trying moments of our country we found him not only the builder internally but also giving courageous leadership to meet the world pressure, the evil forces of the world, atheistic communism bent on world domination, and not only holding them back but rolling them back. So it is well that we pause today to pay tribute to this man. How fortunate we are that he is with us. I join with my friend, the gentleman from Missouri [Mr. RANDALL] in expressing the sincere hope that God will continue to grant that Harry Truman and Mrs. Truman be with us—be with us as Americans and with the people of the free world for countless years to come. Because of Harry Truman's contribution, his very presence is a stimulating asset to those who believe in a government of law, and who are opposed to the vicious concept of a government of men represented by international or atheistic communism. I repeat, I am glad I am on the floor to listen to the able and appropriate remarks of the gentleman from Missouri [Mr. RANDALL], and I am glad that I could in my own humble way, speaking extemporaneously on this occasion, as I am, express the high regard I have for Harry Truman and to say, thank God that he served as President of the United States during a most trying period in the history of our Nation and of the world. I extend to Harry Truman my congratulations, and in extending my congratulations to Harry Truman, I also extend my congratulations to that sweetheart of his who has guided and directed him during their years of married life, Mrs. Truman. So I know I speak the sentiments of all my colleagues without regard to party in extending our congratulations to President and Mrs. Harry Truman on his birthday anniversary, and in the hope that God will bless them both for countless years to come.

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

Mr. RANDALL. I am glad to yield to the gentleman from New York.

Mr. PIRNIE. I am very happy to take this occasion to join in expressing to our very distinguished President Harry S. Truman congratulations and every good wish upon the anniversary of his birth. I hope he will be blessed with good health and happiness for years to come.

Mr. RANDALL. I thank my colleague from New York very much.

Mr. Speaker, may I conclude with this observation. I had a feeling earlier today that our Speaker, Mr. McCORMACK, would take time to appear on the floor this afternoon to join us in the birthday observance. I know Mr. Truman will appreciate this and feel his birthday observance has been made complete by Speaker McCORMACK's participation, and am sure also he will enjoy reading the Speaker's remarks in the CONGRESSIONAL RECORD. Yours has been a very fine contribution, Mr. Speaker, and we are most grateful to you for your participation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WEAVER (at the request of Mr. ARENDS), for 4 days, beginning today, May 8, on account of official business.

Mrs. RILEY (at the request of Mr. ALBERT), for today, on account of official business (forestry trip to Virginia).

Mr. JOELSON (at the request of Mr. ALBERT), for Wednesday, May 9, to Saturday, May 12, 1962.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. CURTIS of Missouri (at the request of Mr. PIRNIE), for 1 hour, on May 17.

Mr. HALPERN (at the request of Mr. PIRNIE), for 15 minutes, on May 9.

Mr. MACK (at the request of Mr. MOSS), for 30 minutes, tomorrow.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. ROGERS of Texas and to include extraneous matter.

Mr. KING of New York.

Mr. PUCINSKI.

(The following Member (at the request of Mr. PIRNIE) and to include extraneous matter:)

Mr. BECKER.

(The following Members (at the request of Mr. MOSS) and to include extraneous matter:)

Mr. BOLAND.

Mr. EVINS in three instances.

Mr. MURPHY.

Mr. KING of California.

Mr. ROSENTHAL.

Mr. TEAGUE of Texas.

Mr. GONZALEZ in two instances.

BILL PRESENTED TO THE PRESIDENT

Mr. BURLESON, from the Committee on House Administration, reported that that committee had on May 7, 1962, presented to the President, for his approval, a bill of the House of the following title:

H.R. 11413. An act to amend the Agricultural Act of 1961 to permit the planting of additional nonsurplus crops on diverted acreage.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1139. An act to amend the act granting the consent of Congress to the States of Montana, North Dakota, South Dakota, and Wyoming to negotiate and enter into a compact relating to the waters of the Little Missouri River in order to extend the expiration date of such act.

ADJOURNMENT

Mr. MOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 24 minutes p.m.) the House adjourned until tomorrow, Wednesday, May 9, 1962, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2039. A letter from the Secretary of the Treasury, transmitting a report covering the progress made in liquidating the assets of the former Reconstruction Finance Corporation which were transferred to the Secretary of the Treasury by Reorganization Plan No. 1 of 1957, covering the quarterly period ending March 31, 1962, in accordance with the provisions of the Reconstruction Finance Corporation Liquidation Act, as amended (67 Stat. 230), and Reorganization Plan No. 1 of 1957 (22 F.R. 4633); to the Committee on Banking and Currency.

2040. A letter from the Administrator, General Services Administration, transmitting a report of the Archivist of the United States on records proposed for disposal in accordance with the provisions of the act approved July 7, 1943 (57 Stat. 380), as amended by the act approved July 6, 1945 (59 Stat. 434), and the act approved June 30, 1949 (63 Stat. 377); to the Committee on House Administration.

2041. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a copy of the order rescinding suspension of deportation approved by the Congress on August 31, 1957, in the case of Ioannis Constantelias, pursuant to section 246(a) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1256(a)); to the Committee on the Judiciary.

2042. A communication from the President of the United States, transmitting a draft of proposed legislation entitled "A bill to amend the Internal Revenue Code of 1954 to provide standby authority for temporary reduction in the individual income tax when needed to meet the objectives of the Employment Act of 1946"; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WILLIS: Committee on Un-American Activities. H.R. 11363. A bill to amend the Internal Security Act of 1950 to provide for the protection of classified information released to or within U.S. industry, and for other purposes; with amendment (Rept. No. 1665). Referred to the Committee of the Whole House on the State of the Union.

Mr. POWELL: Committee on Education and Labor. S. 1123. An act to amend the Fair Labor Standards Act of 1938 to extend the child labor provisions thereof to certain children employed in agriculture, and for other purposes; with amendment (Rept. No. 1666). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WALTER: Committee on the Judiciary. H.R. 3483. A bill for the relief of Mrs. Marguerite de Soepkez; with amendment (Rept. No. 1660). Referred to the Committee of the Whole House.

Mr. POFF: Committee on the Judiciary. H.R. 7369. A bill for the relief of Gerda Godin; with amendment (Rept. No. 1661). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 9054. A bill for the relief of Dilys Evans; without amendment (Rept. No. 1662). Referred to the Committee of the Whole House.

Mr. POFF: Committee on the Judiciary. H.R. 10502. A bill for the relief of James B. Troup; without amendment (Rept. No. 1663). Referred to the Committee of the Whole House.

Mr. WALTER: Committee on the Judiciary. S. 1915. An act for the relief of Orsolina Cianflone Iallonardo; with amendment (Rept. No. 1664). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNE of Pennsylvania:

H.R. 11640. A bill to amend the Civil Service Retirement Act so as to provide for increases in annuities, eliminate the option with respect to certain survivor annuities, and provide for interchange of credits between the civil service retirement system and the insurance system established by title II of the Social Security Act; to the Committee on Post Office and Civil Service.

By Mr. DANIELS:

H.R. 11641. A bill to provide for payment for hospital services, skilled nursing home services, and home health services furnished to aged beneficiaries under the old-age, survivors, and disability insurance program, and for other purposes; to the Committee on Ways and Means.

By Mr. LAIRD:

H.R. 11642. A bill to amend the Export Control Act of 1949; to the Committee on Banking and Currency.

By Mr. RIVERS of Alaska:

H.R. 11643. A bill to amend sections 216(c) and 305(b) of the Interstate Commerce Act, relating to the establishment of through routes and joint rates; to the Committee on Interstate and Foreign Commerce.

By Mr. ROOSEVELT:

H.R. 11644. A bill to direct the Commissioner of Education to assist in the establishment of a Carver Memorial Library, and for other purposes; to the Committee on Education and Labor.

By Mr. ELLSWORTH:

H.R. 11645. A bill to amend title 39, United States Code, to provide for the indemnification of mail contractors in connection with the cancellation by the Postmaster General of certain contracts for the transportation of mail; to the Committee on Post Office and Civil Service.

By Mr. McDOWELL:

H.R. 11646. A bill to protect postal patrons from obnoxious mail matter; to the Committee on Post Office and Civil Service.

By Mr. ROSENTHAL:

H.R. 11647. A bill granting exemption from income tax in the case of retirement annuities and pensions; to the Committee on Ways and Means.

H.R. 11648. A bill to increase the personal income tax exemptions of a taxpayer (including the exemption for a spouse, the exemption for a dependent, and the additional exemption for old age or blindness) from $600 to $1,000; to the Committee on Ways and Means.

By Mr. VINSON:

H.R. 11649. A bill to authorize the grade of brigadier general in the Medical Service Corps of the Regular Army, and for other purposes; to the Committee on Armed Services.

By Mr. KYL:

H.R. 11650. A bill to amend the Internal Revenue Code of 1954 to allow a 30 percent credit against the individual income tax for amounts paid as tuition or fees to certain public and private institutions of higher education; to the Committee on Ways and Means.

By Mr. O'BRIEN of New York:

H.R. 11651. A bill to repeal section 13a of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS:

H.R. 11652. A bill to amend the Civil Service Retirement Act to provide for the adjustment of inequities and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 11653. A bill to amend title II of the Social Security Act to reduce from 62 to 50 the age at which a woman otherwise qualified may become entitled to widow's insurance benefits; to the Committee on Ways and Means.

By Mr. SPENCE:

H.R. 11654. A bill to amend section 14(b) of the Federal Reserve Act, as amended, to

extend for 2 years the authority of Federal Reserve banks to purchase U.S. obligations directly from the Treasury; to the Committee on Banking and Currency.

By Mr. STRATTON:

H.R. 11655. A bill to provide for the establishment of the Oriskany Battlefield National Historical Site; to the Committee on Interior and Insular Affairs.

H.R. 11656. A bill to provide for the issuance of a special postage stamp in commemoration of the 165th anniversary of the launching of the U.S. frigate *Constellation* at Baltimore, Md.; to the Committee on Post Office and Civil Service.

By Mr. GONZALEZ:

H.R. 11657. A bill to amend the law relating to pay for postal employees; to the Committee on Post Office and Civil Service.

By Mr. BREEDING:

H.J. Res. 710. Joint resolution to defer the proclamation of marketing quotas and acreage allotments for the 1963 crop of wheat; to the Committee on Agriculture.

By Mr. ADDABBO:

H. Res. 629. Resolution creating a select committee to conduct an investigation and study of the production, distribution, and exhibition of objectionable motion pictures and related advertising; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COHELAN:

H.R. 11658. A bill for the relief of Mariano Mundala; to the Committee on the Judiciary.

By Mr. FERNÓS-ISERN:

H.R. 11659. A bill for the relief of Benjamin Pacheco Baez; to the Committee on the Judiciary.

H.R. 11660. A bill for the relief of Maria Rodriguez Burgos; to the Committee on the Judiciary.

By Mr. LINDSAY:

H.R. 11661. A bill for the relief of Anna Mizrahi; to the Committee on the Judiciary.

By Mr. PILLION:

H.R. 11662. A bill for the relief of Laura Mary Pankotai; to the Committee on the Judiciary.

By Mr. ROGERS of Texas:

H.R. 11663. A bill for the relief of Ilias Gotsis; to the Committee on the Judiciary.

By Mr. WALTER:

H.R. 11664. A bill for the relief of Dr. Lajos von Szeszich; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

336. By Mr. JENSEN: Petition by AMVETS, the American Veterans of World War II and Korean War, Atlantic, Iowa, in opposition to the elimination of the National Guard divisions; to the Committee on Armed Services.

337. Also, petition by Atlantic AMVETS Post No. 1, Atlantic, Iowa, protesting further financial aid to the United Nations; to the Committee on Foreign Affairs.

338. Also, petition by American Legion Post, Carson, Iowa, requesting congressional investigation of certain organizations which have been declared subversive; to the Committee on Un-American Activities.

339. By the SPEAKER: Petition of wartime workers, Dumaguete City, South Negros Island, Republic of the Philippines, petitioning consideration of their resolution with reference to damage to civilian services in the Philippines during World War II; to the Committee on Foreign Affairs.

340. Also, petition of the mayor, city of Cebu, Republic of the Philippines, petitioning consideration of their resolution with reference to adjustment of compensation for Filipino veterans; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

Polish Constitution Day

EXTENSION OF REMARKS

OF

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. GONZALEZ. Mr. Speaker, on May 3 when this House paid its special tribute to the brave people of Poland and observed the Polish 3d of May Constitution Day, I learned much I had not known about the history of that much-embattled country.

It interested me greatly to learn more of the adoption of Poland's 1791 Constitution and to realize anew how the premises in that document paralleled those of our own Constitution adapted only 2 years before. I am one who is much interested in history, especially the history of the State and region from which I come, for it has a uniqueness in being the area where the Spanish-speaking and English-speaking cultures meet and join in this hemisphere.

It may serve as a footnote to the several splendid and informative speeches made here last week for me to call attention to the fact that the history of Poland and the history of Texas are not entirely separate in their development.

The ties between Texas and the Polish people is a direct one. Not only have some of our most colorful towns and counties been settled and organized by Poles, but also Texas has a debt to the Poles which dates from its own struggle for freedom from dictatorial rule.

In 1836, several of the Mexican States were in revolt against a dictatorial rule which they felt abrogated the Mexican Constitution of 1824. Texas-Coahuila was one of them. All the world has heard of the heroic struggle at the Alamo where all its defenders perished. It is not generally known that the flag which is said to have flown over the Alamo on that March 6 was the flag of the 1824 Constitution of Mexico, adopted 33 years after the Polish Constitution.

There were freedom-loving people from all over the world who had come to Texas. They had been coming for many years. So when the issues in this struggle were irrevocably joined with the fall of the Alamo, it was from these many groups that an army was assembled to meet the army of Santa Anna. That band of Texans which pursued Santa Anna was as varied in its national origins as any battle force yet assembled by the United Nations in this day. They were not just native-born settlers from the other States of the United States. They were there from Austria, Bavaria, Canada, England, France, Germany, Ireland, Italy, Mexico, Portugal, Scotland, Westphalia, yes, and from Poland.

Last week we did honor to the memory of great Poles who had made their contribution in man's long struggle to insure that "all power in civil society should be derived from the will of the people," as the Polish Constitution of 1791 expressed it. Now, let me add the name of another Pole to that roster.

I add the name of a Pole who stood with Sam Houston along Buffalo Bayou in April 1836. He participated in the battle of San Jacinto and helped in the capture of Gen. Santa Anna at a spot where today this Nation is building its manned space launching site to visit the moon.

The name I add to the roll of Polish freedom fighters is that of Felix Wardzinski. Texas owes him much. All of us here owe him much.

Safe at Home

EXTENSION OF REMARKS

OF

HON. FRANK J. BECKER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. BECKER. Mr. Speaker, recently I had the good fortune to preview a motion picture entitled "Safe at Home." This type of entertainment contains a lesson that must affect adults as well as children. It is excellent for both. This type of picture, together with the cooperation of the entire family, can do far more good than all the laws that can ever be enacted. I am certain that any parent, viewing this with his children, will be pleased not only with the entertainment feature, as I was, but the simple lesson it conveys to very young and impressionable children. I could only hope that much more of this would be done. It would not only be an incentive to raise our moral standards, but the type of picture all could enjoy.

Though all of us are aware that the grave problems of juvenile delinquency must find their solutions within the context of the family through proper parental supervision in an atmosphere of

love and understanding, it is also equally well known that no facet of our American life catches the imagination of youth as does the world of sport and its ideals of good fellowship.

As a result, healthy outdoor recreation under wise and understanding auspices has done extraordinary amounts of good in helping to direct youngsters toward *happier pursuits*, controlling in great measure the drift to delinquency.

I am reminded of this by this new motion picture, called "Safe at Home" being currently released by Columbia Pictures Corp. While it is a well-made, entertaining film for all the family, it has special distinction because of its relationship to the theme of helping troubled youth.

Simply, it tells the story of a child caught in a lie, who seeks to compound it by boasting of his friendship for two of America's most popular sports idols, Mickey Mantle and Roger Maris. When he attempts to gain their help in vindicating his name, he learns a lesson in honesty and courage which should provide an ethical lesson for millions of youngsters who will see this film.

With both Mickey Mantle and Roger Maris acting in the film, and chiefly responsible for giving weight to the important message it has for youth, undoubtedly, many will heed their words. In a time when much criticism is leveled at the arts for not offering the best image of our way of life, it is heartening to note that the film "Safe at Home" is not only a successful entertainment but does a meritorious service for our young people. "Safe at Home" deserves widespread commendations and support.

African Freedom Day

EXTENSION OF REMARKS

OF

HON. WILLIAM T. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. MURPHY. Mr. Speaker, no event of the past 5 years has been of more sweeping importance than the emergence of Africa to independence. This event was long delayed.

Five years ago, Africa was the last continent still dominated by colonial rule. This has changed and changed rapidly. In 1957, Ghana became the first African nation to gain its independence in modern times. Today, another 20 nations in Africa have joined Ghana in independence while 2 more are to become independent in 1962. A third, Kenya, is clearly on the road to independence.

Independent Africa has a bright future. The fact of independence, of freedom to determine their own destiny, has already brought about a blossoming in the vitality and energies of the African peoples. In the arts, in economics and in the art of government, Africans are making new and distinct contributions. These will help to advance Africa. Equally, they will benefit the entire world. Indeed, through their representation in the United Nations, the new African nations have already brought a new dimension to the international community.

There are problems ahead for Africa as well. The most basic of these lies on the road ahead for those African nations which have yet to acquire their freedom. But life is never without problems. Independent Africa has made a fine start and will meet its problems and attain its goal.

SBA Created To Encourage Growth of Small Business

EXTENSION OF REMARKS

OF

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. EVINS. Mr. Speaker, the Nashville Tennessean asked several Members of the Congress to write special articles for the 150th anniversary edition of the Nashville Tennessean.

In this connection, I was pleased to contribute an article on the procedures and programs of the Small Business Administration, which I believe may be of some interest to our colleagues and others, and I, therefore, under unanimous consent, Mr. Speaker, wish to have this article reprinted in the RECORD. The article follows:

SBA CREATED TO ENCOURAGE GROWTH OF SMALL BUSINESSES

(By JOE L. EVINS, Member of Congress, Fourth District, Tennessee [1])

Small Business Administration officials need to recognize that Congress created SBA—not as another banking agency—but rather to encourage loans that would generate small business growth and expansion.

Some top officials at SBA seem to embrace this concept and to act upon it with enthusiasm. But their enthusiasm does not seem to have permeated SBA's field organization.

Improvement in this respect is needed throughout the entire organization, including the regional and branch offices especially.

I offer some Tennessee statistics as evidence of a hopeful trend. SBA made 134 loans in Tennessee in 1961 totaling $7.1 million. The total for this one year represents nearly one-fourth of the total loaned in Tennessee over SBA's lifetime of approximately a decade. The number of loans showed a 70-percent increase over those made in 1960.

HISTORY OF SBA

Now let us examine some history of SBA, its intents and purposes, so that readers of this special edition can see why I am encouraged by signs of increasing SBA activity and why I hope for still more.

Congress has always believed the small businessman is the backbone of the American economy.

Although I cannot agree with the former Secretary of Defense, who said that what is good for General Motors is always good for America, I firmly believe that what is good for small business is bound to be good for America.

Small businesses, like the independent manufacturer, the corner drugstore, the gasoline dealer, the shoe repairman and local retail stores of all kinds make up more than 95 percent of all business enterprises in the United States.

Today there are about 4,750,000 businesses in the United States. More than 4½ million of them are small businesses. They employ about 30 million of our citizens, and account for about 40 percent of the country's total business activity.

Without the economic freedom and competition provided by the small businessman, monopolistic giants would run the business sector of our country. Without a climate favorable to this Nation's millions of small businessmen, the big chainstores and economic giants could make such heavy inroads that the small businessman could not survive.

In many ways the Congress has expressed its continuing interest in small business and its determination to provide a healthy climate in which such enterprises may operate successfully.

MANY EXAMPLES

There are numerous examples of congressional action throughout the years, including the Robinson-Patman Act, which is aimed at unfair price discriminations; the Clayton Act, which also aims to insure that small dealers receive fair treatment from big business competitors; the Sherman Anti-Trust Act, which provides criminal penalties for those engaged in monopolistic practices; and the Federal Trade Commission Act, created by Congress to serve as a regulatory agency over trade and commerce.

These examples illustrate repeated congresional efforts to prevent monopolies, to promote free and fair competition, and to preserve the economic freedom of our Nation.

More recently, the Congress established the Small Business Administration, which has proved to be the most effective source of help for small business yet provided by the Government.

The Government's first efforts to help small business through a special agency were made during World War II when the Smaller War Plants Corporation was established. Later it became SBA. The war agency's purpose was to mobilize the productive facilities of small business and to harness them to the war effort. The Small Business Administration was established with broadened powers to help all small firms, not just those engaged in production of goods for war and defense purposes. It has several primary functions, including providing:

1. Loans to eligible small business firms that cannot otherwise obtain the required financial help ($250 million maximum).

2. Assistance to small firms in obtaining Government contracts from Government prime contractors.

3. Technical advice and assistance with respect to the operation of their businesses.

A good example of the type of financial assistance supplied by the SBA is demonstrated by the SBA loan made to the Macon Industrial Corp., Lafayette, Tenn.

COMMUNITY CORPORATION

In 1956, the citizens of Macon County and the city of Lafayette, Tenn., organized a community development corporation and began the construction of a building to be

[1] U.S. Representative JOE L. EVINS, as chairman of a special subcommittee of the House Select Committee on Small Business, has drafted most of the amendments that have liberalized Small Business Administration policy in the last 4 or 5 years.

He also originated most of the suggestions for improvement of regulations that have played an even stronger role than changes in the basic SBA law. EVINS gained national recognition as the House authority on problems of small businessmen.

leased to a business which would move its operations to Lafayette in order to provide for the further growth and economic well-being of that community.

When the building was partially completed, it became necessary for the local development company to obtain long-term financing to supplement the interim credit previously obtained locally. The city of Lafayette, therefore, through its mayor and city officials, came to SBA for help.

At first SBA refused to help because the Administrator interpreted the law to mean that SBA could loan money only to a small business concern and could not loan money to an agency of a State or city government.

As a member of the House Small Business Committee and the congressional Representative of the people of Macon County, the matter was called to our attention, with the request that we intercede with officials of the SBA and point out to them the various reasons why SBA should take advantage of this opportunity to help in the establishment of a new small business concern in Macon County.

WORKED OUT PLAN

Many conferences were held with SBA officials in an endeavor to find some way in which the loan could be made. Together we worked out a plan for certain legal and technical changes in the charter of the development company, which enabled SBA to make an initial loan of $175,000.

The loan was fully disbursed by SBA on December 28, 1956, when the building was completed. The building has since been occupied by the True Loom Co., textile manufacturers. This company originally had employed only 290 people, but as the result of the loan was able to employ a total of some 500 Tennessee people, who, otherwise, might well have been on the unemployment rolls.

A subsequent loan was made to this company, which has enabled True Loom to expand even further.

The records of the SBA show that the corporation has made its payments, including interest, promptly.

This loan to the Macon County Development Corp. is but one of many examples of loans granted by SBA which prove to be extremely helpful to small industries, to small communities, and indeed to our entire economy.

In 1958, the Congress passed an amendment to the SBA Act, which gave specific authority to the agency to make loans to State and local development companies, such as the Macon County Corp.

A little more than a year ago President Kennedy appointed John E. Horne as the SBA Administrator.

Under his able direction, a new and liberalized spirit pervades the agency and SBA has reached a high mark in providing needed assistance to the small business segment of our economy.

In 1961, SBA was able to assist Tennessee small business in obtaining 424 Government procurement contracts, aggregating $34,618,000. Since its inception, SBA has helped in procuring 1,442 Government contracts for small concerns in Tennessee, totaling $124,192,000.

From these figures it is apparent that SBA has done much to assist small businessmen in Tennessee, not only in the financial assistance program but also in providing assistance in obtaining Government procurement contracts.

To fulfill a great unmet need of the small business community—the need for adequate capital—the Congress in 1958 passed the Small Business Investment Act which authorized the establishment of small business investment companies for the specific purpose of providing equity and long-term capital to small business concerns.

This act was urgently needed to place small businesses in a better competitive position with big businesses which have ready access to adequate credit sources.

While the SBA has been invaluable in its assistance to the small business community, there are areas in which its services could be improved.

Congressional hearings held by our subcommittee on the organization and operation of SBA indicates that it should make more effective those services which it makes available to the business community.

BEST LOCATIONS

An industrywide study should be undertaken by SBA to assist in determining the best locations in competitive areas for various types of businesses.

Nationwide economic studies also should be made to develop information which indicates which areas are best competitionwise for entering business.

The Congress, I believe, will continue to provide legislation designed to facilitate SBA's task in assisting the small businessman and will continue to urge that the executive branch of our Government make the widest possible and the most effective use of its authority to foster and further our small business economy.

Liberalization of Income Tax Laws Overdue

EXTENSION OF REMARKS

OF

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. ROSENTHAL. Mr. Speaker, since coming to Congress several months ago, I have given much thought to the plight of the American taxpayer. I voted for the administration's tax revision bill a short while ago, and now feel that the individual taxpayer is deserving of some attention and consideration at this point.

I am today introducing in the House of Representatives two bills which I feel will have some effect on this situation, and which will provide at least some small measure of relief for our citizens.

The first bill provides that retirement annuities and pensions up to the amount of $2,500 per annum would be exempt from income tax. This measure is introduced with the thought in mind that it will particularly benefit our elder citizens, who should be given a helping hand in meeting the current high cost of living. So many of them have been finding it extremely difficult or well nigh impossible over the years to make ends meet on their fixed incomes; and with the continuing high cost of living, their situation is a desperate one. Even though they have reached retirement age, and have certainly earned a respite, many of them have been forced to seek employment in order to supplement their annuities and pensions; and at their age this is not an easy task.

The other bill calls for an increase from $600 to $1,000 in the present personal exemption, including exemptions for a spouse, a dependent, and for old age and blindness. In this day and age, the present exemption of $600 is absolutely outdated and totally unrealistic, having been put into effect many years ago when our living expenses were considerably lower.

Those of our citizens in the lower and middle income brackets have long been carrying a heavy burden, and a liberalization of the tax laws as it affects them is long overdue. By increasing the present exemption we will place more money in the hands of the consumer, and will in turn stimulate the economy.

George Bliss, Pulitzer Prize Winning Reporter

EXTENSION OF REMARKS

OF

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. PUCINSKI. Mr. Speaker, it was with a great thrill that I learned yesterday that George Bliss, a reporter for the Chicago Tribune, was awarded the highly coveted Pulitzer Prize in journalism.

It has been my privilege to work with George Bliss for many years when I was covering stories for the Chicago Sun-Times, and during those years I learned to respect Mr. Bliss as one of the Nation's truly outstanding journalists. I might even admit at this late date that on several occasions I tried very hard to persuade Mr. Bliss to join the staff of my own newspaper, but loyal to his employer, George politely declined the suggestion.

I am sure that newspapermen throughout the country will admit that Chicago is one of the most competitive areas in the world when it comes to journalism. The never-ending struggle among newspapermen in Chicago to provide for their respective newspapers a steady stream of exclusive beats is one of the factors which have made Chicago journalism both exciting and intense.

It is indeed a great pleasure to pay tribute today here in the Congress of the United States to George Bliss for having received this outstanding recognition. Throughout his many years as reporter for the Chicago Tribune, George Bliss has unyieldingly followed the highest traditions of American journalism. He rightfully today takes his place among the giants of American reporting.

George Bliss has that highly prized faculty of sensing a good story but never relying on rumor, gossip, or reckless speculation. His thorough reporting has won him the admiration of people in all walks of life. During his reporting career, George Bliss has never hesitated to expose the evil in our society, but at the same time he has never wavered in bringing to the Chicago community the most deserving aspects of our society.

He is today recognized as one of the Nation's outstanding labor reporters, and, even though during his years with

the Chicago Tribune he has never hesitated to expose those who would violate the public trust whether it was in industry, in labor, or in politics, George today enjoys the highest respect among the leaders in all three of these categories.

He has rightfully earned the reputation in Chicago of being one of the Nation's outstanding police reporters, and through his diligence and dedication has made a most significant contribution toward the solution of several major crimes.

Because of his reporting ability and his unequivocal fairness in reporting the news, George has won the confidence of Chicago leaders in politics, in the labor movement, in industry, and virtually all agencies of government. There are few people in all of these branches of our society that George does not know by first name.

It is my great privilege today to join the Chicago Tribune and indeed all of the people of Chicago in congratulating George Bliss on this notable achievement. He is a reporter's reporter, and I am sure that the entire journalism profession will greet with enthusiasm his selection for the Pulitzer Prize in journalism for 1961.

The young men and women entering into the profession can well look to his record for inspiration and guidance.

Speech of Hon. Oren Harris Before the New York Railroad Club

EXTENSION OF REMARKS

OF

HON. WALTER ROGERS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. ROGERS of Texas. Mr. Speaker, I rise to include under unanimous consent in the CONGRESSIONAL RECORD a speech delivered before the New York Railroad Club on May 3, 1962, by the distinguished chairman of the Interstate and Foreign Commerce Committee of the House of Representatives, the Honorable OREN HARRIS. I take pride in asking the inclusion of these fine remarks in the RECORD primarily because they will be there preserved for posterity. What posterity will think about it, I do not know, but at least they will have a clear, brief, and concise statement of issues which we are confronted with today, in the unmistakable and clarion-clear language of the gentleman from Arkansas [Mr. HARRIS].

The speech follows:

SPEECH OF HONORABLE OREN HARRIS, CHAIRMAN, HOUSE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, BEFORE THE NEW YORK RAILROAD CLUB, MAY 3, 1962

Mr. Chairman, ladies and gentlemen, I am honored by the invitation to speak to you today.

When your president, Tom Goodfellow, asked me early last March to address you, he suggested that I might talk about the forthcoming President's transportation message to the Congress. Of course, we took a chance that it would be delivered by today. It was a calculated risk but we felt very confident. The message had been expected for a long time. Rumor had it that it would be delivered any Tuesday, Wednesday, or Thursday. However, as this day kept getting closer and closer without it being delivered, I began to get somewhat uneasy. Suppose May 3 arrived and still there was no message? What would I talk about?

We all knew that the Secretary of Commerce, at the request of the President, had prepared a report and submitted it last December. Knowing Mr. Hodges as I do, I am certain he prepared a very able report. We expected the President's message in January. Then as January passed without it we anticipated it in February, then in March and finally it arrived on April 5 (87th Cong., 2d sess., H. Doc. 384).

Sometimes I suspect that the President purposely held it up in order—no, not to mess up my speech—but in order to make its release coincide with the celebration of the 75th anniversary of the Interstate Commerce Commission. I should hasten to add here that what he had to say should not be taken as a reflection on the Commission. At any rate, I felt very much relieved when it arrived in time for me to address this meeting.

Seriously speaking though, when you examine this document you can readily appreciate why it took so long to get it ready. Like so many other of the President's messages, this one is an imaginative and analytical approach to the problems facing the transportation industry today. It encompasses all phases of transportation in a broad sweep and discloses a deep comprehension and concern for the welfare of the industry, the public, and the Nation. There is a recognition of the realities of the situation and there are bold suggestions to deal with them. While I am not necessarily in complete agreement with all of these suggestions—and, of course, I shall want to reserve final judgment until I have heard all the evidence in public hearings before my committee—I do know that they are proposed in an earnest effort to deal with these problems.

Although the message is addressed to the Congress, it is, in reality, directed, like so many other White House messages, to all the people—the Federal departments and agencies, State and local governments, shippers, carriers, and the general public as well as to the Congress. For everyone has a role to play in achieving the objectives outlined in the report. Some of the problems outlined in it are outside the scope of Federal regulation and supervision. Some problems can and should be taken care of by the carriers themselves. This is the way it should be done under our free enterprise system.

The message is lengthy, and I cannot hope to cover, in any meaningful way, all of it without wearing out your patience and missing my return train to Washington. So, I propose to limit myself to a portion of the document relating to intercity transportation.

Transportation problems of today just did not develop yesterday. They have been in the making for some time. The Congress has been aware of them and we have done something about them.

Back in 1955 when our beloved J. Percy Priest was chairman of the House Committee on Interstate and Foreign Commerce—and I might say here parenthetically that Percy was a man of tremendous ability and great vision—and when I was chairman of the Transportation Subcommittee, we undertook very lengthy hearings on another report—the report of the Presidential Advisory Committee on Transport Policy and Organization, and in the following year we held hearings on omnibus bills to implement this report (H.R. 6141, et al., 84th Cong.).

Because of the innumerable problems that customarily arise in the consideration of omnibus bills, the many, many controversial phases of this particular omnibus bill and the apathy with respect to it in many areas of the Government, the committee was unable to make progress during the 84th Congress. Realizing the difficulty with the one-package approach to these problems, the package was broken down into individually proposed bills in the 85th Congress. The committee accepted them as such with the view of trying to get some legislation enacted.

As a result of our work during the 1st session of the 85th Congress, the committee reported 15 bills on a broad front in the transportation field, most of which were enacted.

During the 2d session of the 85th Congress, the major legislation in the field of surface transportation was, of course, the repeal of the excise taxes on freight and the Transportation Act of 1958.

The purpose of the Transportation Act of 1958 (Public Law 85-625) was to improve and strengthen our Nation's common carrier surface transportation system so that it may better fulfill its role in meeting the transportation needs of the Nation's expanding economy and the requirements of national defense. This act contains five amendments, as follows:

First, this law provides a method of temporary financial assistance to the railroads by authorizing the Interstate Commerce Commission to guarantee, in whole or in part, loans to them maturing in 15 years where the proceeds are to be used for capital expenditures, including additions and betterments, or for maintenance of roads and equipment.

Second, this law permits railroads, at their option, to have the Interstate Commerce Commission, rather than State regulatory commissions, pass upon the discontinuance or change in the operation of any train or ferry, where such are operated on a line of railroad not located wholly within a single State.

Third, there was a new provision to guide the Commission in deciding competitive rate cases.

Fourth, there was an amendment to the so-called agricultural exemption provision of the act.

Fifth, there was an amendment dealing with illegal common carriage such as the buy-and-sell operations.

There were other bills in the transportation field enacted during the 2d session of the 85th Congress, including an act to establish a new Federal Aviation Agency to make and enforce regulations for the control of all air traffic, both civil and military.

Thus, you can see that several of the problems discussed in the President's message have been considered by the Congress and some amendments were made to the Interstate Commerce Act. This does not mean, of course, that these problems were settled finally and conclusively. Obviously, they were not, and the reason is clear. In dealing with highly controversial subjects, the opposing views of powerful interests have to be compromised in order for the legislation to pass. The enactment of the Transportation Act of 1958 undoubtedly was a progressive step in the right direction and has proved to be very helpful to the common carriers.

The President has stated the basic objective of our national transportation policy to be one which assures "the availability of * * * fast, safe, and economical transportation services needed * * * to move people and goods, without waste or discrimination * * * at the lowest cost consistent with health, convenience, national security, and other broad public objectives." The resources devoted to transportation services

"should be used in the most effective and efficient manner possible; and this, in turn, means that users of transport facilities should be provided with incentives to use whatever form of transportation which provides them with the services they desire at the lowest total cost, both public and private." I do not believe that anyone can quarrel with these recommendations.

This basic objective, he stated, should be achieved primarily by continued reliance upon unsubsidized privately owned facilities, equal competitive opportunity, less reliance on regulation, with the shippers and carriers bearing the full costs of the services they use. The President recognizes the immensity of the problem to be solved if we are to achieve these objectives. Many, many questions present themselves and we are all frank to admit that we do not yet have the answers to them.

Nevertheless, the President could see clearly that certain steps must be taken now to strengthen and improve the common carrier transportation system. He recommends an exemption from the regulation of minimum rates with respect to the transportation of bulk commodities, and agricultural and fishery products without disturbing the ICC's authority to regulate maximum rates. This move, he said, would reduce drastically and equalize fairly the regulation of freight rates for the different modes of transport.

I should say at this point that the Committee on Interstate and Foreign Commerce has already completed hearings on a bill to repeal the dry bulk commodity exemption for water carriers (H.R. 5595). We have not yet acted upon it in committee.

Also, I should say that in considering the agricultural exemption provisions in the Motor Carrier Act back in the 85th Congress, this committee made what we think was a very forward step. What we did then essentially was to stop the further expansion of the list of exempted commodities and to return to regulation some traffic formerly exempted.

Evidently, we did not go far enough in legislating in this field. I can assure you, however, that in accomplishing what we did at that time, we scored a notable achievement in view of the great opposition we encountered from agricultural interests and from certain trucking interests.

The President also recommends enactment of legislation which would eventually limit the control of intercity passenger rates to the establishment of maximum rates only.

The above three recommendations, he stated, are the most critical and controversial problems in intercity transportation which should be dealt with now. I am inclined to agree with him.

In order to prevent predatory and discriminatory trade practices and rate wars from developing after the removal of minimum rate regulation, the President recommends that existing laws against monopoly and predatory trade practices be made applicable to the carriers.

Other proposals made by the President with respect to intercity transport are: assurance to all carriers of their right to ship vehicles or containers on other branches of the transportation industry, repealing the commodities clause for railroads, and directing the regulatory agencies to sanction experimental freight rates. I can assure you that all proposals referred to the Committee on Interstate and Foreign Commerce will be given most careful and sympathetic consideration.

There are recommendations with respect to taxation and user charges which I shall not discuss. However, I would like to make an observation on experimental freight rates. The President did not elaborate on what he has in mind here but we shall soon find out when the draft of bills to implement this message are sent to the Congress.

Within the last 2 or 3 years the railroads have shown an interest in agreed or contract rates. The first such tariff filed with the Interstate Commerce Commission was the proposal of the Soo Line, in 1959, for a guaranteed rate on steel products from Ontario to Chicago and points beyond. Again in 1959, the New York Central filed a tariff proposing reduced rates on carpets and rugs from Amsterdam, N.Y., to Chicago.

Both tariffs were suspended and investigation proceedings were started by the Commission to determine the validity of these rates.

Last year the Commission condemned both the New York Central and the Soo Line proposals on the grounds that the Interstate Commerce Act did not authorize such departures in ratemaking. The New York Central appealed the Commission's decision to the courts and lost. I suppose that amendments will now be introduced in the Congress to provide for the lawfulness of such rates. I am not now expressing my opinion on this matter.

The point I wish to make here is the fact that the agreed-rate principle in railway ratemaking goes back many, many years. Great Britain adopted it in 1933 and Canada in 1938. Many other countries have adopted it—France, Australia, India—just to name a few. Yet, it took 25 years for the American railroad industry to come around and take a look at it and decide to give it a try.

We in Congress always stand ready to help those who have legitimate problems requiring legislative action. However, you in the transportation industry must also stand ready to help yourselves whenever possible.

You must be ever alert to new developments. You should be ready at all times to seize the initiative as new opportunities arise. New problems must be met with bold, aggressive, and imaginative action.

The President's message provides you with a new start. I am confident that if you follow through on his recommendations you will see the dawn of a new era in transportation.

Medical Care for the Aged

EXTENSION OF REMARKS

OF

HON. CECIL R. KING

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. KING of California. Mr. Speaker, I was shocked when I saw the recent newspaper accounts of the action of a group of doctors in New Jersey in signing a resolution wherein they state they will refuse to take patients if their care is provided for under the King-Anderson bill or similar legislation. In my remarks of March 5 of this year, which appear in the CONGRESSIONAL RECORD at page 3397, wherein I commented on the position of organized medicine on the subject of health care of the aged, I stated:

> I have the greatest respect for the individual doctor who practices his great profession for the relief of human suffering. I am sure that the ordinary doctor who will follow this testimony and my comments through will turn with revulsion from this performance of the Association (American Medical Association) which speaks in his name.

It is my understanding that the New Jersey group is attempting to interest organized medicine in other States, and perhaps the American Medical Association itself, in supporting their resolution.

Mr. Speaker, this performance of this group of doctors is ignoble. I know for a fact that it is most revolting to many of my very good friends in the medical profession. I truly believe that it represents a very small minority of those in a profession who have taken a solemn oath to practice their art for the benefit of the sick. To me, the calling of the medical profession is the highest of any professional group. Over the years members of this group have earned the profound thanks of this country for their sacrifices and devotion to their calling. Generally speaking, those who enter the medical profession are of the highest ethical and moral type. It is most regrettable that a fringe area of the medical profession would blacken this great image of doctors in the eyes of the public.

Regardless of one's position on the subject of health care for the aged, one cannot help but feel sad that a few selfish and wrongly motivated individuals have committed themselves to refusing to administer to the medical needs of the most deserving of all groups in our population—the aged—if the charges for their services are to be paid through the social security insurance system. I think it is most regrettable that in this day and age, with the many national and international problems which face this country—and in particular, when the problem of the provision of adequate medical care for our aged citizens is crying for solution—some members of the one group who should be taking a lead in providing this care through the most effective and economical method should take such a drastic and indefensible position. It is indeed a sad commentary on a noble profession.

In my opinion, the overwhelming majority of people from all walks of life strongly support the proposal in the King bill. It is reasonable, it is sensible, it is fiscally responsible, and it will very effectively meet one of the major health care problems—hospitalization—of our senior citizens.

Democratic Procedures?

EXTENSION OF REMARKS

OF

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. KING of New York. Mr. Speaker, on Wednesday, May 2, the Chamber of Commerce of the United States appears to have passed a resolution supporting H.R. 9900, the controversial foreign-trade legislation now pending before this body, against the will of a majority of the accredited delegates to the convention. Since the implications of such an occurrence are so important, I would like to retrace this matter a bit.

On March 26, Mr. A. B. Sparboe, a director of the U.S. Chamber, testified

strongly in favor of H.R. 9900. He had only a few minor exceptions. Mr. Sparboe was questioned extensively by committee members who appeared to doubt that he was representing the views of his membership. For example, the following colloquy took place between Congressman ALGER and Mr. Sparboe:

Congressman ALGER. Do you think you are speaking for the membership of the chamber, really—to check your credentials? Have you polled the membership in any way—men who have read this bill and know what is in it?

Mr. SPARBOE. Yes. I guess millions of mailing pieces have gone out on this subject for several weeks and months.

Congressman ALGER. You are prepared to say, then, that a majority of your members favor this bill knowledgeably, knowing what is in the bill?

Mr. SPARBOE. Absolutely.

After all, Members of this body necessarily have a reasonable understanding of how businessmen feel and are not overwhelmed when a snow-job is put on by Washington associations of businessmen.

The testimony of Mr. Sparboe aroused concern in the Gloversville, N.Y., Chamber of Commerce, a member of the national chamber. The Gloversville Chamber felt it inconceivable that the entire U.S. Chamber membership would share Mr. Sparboe's viewpoint and support his testimony, which included such statements as:

Congressman CURTIS. You say "It is unfortunate that many Americans view the trade agreements program as a one-way proposition—a tariff-cutting program whereby we give away our substance and gain nothing."

What I have been after from the governmental witnesses is what is the record. They have made the statement that this has been a two-way street and the trade has been liberalized, say, since World War II. I have asked for the record. The question is: Has the chamber made a study of this record in such a way that it can be presented to the committee for a look-at?

Mr. SPARBOE. We did not anticipate your question and neither has such a study been made such as you are describing.

Congressman CURTIS. If you are going to study, and I presume you did before your discussions, I would have thought this would have been almost basic in order to discuss intelligently what we are talking about.

* * * * *

Congressman CURTIS. According to official reports, other countries have made greater concessions than the United States.

I agree that the official reports say that. The question is: Are those official reports accurate? Did the chamber make a definitive study of the concessions of other countries and what we got?

Mr. SPARBOE. We certainly have not had the time, if we had been so disposed to do.

Congressman CURTIS. I am not trying to argue with you. I want to know whether you did or did not?

Mr. SPARBOE. The answer is "no."

* * * * *

Congressman ALGER. You would be for it, even though we are in deficit financing?

Mr. SPARBOE. That is correct, because of the benefits to accrue.

* * * * *

Congressman DEROUNIAN. Do you think that that might take some rights away from people, no matter how well intentioned the President could be?

Mr. SPARBOE. It is conceivable, yes, sir.

The president of the Gloversville chamber, Mr. R. P. Van Woert, therefore sent the following letter on April 24 to the 3,600 State and local chambers and trade associations who make up the membership of the U.S. chamber:

To Fellow Chambers and Trade Associations:

We are writing you because of our grave concern about the U.S. chamber's position on H.R. 9900, the so-called trade expansion bill. Like many other American communities, Gloversville has a high rate of unemployment. Most of this unemployment is due to excessive imports. Passage of H.R. 9900 would cause further increases in unemployment here and in hundreds of other communities already beset by similar problems.

With a few exceptions, the U.S. chamber has put its support behind H.R. 9900—even though its passage would be a real disaster for many local areas, including our own. The proponents of H.R. 9900 are using this chamber support as a principal selling point on behalf of the measure.

The national chamber's position was stated before the House Ways and Means Committee by Mr. A. B. Sparboe, a director. The key portions of his formal statement have already been circulated by the national chamber. However, the national chamber did not circulate the interrogation—his attempt to defend the chamber's position. We, therefore, enclose excerpts from the testimony of Mr. Sparboe so that you will see how he replied to questions from Congressmen who have a long record of defending the free enterprise system.

On the face of his testimony—and as the attached excerpts clearly indicate—the national chamber did not look into this measure clearly. On this, we cite the following:

"Congressman CURTIS. You also say this 'The chamber supports the administration's proposal for full, appropriate, and tested forms of assistance for workers, companies, and industries injured by import competition.' I wondered what was meant by the words 'tested forms,' because in this proposal, these 42 pages (of a total of 61 pages), they have many forms of assistance for workers, companies, and industries which have not been tested.

"Mr. SPARBOE. We merely lifted that out of the bill presuming whoever put it in there knew what they were talking about.

"Congressman CURTIS. I must say that is not very helpful to this committee. We cannot take that. Our job, as I view it, is to examine into the statements of the administration to see those which can be substantiated and those which cannot.

"Witnesses like yourself, from big industry or from a big organization like the chamber of commerce, can be very helpful to us by saying, 'In this instance, we think the administration is on sound grounds, but here we do not think they are.'

"In fact, that is what your statement does say when it goes on to the seven recommendations for clarification. So the answer to this, then, is that you just put it in without having any judgment of it?

"Mr. SPARBOE. We did not evaluate it."

We find it hard to believe that the underlying membership, composed of State and local chambers and trade associations, really supports a policy which could prove disastrous to communities like ours. We would, therefore, very much appreciate it if you could fill out and return the attached card promptly, so that we will have the facts. Then the matter can be discussed intelligently with the national chamber.

Thank you very much for this courtesy.

Very truly yours,

R. P. VAN WOERT,
President.

Also enclosed was a postal card which asked the constituent organizations to tell the Gloversville chamber:

On H.R. 9900, our position is as follows:

(a) We support H.R. 9900 in full.

(b) We oppose H.R. 9900 in full.

(c) We support H.R. 9900 in accordance with the qualifications stated by the U.S. chamber.

(d) We considered H.R. 9900, and decided to remain neutral on the issues it poses.

(e) We did not consider H.R. 9900 and, therefore, have no position on it.

The current President of the Gloversville chamber, Mr. William H. Evans, distinguished managing editor of the Gloversville Leader-Herald, attended the national chamber's annual meeting on May 2. He was the lead-off speaker for those who opposed adoption of the following policy resolution titled "Trade Adjustment Assistance":

The authority to negotiate tariff concessions to meet the problems of maintaining U.S. export markets in the face of growing international competition may result in injury to domestic industries, firms and workers from the reduction or elimination of duties.

Any steps, taken in the public interest, to expand escape clause and related provisions for assistance to such industries and firms should not take the form of cash subsidies, should be subject to specified terminal dates, and the eligibility criteria therefore should be carefully defined.

Any aid to displaced workers should be limited to unemployment relief and should be administered by the States and should not exceed in amount or duration the benefits provided by State unemployment compensation laws.

In his remarks, Mr. Evans announced the results of the Gloversville poll. He pointed out that the results were based on a return of approximately 10 percent. That is certainly a perfectly adequate sampling as polls go. Mr. Evans' statement to the chamber's annual meeting follows:

I would like to direct my remarks to "Trade Adjustment Assistance," page 6 of the final report.

Acting on the belief that the voting membership of the Chamber of Commerce of the United States does not support the testimony concerning H.R. 9900, the bill here involved, presented March 26, 1962, on behalf of the chamber before the House Committee on Ways and Means, the Gloversville chamber has polled the entire voting membership of 3,600 State and local chambers and trade associations. The results bear out Gloversville's original impression. An overwhelming preponderance of the underlying voting membership has no position on H.R. 9900. The actual figures, computed as percentages and on the basis of a return of approximately 10 percent, are as follows:

	Percent
Supporting H.R. 9900 in full	3.9
Opposing H.R. 9900 in full	16.3
Supporting H.R. 9900 in accordance with qualifications stated by the U.S. chamber	7.9
Considered H.R. 9900 and decided to remain neutral	11.5
Did not consider H.R. 9900 and have no position on it	60.3

These figures reveal that a total of 71.8 percent of the respondents to the Gloversville poll, and presumably of the U.S. chamber membership, neither support nor oppose this controversial legislation, while only 11.8 percent support the bill to some extent, and 16.3 percent are opposed to it.

I would like to throw this matter open to decisions by the delegates.

Numerous speeches were made in support of the position of Mr. Evans; and few against. At the conclusion of the speeches, the following resolution was adopted by what the Associated Press reported as an overwhelming "aye."

Because of the wide diversity of business interests and commercial activities represented by the federation of trade associations, chambers of commerce, and business firms, which constitutes the membership of the U.S. Chamber of Commerce, it is the sense of this meeting that no policy statement should be adopted at this time which support the principles relating to foreign commerce, Government subsidy, or unemployment assistance as set forth in H.R. 9900 and that action on the proposed policy (dealing with trade adjustment assistance as stated in the final report of the committee on policy) and the motion to amend be tabled.

At that point in the meeting there were something like 600 or 700 chamber delegates present, according to Mr. Evans. But with this important business accomplished, the hall virtually emptied, 200 at the most remaining. Both the freer trade and domestic industry people went off—some of them for trains and the airport and others to their rooms and various public rooms in the Statler-Hilton. Somewhat later, Mr. Evans was located in the hotel and was informed to his amazement that the matter was being reconsidered. He returned to the hall and with others took the floor to protest against such an action by the "chamber hierarchy." He pointed out that the statistics in the Gloversville poll had clearly indicated that the members did not support H.R. 9900. He objected to "railroading." He pointed out that the "hierarchy" was attempting to pull their "chestnuts out of the fire" when the hall was half empty. But he did not prevail. Again the Associated Press provides a factual account of what happened:

The delegates first voted down the resolution entirely, but, after many of them had left, chamber leaders managed to get the matter reconsidered and the modified resolution was adopted.

In what the Washington Post calls a thoroughly snarled parliamentary situation, the motion was carried by a scant majority, if any. The Chair's conscience is the best judge of whether a majority, much less the required two-thirds majority was obtained. It certainly would be interesting to listen to the vote on a tape. For Mr. Evans, I would like to say that he would consider it a favor were the chamber to permit him to listen to a tape of the meeting, especially the final phase of it.

In short, the appearance to impartial observers present at the convention was not exactly one of democracy in action. However, that is not my only point in calling the attention of my colleagues to this matter.

Administration spokesmen have been running all over the country saying that agriculture, businesmen and labor support H.R. 9900. If you peruse the record as stated above, it becomes abundantly clear that the Chamber of Commerce of the United States cannot reasonably be said to support this bill. In fact, no major overall business organization favors it. The Committee for Economic Development in a report riddled with dissension and separate statements generally favors the one-third of the bill dealing with tariff reductions but opposes the two-thirds dealing with subsidies. The NAM has no position on the tariff section and opposes the two-thirds dealing with subsidies. Thus, anyone who says or gives the impression that there is broad business support for this bill is incorrect.

TVA Payments Into the U.S. Treasury Total $438,133,337 in Fiscal Year 1963

EXTENSION OF REMARKS

OF

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. EVINS. Mr. Speaker, recent figures have shown again conclusively that past investment in the Tennessee Valley Authority is sound and that the TVA is self-liquidating and that its electric power program is self-sustaining.

Payments to the U.S. Treasury for fiscal year 1963 are estimated to total $48,500,000, all from power proceeds. This will bring total payments to date from TVA into the U.S. Treasury to $438,133,337.

Of this total payment, $396,605,917 is revenue from the sale of electric power and the remainder, $41,527,420, is from nonpower proceeds. Very few, if any, agencies of the Federal Government make such payments into the Federal Treasury, and none have a better record of making its payments to the Government than the Tennessee Valley Authority.

Mr. Speaker, it is pleasing to again report that the TVA is not only paying for itself, but is also making substantial payments to the Treasury in the form of dividends on the great development in the public interest.

In this connection, I include the following statement on TVA repayments into the Treasury for the RECORD. The statement follows:

TVA PAYMENTS TO U.S. TREASURY FROM POWER PROCEEDS

Prior to August 6, 1959, payments to the Treasury from power proceeds were made pursuant to section 26 of the TVA Act and title II of the Government Corporations Appropriation Act, 1948. Under this legislation, payments totaling $250,131,519 were made toward reduction of the Treasury's investment in TVA power facilities. Of these payments, $185,059,019 represents reduction of the appropriation investment in power facilities and $65,072,500 represents retirement of bonds sold by TVA to the Treasury prior to 1942 under sections 15, 15a, and 15c of the TVA Act.

As amended on August 6, 1959, the Tennessee Valley Authority Act provides for payments, beginning in fiscal year 1961, of stipulated minimum annual amounts as reductions of the appropriation investment in TVA power facilities until a total of $1 million, exclusive of previous payments, shall have been repaid. The amended act also provides for payments to the Treasury of a return on the appropriation investment in the power program. The total to be paid annually is determined by applying to the unrepaid appropriation investment the computed average interest rate payable by the Treasury upon its total marketable public obligations as of the beginning of each fiscal year. During fiscal year 1961 payments were made to the Treasury of $41,432,398 as a return on the appropriation investment in the nature of a dividend and $10 million applied to reduction of the appropriation investment. The 1962 estimates of payments to the Treasury from TVA power proceeds include $36,542,000 as a return on the appropriation investment in the nature of a dividend and $10 million as a reduction of the appropriation investment. For 1963 the corresponding estimates of such payments are $38,500,000 and $10 million, respectively. The repayable appropriation investment as of June 30, 1963, is estimated at $970 million.

TVA PAYMENTS TO THE U.S. TREASURY

Payments to the Treasury for fiscal year 1963 are estimated at $48,500,000, all from power proceeds. This will bring total payments from TVA to the Treasury to $438,133,337, of which $396,605,917 is from power proceeds and $41,527,420 from nonpower proceeds. Of the payments from power proceeds, $65,072,500 represents retirement of bonds issued prior to 1942, $215,059,019 represents reduction of the appropriation investment in power facilities, and $116,474,398 represents a return on such investment in the nature of dividends.

TVA: A Dream Come True

EXTENSION OF REMARKS

OF

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. EVINS. Mr. Speaker, under unanimous consent, I wish to have an article by our distinguished colleague, Senator HILL, of Alabama, who is one of the authors of the TVA Act, reprinted in the CONGRESSIONAL RECORD. The article follows:

TVA: A DREAM COME TRUE FOR LISTER HILL—A CREATOR

(By LISTER HILL, U.S. Senator from Alabama)

"What is past is prolog."

For me there is no escaping this reminder. Every evening as I drive to my home from the Capitol in Washington, D.C., I pass the Archives Building. The inscription may be shadowed in the dusk—that does not matter. I know it is there. I have read it often. It is the poet's way of saying that no day and no act stands alone, that just as the past has shaped the present, so decisions of today will expand or will contract the horizons of the future.

To an often busy legislator this is a sobering reflection. It can be a source of comfort, too. For it turns my thoughts to some activities of yesterday which were prolog to achievements of today and are basic to the progress of tomorrow.

It leads me to review the story of TVA.

Throughout my service in the Congress, TVA has been one of my major concerns. I

was the author in the House of the bill creating TVA, and a member of the conference in which the differences between House and Senate versions were adjusted.

ONLY MEMBER

Today I am the only member of that committee still serving in the Congress. I am the only one who, year by year, has had the *satisfaction* of testing the progress of the present by the expectations of the past.

When President Roosevelt signed the bill May 18, 1933, a new way for the Federal Government to function in the field of resource development had been created. A Government corporation was established, with its headquarters in the region, not in Washington, empowered to see the resources of nature as a whole, to respect the interrelation of land and forests, minerals and water, and to develop them together that the people of the region might have a better life, and the area itself contribute its full share to the Nation's strength.

We gave the Board of the new agency certain specific instructions and some general power to use in achieving the objectives. We turned over to them the World War I properties at Muscle Shoals in north Alabama. This was the beginning.

ASSETS TVA INHERITED

We directed TVA to use the chemical plant for the development of new and better kinds of fertilizer, and to make the power at Wilson Dam available to the people for use on their farms and in their homes. These were the assets TVA inherited.

The chemical facilities were idle in 1933, and the power produced at Wilson Dam was being sold to a private company for resale to its consumers at a profit. Today at Muscle Shoals more than a thousand men and women are at work, engaged in a program of research and development which has achieved vast improvements in fertilizer production and use throughout the United States, steadily improving the quality and reducing the cost to farmers of this essential tool in agriculture.

Wilson Dam now is part of a great system of river control, including more than 30 dams, a system which has as its primary objectives the creation of a channel for navigation, the reduction of danger from floods, and the generation of electricity for the people to use. Now TVA has been at work for more than a quarter century. The past has shaped the present, and results are plain to see.

When I visit the valley today I watch great barges moving in procession on the tranquil river, new industries arising on the waterfront, and I remember the vagrant river of 1933, the wornout land on its banks.

Fields and pastures lie green in the sun today where once were barren, gullied acres. I see the harvesting of trees planted in the great program of reforestation initiated by TVA, already nourishing the growing strength of new industries based on wood utilization, adding to the jobs they create, the income they afford, insuring that the basic land resource of the area will be ever more productive.

Most of all, my spirit is lifted when I drive through the countryside in early evening. Then I see the lights go on in barn and kitchen and farm house parlor. High on the hills, deep in the coves, a pattern of welcome gleams. I remember then how dark it used to be. To me those lights, that hour, will always be a salute of recognition to the memory of George Norris.

HIS DREAM

For this was his dream, a dream he taught his colleagues to share in the years he led the fight for TVA. The lights which glow from the farmhouse windows illuminate an area far wider than the farmyard.

They give meaning to the statistics which report the growth in electricity use in the area served by TVA, a record of progress unrivaled in history, at any place or in any time, a demonstration of what happens when a power system is developed and is operated as a part of a total program of resource development.

I sometimes wonder if the generation grown to maturity since TVA began knows what life was like before; if they understand what it means when it is reported that the number of domestic consumers in the region has expanded from about 200,000 in 1933 to more than 1,300,000 today; that their average annual use of electricity has grown from 600 to more than 9,000 kilowatt-hours; that nearly 98 percent of the farms now have electricity, where only 3 percent were served in 1933.

When I read those figures I know a moment of deep gratitude to the management of TVA. These statistics tell a story of dreams come true, of achievement outracing expectations.

They tell the story of well-lighted homes and barns and schools and churches, of electric kitchens replacing wood-burning stoves, of faucets installed instead of pumps, of water systems on the farm, of year-round refrigeration, and the use of farm equipment of kinds unknown in 1933.

They measure the spread of air conditioning and electric house heating. They promise better health, better homes, an environment that is the guarantee of progress, of more jobs and a better income for the people. This is precisely what we hoped an abundant supply of low-cost electricity would accomplish.

OUTRACED EXPECTATIONS

Already the record of TVA has outraced our expectations, just as the region's demand for energy has outstripped the capacity of the river to provide it. So coal, another natural resource, is releasing its hoarded energy to add to the region's power resource.

To produce low-cost energy by steam generation would have required a miracle in 1933. Today we know it requires courage, the courage to introduce American suppliers to the stimulus of foreign competition, to expose collusion when it occurs in bidding. It requires enterprise to push for the design of larger and more efficient units and to discover the most economic locations for their installation.

It requires imagination to develop new types of contracts for coal supply and delivery.

Most of all it requires ceaseless devotion to that injunction George Norris drafted so long ago, the provision instructing TVA to provide electric energy to the homes and farms of the area at the lowest possible rates. The lowest possible rates mean the lowest possible costs, for rates must cover costs, including the cost of money. It is not easy in the face of rising prices. But TVA has demonstrated that it can be done.

Because production costs have been held down and use has been increased, today the average cost of electricity to the domestic consumer on the TVA system is less than a cent a kilowatt-hour and on July 11, the centennial anniversary of Senator Norris' birth, a new low rate could be announced by TVA to be available for distributors to apply. It was named for him, a fitting tribute to the vitality of the program he initiated and to the fidelity with which it is administered by TVA.

A LONG WAY

This region has come a long way since 1933. We have a long way to go before we can proclaim that our resources are developed to their full potential, that there are jobs enough in industry and trade and services to absorb our manpower as it is released by more efficient farming practices. But to me the road ahead seems clear and the future bright with promise. I know what has been accomplished since 1933.

But a total program of resource development requires the efforts of all the people and all their institutions. It demands the wholehearted participation of State and local governments. Its success depends upon the cooperation of individuals in their private undertakings and together in all their associations. A Federal agency cannot do the job alone. It can only lead the way.

There is a tremendous job ahead. This is not the time for the people to relax their own efforts, or for their energies to be diverted in pursuit of panaceas which others are expected to provide. This is the time when the tools provided over the last quarter century should be used with increased zeal.

Then continued regional growth will be assured and economic opportunity will continue to expand. This is a time for us to remember that the past was only prolog to the future.

John H. Breck, Inc., of Springfield, Mass., CBS Television Network, and Igor Stravinsky Commended for Bringing Premiere Presentation of "Noah and the Flood" to Viewers on June 14

EXTENSION OF REMARKS

OF

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. BOLAND. Mr. Speaker, over the past several years, the American television industry and its product have been the subject of much criticism and, in fact, the medium has been characterized by some as a vast wasteland.

As the result of this reported state of affairs, there have been many constructive efforts on the part of the present administration and members of this session of Congress to improve the quality and scope of television as a medium of communication, entertainment, and education.

As the RECORD shows, I personally have been an active proponent of the bill requiring television set manufacturers to equip all sets to receive ultrahigh frequency television, which would, in effect, open the door for expanded educational television opportunities throughout the United States.

Notwithstanding the sincere efforts of the executive and legislative branches of the Government to upgrade this new medium, careful note should be taken of the fact that there are and have been over the past several years a number of programs of which the television industry can be enormously proud. These programs, in the opinion of many critics and cultural leaders, can stand proudly beside any being produced in the world today.

Each of the Nation's three major television networks have and are on occasion producing shows that have ascended to the highest of cultural levels. I am pleased to note that the frequency of such programs has been greatly accelerated over the past 2 years.

In this regard, I would like to cite the efforts of the CBS television network and one of the country's leading manufacturers of hair care preparations, John H. Breck, Inc., of Springfield, Mass., to bring worthwhile entertainment with great cultural appeal to the millions of American television viewers. For the past year, this same network and sponsor have presented a series of programs that have consistently earned high praise for their excellence and good taste. Even before this, the same sponsor, on other networks, has brought fine television entertainment, suitable for viewing by all of the family, into the many homes of America. In my opinion, CBS and Breck will again be performing a noteworthy public service when, on the evening of June 14, they offer the premiere presentation of "Noah and the Flood," an original work in music, dance and drama created around a just-completed work by the world's greatest living composer, Igor Stravinsky.

The fact is that Mr. Stravinsky, his colleague, George Balanchine, the noted choreographer, and the other distinguished artists could have had this premiere on any medium—the theater or the concert hall, for instance. Instead, they chose television as the medium for the first showing of this important cultural achievement. Mr. Stravinsky, nearly 80 years old and wise in the ways of the arts, chose television for the premiere in the belief that his work should be heard and seen by the greatest possible audience. In my opinion, this is the way of democracy whereby the benefits of education and culture are available to all, regardless of economic status.

I believe that the CBS television network, John H. Breck, Inc., and Mr. Igor Stravinsky all should be commended for their efforts toward bringing this program to the American people and that it is hoped that this event will encourage and inspire future television programs of equal merit, so that the medium can no longer be considered "a vast wasteland."

The Tokyo Raiders: A Symbol for America

EXTENSION OF REMARKS

OF

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. TEAGUE of Texas. Mr. Speaker, it is fitting that we pause for a moment to take note of a memorable occasion of the past month, and to pay tribute to the men who were there.

This was the 20th annual reunion of the Tokyo raiders.

In the month of April 1942, the United States was locked in a mortal struggle with the Axis Powers. The surprise attack on Pearl Harbor was then nearly 5 months into history, and an angered America was still arming. The greatest of haste still seemed not to give us action—and the Nation, wounded and enraged—wanted to come to grips with the enemy.

Then came the news.

American airmen had bombed the Japanese homeland.

Tokyo, Yokohama, Osaka, Kobe, and Nagoya had been hit by American bombs. Our aircraft, said President Roosevelt, had taken off from Shangri-La.

It was a year later that the War Department released the facts. The full story of the brilliant and daring operation, jointly planned and jointly executed by the Navy and the Army Air Force, took its place in the annals of our history.

In 1942, however, America hailed this raid with a burst of enthusiasm. To them, it was our promise of victory; to them, it foretold the surrender ceremony 3 years later in Tokyo Bay.

It was Gen. James H. Doolittle, who organized and commanded this operation. It stands as one of the achievements of a man whose life has been filled with achievements. By nature, and by professional training, James H. Doolittle filled to perfection the role he chose for his life.

It was a broad role, and it remains so today. The daring aviator, the doctor of science, the Air Force lieutenant general, and now forging ahead into space technology, James H. Doolittle is among our most distinguished Americans.

The men he commanded, and who flew the raid against Japan with him, are now men in the prime of life. Their original numbers have thinned somewhat, from an original 80 to 56—attrition began on the raid itself. To all of them, for what they did and for what they are today, the Nation owes a debt of gratitude. Their contributions will be long remembered.

Annually these raiders meet to honor the memory of those who lost their lives, to renew old friendships, and to participate in some activity which they feel would be of benefit to the Nation or to the community in which they meet, and to the Air Force.

This year the reunion was held at the Club Del Mar in Santa Monica, Calif., on April 19 to 21. The raider chairman for all general arrangements this year was Col. Jack A. Sims, who is Chief of the Air Force Liaison Office, U.S. House of Representatives.

Because of the raiders' deep respect and affection for their inspirational leader and because it was their most important 20th anniversary, they honored General Doolittle by establishing in his name a $1,500 educational scholarship in science at UCLA. This project, the raiders feel, is in keeping with the national interest to further the U.S. scientific educational effort.

The student selected to receive this scholarship was Robert Paul Wilcke, of Santa Monica, Calif. Mr. Wilcke was a good choice, for he is oriented toward those goals and principles which Jimmy Doolittle has through the years so honorably exemplified. This youth is an outstanding student who has his sights set on future aerospace scientific efforts.

It was, therefore, fitting that the main speaker on their program be a person who could tell why this scholarship was so important and one who could speak on the scientific education needs of today. This speaker was the Honorable GEORGE P. MILLER, of California, chairman of the House Committee on Science and Astronautics. Mr. MILLER has proved to be a vigorous and enthusiastic leader and is keenly aware of the role science and technology are playing in shaping America's future political, economic, and social development. Under his leadership the House Space Committee will study the many broad scientific problems facing this Nation.

Mr. MILLER's speech to the Doolittle Tokyo Raiders and to the Nation stands as testimony of Chairman MILLER's interest and concern about the future of American scientific education and as a message that all Americans should seriously heed.

In order to afford the fullest opportunity to the readers of the CONGRESSIONAL RECORD, I, under unanimous consent, insert a copy of Mr. MILLER's address in the RECORD:

General Doolittle, distinguished guests, ladies, and gentlemen, this is indeed a momentous occasion. The 20th anniversary of the first air strike of World War II against the heartland of the Japanese Empire is of great personal interest to me because I represent Alameda where your great General Doolittle was born and received his early schooling, and where your group jumped off from the continental United States for the historic undertaking.

This anniversary occurs at a period in our national history when the greatness of our Nation and the men who lead it are being sorely tested.

It seems to me that this anniversary comes at a time when we need to be reminded of the courage and sacrifices made by the men here in this room and by those comrades who have gone to their Maker since those grim days of 20 years ago.

We need to be reminded that within the soul of this Nation resides an unconquerable spirit that gives full meaning to the price that has been paid to keep that spirit alive and flourishing. You, who flew on that first strike in 1942 led by your great commander, General Doolittle, continue today to expend your energies, your spirit, and fervor in helping this favored land to achieve its objectives.

Today you are awarding a scholarship to a young man who is representative of the next generation to assume responsibility for the future growth of America. You have by this award recognized both tacitly and specifically that the growth of the United States is so very dependent upon the knowledge and capabilities of the people who will contribute to it.

It is particularly significant that this scholarship is directed toward scientific and technical training, for this highlights a very serious problem confronting the United States, the solution of which can have direct and material effects upon the future progress and survival of our country as a community of free people.

I am referring to the problem of meeting the current and future requirements for scientists and engineers fundamentally necessary for achieving our national objectives, not only in the special fields of space exploration and defense, but also in maintaining the public welfare at the unprecedented levels of standards that have become the envy

of the world and the greatest advertisement for the success of our way of life.

It became quite evident some time ago that the Soviet Union could achieve economic and military parity with the United States only by means of technological achievement. This could be done by increasing manyfold the numbers of scientists, engineers, and technicians available to the Soviet economy.

The Soviet scientific educational effort received such concentrated emphasis following World War II that today Russia is producing annually two to three times as many scientists and technicians as we are. Furthermore, there is no question that the Soviet Union fully intends to accelerate further this educational effort, thereby making clear that science and technology have the primary mission of supporting the Soviet mission to communize and dominate the world through overwhelming economic and military forces.

Let me offer you some concrete evidence of the Soviet programs. In 1959, of the total graduates from Russian institutes of higher learning, 57 percent took bachelor degrees in science, engineering, and special fields of applied science, as opposed to 24 percent of U.S. graduates in the same fields.

A report of Soviet education and professional employment recently published by the National Science Foundation uncovers many significant facts. It is interesting to note that the average schooling of the Russian people is about 4 years, as compared to 11 years here. This is because in the Soviet Union only 7 percent of each age group completes a higher education curriculum.

But, although the U.S.S.R. has about half the total number of higher education graduates than we do, it has a greater number of professionals in scientific, engineering, and applied science fields. The Soviet Union is experiencing a rate of growth in these categories that is more than triple that of the United States.

Specifically, we produce about 90,000 science, engineering, and applied science students of bachelor and graduate degrees each year; the Soviet Union, 190,000.

And all available information and statistical evidence support an estimate that the Soviet system will be producing professional graduates at the rate of 250,000 a year before the end of this decade. Out of this mass will come refinement that can pose a threat to the free world.

These data give you some idea of the challenge with which this country will be faced in the near future. And a qualitative evaluation—which always tends to be built upon highly subjective judgments—places the Russian graduates of all levels and disciplines well on a par with those coming from our own institutions. We are confronted with a completely government-supported educational system producing professionally, although narrowly, trained scientists and engineers whose efforts in every technological field, also state-supported, will be directed toward furthering the Soviet national programs and ideological objectives.

There is no need for me to analyze our own educational systems; you are all thoroughly familiar with that field. Here, we are free from Government limitations of career choices and our graduates from higher institutions find their own niche in our economy. Here, individual talents, whether in the arts or in the sciences can be developed and refined with equal opportunity, and their usefulness is limited only by the extent to which our economy can utilize them.

Thus it is extremely heartening to realize that in our national community, characterized and dignified in human terms by freedom of choice, that we have achieved the highest levels of technological and scientific accomplishment in history. And it has been our educational systems that have made a major contribution to that achievement.

But now we become aware of the constantly growing need of our Government and industrial resources for special knowledge, skills, and inventiveness in the fields of science, engineering, and the applied sciences that has resulted from the demand placed upon our society by the challenges of the age we live in. Heavy commitments to expand our military defense capabilities, our national space programs, consumer requirements, and industrial innovations have all placed unprecedented demands upon our technological resources and talents.

How can we as a nation meet these demands and develop, to the fullest practical extent, our national potentials? Only through increasing significantly the numbers of scientific and engineering graduates of advanced educational institutions who can be absorbed. It will take the talents, education, know-how, and experience of hundreds of thousands of men and women to satisfy the needs of our burgeoning economy.

To give you an idea of where we stand, in 1959 we had a total of 1,096,300 scientists and engineers employed in our civilian economy. By 1970 it is estimated that we will need 2,032,000 scientists and engineers. This is a percentage increase of 85.4 percent—which totals 936,000 graduates—over a period of 11 years. This would require an average of 85,000 yearly graduates.

Yet, although total university and college new registrations increased last year by 12.4 percent over the previous year, freshman science and engineering enrollment actually decreased from the previous year. Hence the percentage of engineering and science degree candidates to total enrollment is decreasing. The rate of growth in producing scientifically trained manpower we urgently need is not occurring.

How is the Federal Government attacking these problems? President Kennedy has taken positive action by directing his scientific advisers to study the whole national problem and to report to him at the earliest date on what steps the United States, including both Government and civilian organizations, can take to reverse this trend and increase our resources in scientists and engineers in the shortest possible time.

The National Science Foundation has long been in the forefront of analyzing the problem and supplying Government agencies with comprehensive and cogent statistical information.

The Department of Health, Education, and Welfare has done and is doing yeoman work in assisting the many educational systems throughout the country to broaden opportunities for scientific training, awaken student interest, and stimulate dormant talents.

Whatever steps the Government may take, whatever legislation Congress may enact in the future, to overcome the threatening shortage of scientists and engineers, the result will be more than solely the achievement of a solution to a thoroughly pragmatic problem. It will be an investment in the intellectual growth of our children, which will inevitably, under our system of free peoples governing themselves, lead to an enlightened citizenry. That is the anathema of communism. It is the enlightened people who clearly perceive the truth and have the unquenchable will to follow it.

I congratulate you on the establishment of this scholarship. I think it manifests your deep desire to contribute in a material way to the betterment of our Nation. I sincerely hope that in the years to come your organization will serve as a model to similar groups elsewhere in taking positive steps to preserve the United States as a leader of the free world.

You men who are on the roster of great "firsts" in peace and war, such as Orville and Wilbur Wright, Lindbergh, and Colonel Glenn, have risen to meet the greatest challenges asked of you by your country and by yourselves. There can be no higher accolade than this.

Latin America: Threat and Promise

EXTENSION OF REMARKS

OF

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1962

Mr. GONZALEZ. Mr. Speaker, our distinguished colleague and my fellow Texan, Hon. JIM WRIGHT, has written a most incisive article which appears in the May 1962 issue of Maryknoll magazine. This is the publication of the Maryknoll Fathers, the Catholic Foreign Mission Society of America.

Mr. WRIGHT's article deals with Latin America, its threat and its promise. He has been deeply interested in the subject for many years and obviously has given careful thought to the preparation of this article. Because of the great importance of the problem to our entire Nation, and because of the value of the article prepared by our colleague, Mr. WRIGHT, I am including it herewith for printing in the CONGRESSIONAL RECORD:

LATIN AMERICA: THREAT AND PROMISE

(By JIM WRIGHT)

To the south of us lies an area, long neglected in our international priorities, which destiny seems to have linked inseparably to the future well-being of the United States. There, perhaps within the next 10 years, the decisive battle of the cold war may well be fought. Today it is a power vacuum, a churning cauldron of conflict, keyed-up emotions and long-smothered aspirations gasping for air.

For the nearly 200 million people who comprise the Republics of Central and South America, the average life expectancy is 45 years. Approximately 50 percent of the population is illiterate. Only 1 adult in 1,000 has completed college.

The infant mortality rate of Latin America is four times higher than ours, but it has the fastest growing population in the world. One of every nine children born in Latin America will die before reaching adolescence. In some countries, the per capita holdings of money on deposit are as low as 38 cents. In Venezuela, 90 percent of the land is owned by 3 percent of the people.

Add to this picture the growing awareness of a better life enjoyed by others and an almost savage determination in young people to achieve it and you have a combustible combination which threatens to become the greatest outburst in history.

Let there be no mistake about it: Latin America will not be denied. The status quo will give way. Its threadbare cloak is already in tatters. Change will come, and the shape and direction of that change concerns us deeply and intimately. The 20 nations which make up Latin America are not only closer to us, but are also more important to us than any other nation of the world.

Take the matter of military defense. The missile age has not reduced the necessity for hemispheric solidarity, but has dramatically increased it. Without the understand-

ing and cooperation of our southern neighbors, it would be very difficult, if not almost impossible, for us to operate our own big missile center at Cape Canaveral, Fla. Latin American countries with tracking stations provide an indispensable link in our research and development chain.

Our national commerce, also, is inseparably tied to our southern neighbors and dependent upon their economic health and well-being. In spite of all the well-publicized clamor over trade with Europe and Asia, the fact remains that 26 percent of all the goods we sell abroad is sold in Latin America.

Moreover, almost 28 percent of all the goods we import comes from the Latin American countries. The quality of these imports is even more important than the volume, since practically all raw materials regarded as strategically necessary to U.S. security—many of them materials which we do not and cannot produce domestically—are to be found somewhere in Latin America.

The importance of inter-American solidarity augurs to be even greater in the future. Latin America's population growth is outpacing that of any other area, and in 1 more generation is expected to number 300 million. These people could quite conceivably hold the balance of power in the two-way international struggle now underway.

These are some of the reasons why the stability and friendship of Central and South American governments are urgently important to us. These are also the reasons why we must face with great concern the seething unrest which has produced a Castro in Cuba, real Marxist threats in Bolivia and British Guiana and a wave of impatience throughout the hemisphere.

Obviously, our policies in the past have not been adequate. Platitudinous assurances of friendship, conveyed in stilted diplomatic language from government to government, are not enough. Simply shoring up the shaky regimes of existing governments in times of local crisis is not enough. There needs to be a new outlook, a new understanding, and a new approach.

We must ask ourselves some searching questions. Why, on an island just 90 miles off our coast which owes its very independence to our sponsorship, can a man hold power by playing cozy games with the Communists, seize American property, and make this Nation the whipping boy of his ridiculous rantings? Why did Costa Rica have to fight a bloody Communist uprising a dozen years ago, and why did Guatemala succumb temporarily to the Soviet lure in 1954? Why did an attempted good-will tour of a U.S. Vice President turn into a series of riots 3 years ago? Why do aspiring Latin American politicians so often find it necessary to assert their independence of North American influence?

Part of the answer lies in the unmistakable appeal of Castro's land reform promises throughout a region of the world where 1.5 percent of the people own more than half the tillable acreage. In Cuba, 90 percent of the people do not own an inch of land or a penny's worth of equity in any real property.

In most Latin American countries, the preponderant majority are tenant farmers, impoverished, deeply in debt and without hope. Mired in the futility of a 20th century feudalism, they see no promise of a brighter mañana through the slow and orderly processes.

Castro has certainly made cruel promises which he cannot possibly fulfill. He has pointed with greed and envy-inspiring oratory to the large estates, some of them owned by U.S. interests. To the land-hungry masses he has said, "Follow me, and I will break them up and give them to you." Surely it is an irredeemable hoax.

But Castro is not the cause of the problem; he is an effect. The man who has given up hope of ever achieving his legitimate objectives by orderly means, the man whose little children look to him with eyes enlarged by their sunken cheeks and with hunger gnawing at their empty little stomachs, is a desperate man. He is ripe to follow any demagog who promises him a personal stake in the country's future.

Part of the answer lies in Latin America's tragic history of heartbreaking disappointments in corruptible leaders. Also the United States has too often been identified in Latin minds with unpopular and undemocratic local regimes, which have often dispensed our largesse as though it were their own patronage and sometimes used our military assistance for their own internal purposes in the manner of police states.

Part of the truth is that the people of Latin America have seen in us the symbol of self-assumed superiority. The fact that we, for the most part, have refused to learn their language, and have required them instead to use ours for communications between us, has irritated them.

A part of the answer lies, of course, in the aggressive nature of the Communist propaganda menace. When the Voice of America was forced by a shortage of funds in 1953 to abandon its wave length to Guatemala, it was snapped up immediately by the Soviets. A few months later that country fell to the Red Arbenz regime.

Communist China, concentrating on Latin America as one of its chief targets, last year induced more than 500 Latin American opinionmakers to visit its country. Students, educators, labor leaders, writers and even political leaders were given expense-free trips. Going one step further, Peiping and Moscow weekly beam throughout Latin American countries 74 hours of Spanish broadcasts and 28 hours of programs in Portuguese, the language of Brazil, in which we seldom offer any broadcasts.

José Figueres, the former President of Costa Rica, in an article which appeared in an American magazine a few months ago, said:

"The forces we fight have no trouble getting their propaganda to our people. I can turn on my radio any hour of the day or night on my farm in Costa Rica and hear a strong, clear voice from Moscow discuss in faultless Spanish the latest news of the day and the latest Latin American problems, slanted poisonously against Yankee imperialists. Only your Government can meet the challenge of the broadcasts from Moscow and Havana, and I wonder why you have neglected to do so."

We do, of course, have Voice of America broadcasts. Their quality is good. They have patiently earned the reputation for truthfulness and reliability. But by comparison in sheer volume with the radio schedules of our competitors, our broadcasting program is understaffed and underfinanced. What a commentary on a breed of men known as the greatest advertisers and salesmen in the history of the world.

Where do we start recapturing our lost prestige so carefully nurtured over the years through the good neighbor policy? The agreement at Uruguay last year and the passage of the Latin American aid bill is a good starting place, but the problem will not be solved by money alone.

Let us start by showing that we stand for something, not only against something. Let us exert influence in every country for regular, free elections; for the guarantee of individual liberties; for nonviolent, local self-determination.

It is not enough simply to say that Castro's way and the methods of the Communists are wrong. Let us show the people of Latin America that there is a right way to achieve their legitimate objectives. Let us demonstrate to them that the best way to achieve economic democracy is through the framework of political democracy without the surrender of individual rights and human dignity.

The longstanding bottleneck to widespread individual ownership of family farms, modest homes, and small businesses has been the need for long-term mortgage credit. So far as the average Latin American family is concerned, this simply has been nonexistent.

We could demonstrate that land reform may be achieved without Communist confiscation through a sort of Latin American FHA. We could join with friendly governments on a 50–50 basis not in gifts but in loans to tenant farmers to buy small parcels of land. Nothing stabilizes a people like home and farm ownership.

We have already made a beginning in this direction. The United States recently announced credit amounting to about $50 million for Peru and $70 million for Colombia, in which the governments of those nations participate with the Development Loan Fund and the ICA to develop new land for agriculture and local loan associations to encourage building of low-priced homes on reasonable terms.

Will the average Latin American stand for such loans? Will he be worthy of this unaccustomed trust? A Maryknoll priest, Fr. Daniel B. McLellan, just a few years ago organized the first credit union in the history of Peru. The experts scoffed. "The Indians are beyond help," they said. But he believed in them enough to start with 23 Indians who raised the munificent sum of $30 among them.

By the end of the first year, the credit union had 291 members, a capital of $15,000 and had made 95 loans without a single default. In 2 years, it granted $150,000 in loans with a bad debt loss of only $80. Today the San Juan Credit Union has 5,000 members with a capital of $400,000. After 5 years, 207 separate credit unions have been created throughout the nation.

It is highly significant that the Communists have vigorously, and often violently, opposed efforts of this kind which they do not control. In Bolivia, for instance, there is evidence that they inspired physical violence against agents of the credit program under Bolivia-United States supervision, and actually forced it out of several towns where it was extending needed credit to farmers. The promise of land is communism's greatest weapon in Latin America; the ownership of land is its greatest fear.

There are many other and additional ways, of course, by which we must cultivate anew the spirit of friendship and mutual respect within the Americas. Let us require all our Government employees, and encourage privately employed Americans throughout Latin America, to learn the local language. Our diplomats should stop giving the impression that they cultivate only the cream of local society—the limousine and fur set—and of being disinterested in the "great unwashed," the average people, to whom the Soviets are making their fervid appeal.

Labor leaders in Latin America are often the first targets of Soviet propaganda. Let us beat the Communists by an exchange program, which brings labor leaders here for visits to the homes of American union officers and which brings radio commentators for visits with American newscasters, teachers with teachers, and newsmen with newsmen. Let them see for themselves the freedom and high living standards achieved under our system by their counterparts, and then return to tell this to their people.

Let us show, in deeds as well as words, that we want not only to be understood but to understand them. Above all else, let us keep the reservoir of good will that still remains by behaving honorably. Let us never truckle to the corrupt nor appear to offer bribes. Honest respect begets true

friendship, which is infinitely better than pretended affection.

Most of the foregoing has emphasized the negative factors which make up our problem. There also are some reasons for hope. There is for us a latent reservoir of good will, and in areas where some progress is being made there is a growing sense of cooperation.

Mexico is a good case in point. There have been bitter times of stress between this country and Mexico. But that is in the background now. Today there is a different atmosphere.

To understand what is happening, you almost have to go there, to "smell the weather in the streets." While in Mexico on an inspection of the Inter-American Highway, I began to understand some of what is taking place.

I was startled by the vividly contrasting modes of life. On one hand are the brooding, mysterious ruins of Indian civilization which were old when the European white man was painting himself blue and eating raw meat and roots in his native forest. On the other hand are all the glistening accoutrements of modern Western development. In Mexico City the shiny evidences of modern bigness arise to sparkle against the background of an ancient civilization.

The Mexicans, determined to be architects of their own destiny, are extremely proud of what they have built. They are proud of their superhighways, their native industries, their sleek new hotels, their towering buildings of steel and glass; proudest perhaps, of their brilliantly designed university city. Mainly they are proud of the fact that they did these things themselves.

They know they have a long way to go. Mexico is essentially a nation of little villages where life goes on much as it must have done a century ago. More than two-thirds of the total population lives on the land or in towns of fewer than 500 inhabitants. Most of these little towns, isolated from one another by the towering mountains, are without newspapers, and many are still without schools.

The public affairs officer for the USIA in Mexico, describing the Mexican attitude, says, "They are struggling not only for economic betterment but for national dignity." After talking as best I could with perhaps a hundred different Mexicans of various stations of life, I think I understand what he means. I did not find hostility. I found friendliness, and above all a desire to be accepted. Sometimes it lingers below the surface. But when you smile at them, they smile back.

Our growing army of tourists and visitors remains our best asset in our bid for inter-American friendship and hemispheric solidarity. More than 650 visas of American citizens are cleared every day in the consulate at Mexico City, and when the 30-year-old dream of a usable, 3,400-mile highway from the Texas border to the Panama Canal becomes a reality, the number will jump significantly. The impact of such a wave of tourists must necessarily be great. It can do much good or it can do harm.

I asked some Mexican friends what the average U.S. tourist could do to become a better ambassador for his country. Their answers showed great understanding, and the message was clear. They suggested that we refrain from playing down the things of which Mexicans are most proud, particularly by making unfavorable comparisons between their manufacturers and ours. They warned against the offensive attitude that money can buy everything. They suggested that we show sympathetic interest in their culture by learning a little Spanish, and by trying to understand as we try to be understood.

"After all," one of them said, "it isn't so much what you do, it is what you feel. For what we do is just a reflection of what we feel inside."

What it all boils down to is nothing more or less than good manners—or perhaps the Golden Rule.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MAY 9, 1962

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Ephesians 6: 17: *Take the sword of the Spirit, which is the word of God.*

Almighty God, who hast spoken unto us in Thy Holy Word, we humbly acknowledge how greatly we need its exhortations and admonitions for comfort and courage in these days when the faith of mankind is being tried as by fire.

Inspire us with an earnest longing to heed its appeals and overtures more eagerly and to apply and act upon those great precepts and principles of reason and righteousness, which are revealed in its sacred pages and whereby we may have life and have it more abundantly.

Grant that the teachings of Thine inspired and infallible Word may enable us to view all the events and experiences of our daily life in that new perspective which invests them with greater meaning and worth and with more light and hope.

Hear us in His name who is the way, the truth, and the life. Amen.

THE JOURNAL

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

The SPEAKER. The Chair requests the gentleman from Georgia [Mr. VINSON] to assume the chair.

(Mr. VINSON assumed the chair as Speaker pro tempore.)

NAMES PRESCRIBED FOR THE THREE HOUSE OFFICE BUILDINGS

Mr. McCORMACK. Mr. Speaker, I offer a resolution (H.J. Res. 711) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the House of Representatives office building constructed under authority of the Act of March 3, 1903 (32 Stat. 1083, 1113), at a time when the Honorable Joseph Gurney Cannon, of Illinois, was serving as Speaker of the House of Representatives, is hereby designated, and shall be known, as the "Cannon House Office Building"; and

(2) the House of Representatives office building constructed under the authority of the Act of January 10, 1929 (45 Stat. 1071), at a time when the Honorable Nicholas Longworth of Ohio was serving as Speaker of the House of Representatives, is hereby designated, and shall be known, as the "Longworth House Office Building"; and

(3) the House of Representatives office building being constructed under the authority of the Additional House Office Building Act of 1955 (69 Stat. 41), the construction of which was begun while the Honorable Sam Rayburn of Texas was serving as Speaker of the House of Representatives, is hereby designated, and shall be known, as the "Rayburn House Office Building".

SEC. 2. Any law, rule, regulation, document, or record of the United States in which reference is made to any building to which the first section of this joint resolution applies shall be held to refer to such building under and by the name prescribed for such building by such section.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was ordered to be engrossed and read a third time, was read the third time and passed.

A motion to reconsider was laid on the table.

OFFICE SPACE FOR MEMBERS OF THE HOUSE OF REPRESENTATIVES

OLD HOUSE OFFICE BUILDING

Mr. McCORMACK. Mr. Speaker, the acquisition of a site and the construction of a House Office Building was authorized by the act of March 3, 1903. The site was acquired and the building designed and constructed under the direction of the House Office Building Commission during the period 1903 to 1908. The building was completed and first occupied on January 10, 1908.

During the entire period from authorization to occupancy, the Honorable Joseph Cannon, of Illinois, was Speaker of the House and Chairman of the House Office Building Commission.

NEW HOUSE OFFICE BUILDING

By the act of January 10, 1929, acquisition of a site and construction of a New House Office Building was authorized. The site was acquired and the building was designed and constructed under the direction of the House Office Building Commission during the period 1929 to 1933. Hon. Nicholas Longworth was Speaker and Chairman of the Commission during the period January 1929 to December 6, 1931. During this period, all building plans had been finalized and construction was one-half completed. Construction was carried to completion under the speakership and chairmanship of the Honorable John Nance Garner, of Texas. The New House Office Building was first occupied on April 20, 1933.

ADDITIONAL HOUSE OFFICE BUILDING

The additional House Office Building, now under construction, was authorized by the act of April 22, 1955. The site was acquired, the building designed and its construction have been under the direction of the House Office Building Commission. During the period from April 1955 to November 16, 1961, the Honorable Sam Rayburn, of Texas, was Speaker and Chairman of the Commission. At the time of his death the building plans had been completed and construction of the building was about 41 percent completed. Construction is being carried to completion under the