By Mr. VINSON:

H.R. 11743. A bill to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

H.R. 11744. A bill to amend certain provisions of existing law concerning the relationship of the Coast and Geodetic Survey to the Army and Navy so that they will apply with similar effect to the Air Force; to the Committee on Armed Services.

By Mr. LOSER:

H.J. Res. 716. Joint resolution to authorize the President to proclaim May 15 of each year as Peace Officers Memorial Day and the calendar week of each year during which such May 15 occurs as Police Week; to the Committee on the Judiciary.

By Mr. FRIEDEL:

H. Res. 637. Resolution to adjust the U.S. Treasury account in the office of the Sergeant at Arms of the House of Representatives, and for other purposes; to the Committee on House Administration.

H. Res. 638. Resolution authorizing additional laborers for the office of the Doorkeeper of the House of Representatives; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HERLONG:

H.R. 11745. A bill to provide for the conveyance of certain real property of the United States situated in the State of Florida; to the Committee on Agriculture.

By Mr. LESINSKI:

H.R. 11746. A bill for the relief of Yasuko Agena; to the Committee on the Judiciary.

By Mr. MATTHEWS:

H.R. 11747. A bill for the relief of Mrs. Lillian T. Dunn; to the Committee on the Judiciary.

By Mr. MORRISON:

H.R. 11748. A bill for the relief of Antonio Ingraffia, his wife, Alfonsa Montele Ingraffia, and their minor son, Salvatore Ingraffia; to the Committee on the Judiciary.

By Mr. MURPHY:

H.R. 11749. A bill for the relief of Peregrina Calipo Sucaldito; to the Committee on the Judiciary.

By Mr. WATTS:

H.R. 11750. A bill for the relief of Dr. Hau Ming Kwaan; to the Committee on the Judiciary.

By Mr. ZELENKO:

H.R. 11751. A bill for the relief of Tommaso Attanasio; to the Committee on the Juciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

342. By the SPEAKER: Petition of Midwest Model United Nations, Manhattan, Kans., with reference to the education of college students in order to achieve a more realistic view of the work of the United Nations; to the Committee on Foreign Affairs.

343. Also, petition of city of Covina, Covina, Calif., memorializing the President and Congress of the United States to take no action which might subject the income from State and local bonds to a Federal tax; to the Committee on the Judiciary.

344. Also, petition of the board of supervisors of the county of San Joaquin, Stockton, Calif., opposing Federal income taxation of interest derived from public bonds; to the Committee on Ways and Means.

SENATE

MONDAY, MAY 14, 1962

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

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

Our Father, God, for this quiet moment turning to Thee from all the pomp and show of the world, we pour contempt on all our pride. We come confessing that in the conceit of our self-sufficiency, too often with our burning thirsts we have turned to the broken cisterns of worldly wisdom and of our own sophisticated cleverness. That delusive way has brought us, and our anguished generation, to tragedy and agony.

Our only prayer now, as we come in all our need, is "Nearer my God to Thee, Nearer to Thee." Keep us near to Thee in all our inner motives and in all our deliberations affecting the state and the world.

God be in our head and in our understanding;
God be in our eyes and in our looking;
God be in our mouth and in our speaking;
God be in our mind and in our thinking;
God be at our end—and at our departing.

Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent the reading of the Journal of the proceedings of Thursday, May 10, 1962, was dispensed with.

CALL OF THE CALENDAR DISPENSED WITH

On request of Mr. MANSFIELD, and by unanimous consent, the call of the Legislative Calendar was dispensed with.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the vote on the cloture motion, the morning hour be had, under a 3-minute limitation.

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

JAMES M. NORMAN—DIVISION OF TIME FOR VOTING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time before the vote on the cloture motion be equally divided between the two sides, and be controlled, respectively, by the distinguished senior Senator from Georgia [Mr. RUSSELL] and the majority leader.

The VICE PRESIDENT. Is there objection? The Chair hears none; and it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and request unanimous consent that the time required for the quorum call be divided and charged equally to the time available to each side.

The VICE PRESIDENT. Without objection, it is so ordered; and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

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

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

Mr. RUSSELL. Mr. President, I yield 2 minutes to the distinguished senior Senator from North Carolina [Mr. ERVIN].

The VICE PRESIDENT. The Senator from North Carolina is recognized for 2 minutes.

THE LITERACY TEST BILL AND THE CONSTITUTION

Mr. ERVIN. Mr. President, the so-called literacy test bill, S. 2750, is similar to virtually all the other bills which are given the magic name "civil rights bills." It is incompatible with the Constitution.

It is perhaps inevitable that so-called civil rights bills should be inconsistent with the Constitution.

Those who draft them are somewhat impatient men who seek easy solutions to hard problems. In so doing, they devise shortcuts to the ends they desire, and are apparently contemptuous of the obstacles they encounter, even when such obstacles are precious constitutional principles. Their impatient zeal seems to blind them to a truth taught by the experience of mankind: Hard problems do not admit of easy solutions, and shortcuts are the most direct roads to disaster.

I note with satisfaction that former President Eisenhower, the Washington Post, the Washington Star, and the New Age magazine, share the view that S. 2750 cannot be reconciled with the Constitution.

I ask unanimous consent that a news item in the Washington Star of May 10 entitled "Eisenhower Opposes Kennedy Literacy Bill, "an editorial in the Washington Post of May 11 entitled "Literacy Test Defeat," an editorial in the Washington Star of May 11, entitled "Victory in the Senate," and an editorial in the New Age magazine for May 1962 entitled "Literacy Test Bill Questioned" be printed at this point in the body of the RECORD, as a part of my remarks.

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

[From the Washington Star, May 10, 1962]

EISENHOWER OPPOSES KENNEDY LITERACY BILL

(By J. A. O'Leary)

Former President Eisenhower today came out against the administration bill to make a sixth-grade education the literacy standard for voting.

His statement came amid indications that the bill will be put on a shelf in the Senate Monday until next year as a result of the setback it suffered yesterday.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The bill's prospects were considered nonexistent as a result of the 53–43 vote yesterday against invoking cloture. Without a debate limitation, supporters admit they cannot get action.

But the issue was kept alive temporarily by another vote of 64 to 33 against sidetracking it immediately. This vote prompted party leaders to make one more effort to invoke cloture on Monday.

General Eisenhower agreed fully with the arguments being made against the bill by the southern Democrats, who are determined to keep it from passing.

The former President said he interprets the Constitution as making the States the judges of the qualifications of voters and for that reason thinks the constitutionality of the pending bill should be carefully considered.

"It might be possible to apply Federal standards to Federal elections only, but I don't believe the Constitution even implies that," he said.

He said a good literacy test honestly administered is desirable and said he was astonished recently at the understanding a group of sixth-grade children, who called on him, had of the operations of the Government.

General Eisenhower said he concluded that the sixth grade would be a good standard, but added, "I would like to see the States do it; I don't think the Federal Government should do it."

Supporters of the bill said the big vote against tabling indicated the bill would pass if the debate could be terminated.

That was the point President Kennedy emphasized when asked to comment on the Senate vote at his news conference yesterday. He said the vote against tabling meant most Senators were for the bill.

"I am hopeful the Senate will vote, and there will be another chance on Monday," he added.

The 43 votes cast yesterday in favor of cloture fell 21 short of two-thirds, and there are no indications that enough Senators will change their minds between now and Monday to upset that margin.

Producing a majority for cloture would not bring the literacy bill to passage this year, but it would help liberals to argue that next year the Senate should change its rules to reduce the two-thirds requirement for closing debate so that the Senate can act when a majority is for a bill.

[From the Washington Post, May 11, 1962]

LITERACY-TEST DEFEAT

There are many reasons for the administration's poor showing in the Senate vote for limitation of debate on the literacy-test bill. The 53-to-43 lineup against cloture, which had the support of both the majority and minority leaders, was first of all a reflection of the Senate's traditional reluctance to cut off debate. Further weakness lay in the vulnerability of the bill to constitutional objections. Apparently some Senators also felt that the Civil Rights Act of 1960 should be vigorously enforced before further legislation to compel respect for the voting rights of Negroes is enacted.

On the surface the refusal to cut off debate appears to be inconsistent with the subsequent 64-to-33 vote against tabling the literacy-test bill. The majority seemed to be saying that they favored the bill and yet would not limit debate so that it could be passed. Actually, however, many extraneous considerations entered into the vote against tabling or discarding the measure. Some of the 15 Republicans who were against both cloture and tabling were probably eager to keep alive an issue that has caused so much controversy between northern and southern Democrats. No doubt some other Republicans and some Democrats who voted "no" in both instances assumed that a vote against tabling would be counted as a vote for "civil rights" even though in fact it would be meaningless. In the language of politics this is known as a free ride.

Majority Leader MANSFIELD intended his tabling motion to serve as a test of sentiment on the merits of the bill, and he himself voted against his own motion. Yet it could not be an accurate test. Only a relatively small minority would line up for openly killing the bill, but a majority of 10 was willing to let it die of filibusteritis. This is always the conclusive test in the Senate in the case of relatively weak civil-rights bills that do not seem to warrant an all-out fight against the hazards of marathon oratory.

In the circumstances there seems to be no point in prolonging the debate into next week. Senator MANSFIELD's second cloture motion will doubtless suffer the same fate as the first and thus leave the bill in a somewhat deeper grave. Nor does the outcome encourage renewal of the fight for easier application of the cloture rule. Majority cloture in place of the present requirement for a two-thirds vote would not have changed the result on Wednesday. The next logical moves are enactment of the anti-poll-tax amendment and more vigorous enforcement of the present law, and if these fail to bring about a full restoration of Negro voting rights, a more appealing measure than the defunct literacy-test bill will be needed.

[From the Washington Star, May 11, 1962]

VICTORY IN THE SENATE

The 53-to-43 votes by which the attempt to invoke cloture in the debate on the so-called literacy bill was defeated reflects creditably on the Senate. For it shows that the sponsors, needing a two-thirds vote, could not muster even a simple majority.

Political pressures being what they are, it is not easy to cast a vote which can be attacked, however unjustly, as hampering "civil rights." Consequently, it is the more gratifying that 53 Senators were willing to stand up to the pressure artists.

The literacy bill was bad legislation on two counts. In the first place, it was of very doubtful constitutionality. It was an attempt, in the name of expediency, to bypass one of the basic constitutional provisions, and this, we think, was wrong. Secondly, at a time when intelligent voting is more than ever desirable, it would be a mistake to establish by law the fiction that a sixth-grade education is conclusive proof of literacy. Some sixth graders may be literate in the sense of being able to understand important issues on which they would vote. But many others would not have the foggiest notion of what they were voting for or against. They would simply be the prey of the first demagog to lay hands on them.

It is true that enactment of the literacy bill would not have prevented the States from requiring a higher standard—even a college degree as a condition for voting. But this begs the question. The proper requirement is that the voter be literate, and this without regard to the number of years he spent in school.

In some States, as everyone knows, the literacy test has been used to discriminate against Negroes. Congress has empowered the Department of Justice to move against this kind of discrimination, and these powers should be used to the fullest. If this proves inadequate to deal with the evil, some stronger remedy will have to be provided. But we hope it will not take the form of reviving the literacy test bill, which now is all but dead.

[From the New Age, May 1962]

LITERACY TEST BILL QUESTIONED

The President has for some time been urging the passage by the Congress of a civil rights bill which would prevent the denial, on the ground of illiteracy, of the right to vote in Federal elections to anyone with a sixth-grade education. This provision of the measure is apparently aimed specifically at State literacy tests designed to prevent certain minority groups from voting in national elections, but it would obviously permit a considerable number of unqualified persons to exert their influence in national affairs.

An Associated Press dispatch of March 18, 1962, points out that both the Congress and a large group of professors of constitutional law in the country's law schools appear to be divided as to the constitutionality of any such legislation. Of the attorneys general of the 50 States, who have also been asked for their opinions, a majority of those who have replied have indicated grave doubt as to its validity.

Although the Attorney General of the United States has defended this legislation, Congressman CELLER, of New York, chairman of the House Judiciary Committee, has expressed misgivings as to its constitutionality. In agreement with him, Senator ERVIN of North Carolina, a former justice of that State's supreme court, is quoted as saying that because the Federal Constitution specifically reserves to each State the right to determine its own qualifications for voting, the bill is "unconstitutional on its face."

In retrospect, it will be remembered that less than a year ago the right of Puerto Ricans in New York to vote was denied on the ground that they were unable to pass a literacy test in English as required by State law. It was claimed that the civil rights of citizens literate in Spanish were violated because, despite the ruling of the board of elections, neither the State nor Federal Constitutions specified that such test must be in English. With these contentions the board of elections, the state attorney general, and the U.S. attorney strongly disagreed. In October 1961, the three-judge Federal court before which the case was argued upheld the action of the board of elections saying that required English test does no violence to any person's constitutional rights so long as it is applied to all citizens.

There can be no question that, lacking a sufficient knowledge of the tongue in which our history is written, our political issues discussed, and our business transacted, the intelligent exercise of the franchise is impossible. Recognition of this fact is implicit in the third of the five principles favored by the Scottish Rite as set forth on the back cover of the New Age each month.

The Federal court mentioned previously pointed out in its decision that the establishment of voting standards is clearly "within the power of the States and (is) not subject to Federal supervision." Attempts on the part of the Federal bureaucracy to circumvent or ignore the provisions of the Constitution are becoming increasingly frequent and seldom result in failure. The expression of doubt by the courts, Members of Congress, and attorneys familiar with constitutional law should be given the attention they deserve in considering all so-called civil rights legislation lest the States find themselves reduced to the status of mere administrative appendages. If we are to have a government by law rather than a dictatorship by men, changes in the present prescribed procedure should be accomplished only through amendment of the Constitution as provided for in article V of that charter.

THE LITERACY TEST BILL AND THE 15TH AMENDMENT

Mr. ERVIN. Mr. President, on October 20, 1961, Circuit Judge Lumbard and District Judges Edelstein and Metzner, sitting as a three-judge statutory court in the U.S. District Court for the Southern District of New York, handed down an order and decision in the case

of Jose Camacho against William T. Rogers, Attorney General of the United States, Nelson Rockefeller, Governor of the State of New York, Louis J. Lefkowitz, attorney general of the State of New York, and the Board of Elections of the City of New York adjudging that the English language literacy requirement of the New York constitution does not violate the 14th or 15th amendments to the Constitution of the United States.

This decision makes it manifest that the so-called literacy test bill, S. 2750, finds no support whatsoever in either the 14th or the 15th amendments.

This being so, the decision ought to be made available to all Senators. Consequently, I ask unanimous consent that the order and decision be printed at this point in the body of the RECORD as a part of my remarks.

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

(In the U.S. District Court, Southern District of New York, filed October 20, 1961, southern district of New York, 60 civil 3531)

JOSE CAMACHO, PLAINTIFF, AGAINST WILLIAM T. ROGERS, ATTORNEY GENERAL OF THE UNITED STATES, NELSON ROCKEFELLER, GOVERNOR OF THE STATE OF NEW YORK, LOUIS J. LEFKOWITZ, ATTORNEY GENERAL OF THE STATE OF NEW YORK, AND THE BOARD OF ELECTIONS OF THE CITY OF NEW YORK, DEFENDANTS

Before Lumbard, circuit judge, and Edelstein and Metzner, district judges, sitting as a statutory court.

Action to enjoin the enforcement of the provisions of the constitution and statutes of the State of New York requiring literacy in the English language as a prerequisite for eligibility to vote. Motions to dismiss complaint granted.

Paul O'Dwyer (Gene Crescenzi, Paul O'Dwyer and Howard N. Meyer on brief), all of New York, N.Y., for plaintiff.

George C. Mantzoros, assistant attorney general of the State of New York (Irving L. Rollins, New York, N.Y., of counsel) (Louis J. Lefkowitz, attorney general, Paxton Blair, solicitor general, and George C. Mantzoros on brief) for the Governor and the attorney general of the State of New York.

Arthur H. Geisler, assistant corporation counsel for the city of New York (Leo A. Larkin, corporation counsel, and Arthur H. Geisler on brief) for the Board of Elections of the city of New York.

Robert J. Ward, assistant U.S. attorney, southern district of New York (Burke Marshall, assistant attorney general, Washington, D.C., and Robert M. Morgenthau, U.S. attorney, southern district of New York on brief for the United States of America, amicus curiae.

Nanette Dembitz, New York, N.Y. (on brief) for the New York Civil Liberties Union, amicus curiae.

METZNER (district judge). This is an action for an injunction to enjoin the enforcement of the English language literacy requirement of the Constitution (art. II, section 1) and the election law (secs. 150, 168 and 201 subd. 1) of the State of New York on the ground that such requirement violates the Constitution of the United States and statutes adopted pursuant thereto and certain treaties entered into by the United States. Plaintiff requested that a three-judge statutory court be convened (28 U.S.C. sec. 2281), which request was granted by the district court and the matter argued before this court.

The original parties defendant were the Attorney General of the United States, the Governor and the attorney general of the State of New York, and the Board of Elections of the city of New York. In a prior motion the plaintiff consented to a dismissal of the complaint against the Attorney General of the United States. The Governor and the attorney general of the State of New York also moved for a dismissal but that matter was held for adjudication by this court. The action insofar as it seeks relief against these officials must also be dismissed because they are not proper parties. *Fitts* v. *McGhee*, 172 U.S. 516 (1899); rule 12(b)(2) of the Federal Rules of Civil Procedure.

The complaint alleges that plaintiff is a citizen of the United States, having been born in Puerto Rico, and that he is literate only in Spanish. It was conceded on the argument that he voted in Puerto Rico before coming to New York City, where he is presently a resident. The defendant, board of elections of the city of New York, has refused to allow him to register to vote because he is unable to present proof of literacy in English as required and provided for by sections 150, 168, and 201, subdivision 1, of the election law. These sections were adopted pursuant to article II, section 1, of the New York State constitution, which provides that:

"Notwithstanding the foregoing provisions, after January first, one thousand nine hundred twenty-two, no person shall become entitled to vote by attaining majority, by naturalization or otherwise, unless such person is also able, except for physical disability, to read and write English."

Plaintiff predicates his claim to relief on six grounds. First, that pursuant to the Treaty of Paris, which ended the hostilities between the United States and Spain, he is a citizen of the United States whose rights shall be those provided for by Congress, and therefore any limiting provision of the constitution or the election law of the State of New York is of no force and effect. Second, that as a citizen of the United States he is being denied the equal protection of the laws, in violation of the 14th amendment. Third, that in violation of the 15th amendment he is being denied the right to vote because of his race, being a Puerto Rican of Spanish ancestry. Fourth, that section 1971(a) of title 42, United States Code, is being violated on the ground that a person is entitled to vote without regard to race, color or previous condition of servitude. Fifth, that the Civil Rights Act of 1957 and 1960 (42 U.S.C. 1971(c) and (e) are being violated because a pattern exists denying Puerto Rican-American citizens the right to vote. Sixth, that the United Nations Charter and the Declaration of Human Rights are treaty obligations of the United States which are part of the supreme law of the land (Constitution, art. VI) and that said treaty is being violated in that the right to vote is a basic human right which the United States is pledged to observe without distinction as to race, sex, language or religion.

The first four grounds for the claim to relief as well as the 1957 Civil Rights Act, embraced in the fifth ground, were raised in an action instituted in 1958 by this plaintiff against the Board of Elections in the Supreme Court of the State of New York. (140 N.Y.L.J. No. 74, p. 13 (Sup. Ct., Spec. Term, Bronx Co.), October 15, 1958, aff'd by the Court of Appeals without opinion, 7 N.Y. 2d 762, 194 N.Y.S. 2d 33 (1959)). Neither the 1960 Civil Rights Act nor the sixth ground for relief was raised in the State court action.

The defense of res judicata has been raised based on the judgment in the State court action, which was decided adversely to the petitioner. The defense is a valid one and accordingly we dismiss the complaint insofar as the grounds raised in the State court action are concerned. *Rooker* v. *Fidelity Trust Co.*, 263 U.S. 413 (1923); *New York State Electric & Gas Corp.* v. *Public Service Commission of New York*, 102 F. 2d 453 (2 Cir. 1939); *Baker Driveaway Co.* v. *Hamilton*, 29 F. Supp. 693 (M.D. Pa. 1939); *England* v. *Louisiana State Board of Medical Examiners*, 194 F. Supp. 521 (E.D. La. 1961).

If there are any rights available to plaintiff by virtue of the Civil Rights Act of 1960 (42 U.S.C. 1971(c) and (e)), as contended for in the fifth ground, they must be asserted in the proper judicial district, which is the District of Columbia. We assume that the impropriety of seeking relief in this forum against the Attorney General of the United States is what prompted the consent by the plaintiff to the dismissal of the action against that official in a prior motion in this case.

We come to the sixth ground for relief, which is predicated in the claim that the cited sections of the New York constitution and the election law violate article 55 of the United Nations Charter. That article declares that the United Nations "shall promote * * * universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

Article 56 of the charter provides a pledge by the member nations to take joint and separate action "in cooperation with the organization for the achievement of the purposes set forth in article 55."

While article VI of the Constitution provides that treaties are part of the supreme law of the land, they reach that status only if the provisions of the treaty are self-executing. *Foster* v. *Neilson*, 2 Pet. 253, 7 L. Ed. 415 (1829); *Head Money* cases, 112 U.S. 580, 598 (1884); *Valentine* v. *U.S. ex rel. Neidecker*, 299 U.S. 5, 10 (1936). The question of whether article 55 is self-executing has been fully discussed in *Sei Fujii* v. *State*, 242 P. 2d 617 (Sup. Ct. of Calif., in banc. 1952) and as appears there the answer is that it is not. With this conclusion we agree. (See also, *Rice* v. *Sioux City Memorial Park*, 60 NW. 2d 110 (Sup. Ct. of Iowa 1953)). Indeed the very wording of article 55 shows that it is not intended to be self-executing.

Because of the nature of the issue presented, we nevertheless express our views on the merits of the plaintiff's claims foreclosed by the defense of res judicata, as the same undoubtedly will be raised by others similarly situated. The Treaty of Paris provided that: "The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by Congress."

We think it is clear that this provision applies only to the rights of persons born in and resident of Puerto Rico, and that they are not given rights which they are entitled to exercise in contravention of the valid laws of a State to which they may move from Puerto Rico. They do not acquire a special status which would give them preferential treatment over a resident of a sister State who moves to New York and seeks to vote from his new residence.

This brings us then to the nub of this case, which is whether a State may adopt a requirement that in order for a citizen to be eligible to vote he must read and write the English language. The establishment of standards for voting has been recognized as within the power of the States and not subject to Federal supervision (*Guinn* v. *U.S.*, 238 U.S. 347, 366 (1915)), save as such legislation might contravene the 14th and 15th amendments (*Breedlove* v. *Suttles*, 302 U.S. 277 (1937)). States are free to establish standards of eligibility to vote which do not contravene a constitutional prohibition. The following State requirements have been held to be constitutionally valid if equally applied to all who reside within the State: absence of criminal conduct, *Davis* v. *Beason*, 133 U.S. 333 (1890); residency within the State for a designated

period, *Pope* v. *Williams*, 193 U.S. 621 (1904); successful passing of a literacy test, *Lassiter* v. *Northampton Co. Board of Elections*, 360 U.S. 45 (1959); *Trudeau* v. *Barnes*, 65 F. 2d 563 (5 Cir. 1933); *Guinn* v. *U.S., supra;* payment of a poll tax, *Breedlove* v. *Suttles, supra*.

In the Lassiter case, supra, the Court, dealing with the constitutionality of a North Carolina statute requiring ability to read and write any section of the constitution of North Carolina in the English language, said as follows:

"*We do not suggest* that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal record (*Davis* v. *Beason*, 133 U.S. 333, 345–357) are obvious examples indicating factors which a State, may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show. Literacy and intelligence are obviously not synonymous, Illiterate people may be intelligent voters. Yet in our society where newspapers, periodicals, books, and other printed matter canvass and debate campaign issues, a State might conclude that only those who are literate should exercise the franchise."

While this case discussed the provision in the North Carolina statute requiring literacy and ignored the further requirement that it be in the English language, the above quotation is just as apposite for a person literate in a foreign tongue. The plaintiff here is in no different position than children born in the United States and taken from the country at an early age who return after reaching their majority and are "literate" only in a tongue other than English. Plaintiff's argument, if followed to its logical conclusion, would mean that these poeple, no matter what their foreign tongue may be, should be entitled to vote as long as they are literate in such foreign tongue.

The statute is not an unreasonable exercise of the powers of the State to provide requirements for exercising the elective franchise. It is not unreasonable to expect a voter not only to be conversant with the issues presented for determination in choosing between candidates for election, but also to understand the language used in connection with voting. For example, there are printed in English on the ballot synopses of proposed constitutional amendments, titles of the offices to be filled and directives as to the use of the paper ballot or voting machine. Finally, what is more proper than that the voter be literate in the language used to conduct the business of government in his State.

It is because of this view of the issue presented that the testimony received on the hearing in this matter, while relevant to the issue, is immaterial to its determination.[1]

The literacy requirement is applicable to all citizens of New York without regard to race, creed, color or sex. No charge is made that the test is improperly given or its contents unfair. The test is equally and fairly applied to all who take it. Plaintiff has not been denied the equal protection of the laws nor has he been deprived of his life, liberty or property, in violation of the 14th amendment. (*Lassiter* v. *Northampton Co. Board of Elections, supra; Trudeau* v. *Barnes, supra*).

Plaintiff has not directly raised in his pleading the question of the 15th amendment except in the sense that he states that "he is being denied the equal protection of the law guaranteed to him by the 14th amendment" because "he is being denied the right to vote because of his race, as a Puerto Rican of Spanish ancestry." However, in the brief submitted after hearing before this court, he claims conflict between the statutory provisions of New York and the 15th amendment in their application to the Puerto Rican community of New York. He claims that "race" and "color" were not intended to have a narrow or technical connotation, but refer to any minority in the community. In the Lassiter case at page 53 the court said:

"Of course a literacy test, fair on its face, may be employed to perpetuate that discrimination which the 15th amendment was designed to uproot."

Because the plaintiff is unable to vote as a result of his inability to pass the test, it does not follow that the plaintiff is being discriminated against. The 15th amendment was not designed to protect against the claim of this plaintiff. He is not being denied the right to vote because of race, creed or color, but because of his illiteracy in the English language.

Plaintiff places reliance on the Civil Rights Act of 1957 (42 U.S.C. sec. 1971). Subdivision (a) of section 1971 provides that:

"All citizens * * * who are otherwise qualified by law to vote at any election by the people in any State * * * shall be entitled * * * to vote at all such elections, without distinction of race, color or previous condition of servitude."

This is merely a restatement of the 15th amendment except that it adds the words "who are otherwise qualified by law to vote." The added words serve as a limitation insofar as the plaintiff is concerned. The requirement of literacy in the English language is a proper exercise of State power; the plaintiff is therefore not qualified under the laws of New York and this subdivision is inapplicable to him.

Subdivision (b) is of no help to the plaintiff since it is directed at deliberate acts of intimidation, threats and coercion, none of which are charged here.

The complaint is dismissed.

J. EDWARD LUMBARD,
U.S. Circuit Judge.
DAVID N. EDELSTEIN,
U.S. District Judge.
CHARLES M. METZNER,
U.S. District Judge.

OCTOBER 19, 1961.

JOSE CAMACHO, PLAINTIFF, AGAINST WILLIAM T. ROGERS, ATTORNEY GENERAL OF THE UNITED STATES, NELSON ROCKEFELLER, GOVERNOR OF THE STATE OF NEW YORK, LOUIS J. LEFKOWITZ, ATTORNEY GENERAL OF THE STATE OF NEW YORK, AND THE BOARD OF ELECTIONS OF THE CITY OF NEW YORK, DEFENDANTS

In the U.S. District Court, Southern District of New York, 60 civil 3531

EDELSTEIN (district judge) (concurring). I concur in the dismissal of the complaint.

Plaintiff has alleged six grounds as the basis for his claim to relief. As to the first four grounds, i.e., the Treaty of Paris, the 14th amendment, the 15th amendment and 42 U.S.C., section 1971(a), and as to that portion of the fifth ground which refers to the Civil Rights Act of 1957, I agree that plaintiff is barred by res judicata. As to that portion of the fifth ground which refers to the Civil Rights Act of 1960 and as to the sixth ground, i.e., article 55 of the United Nations Charter, I agree that they are not applicable for the reasons stated in the court's opinion. I also concur in the dismissal of the complaint as against the Governor and the Attorney General of the State on the ground that they are not proper parties.

Since this disposes of the case, I see no need for a dictum on the merits of those issues which are not before the court. Accordingly, I concur in the result without expressing any opinion on the merits of the issues raised by plaintiff which are barred by res judicata.

DAVID N. EDELSTEIN,
U.S. District Judge.

NEW YORK, N.Y., *October 19, 1961.*

Mr. RUSSELL. Mr. President, I yield 3 minutes to the distinguished Senator from Iowa [Mr. MILLER].

Mr. MILLER. Mr. President, I said last week, at the time of the first vote on the cloture motion, that I was persuaded that there had been numerous abuses with respect to the literacy test. I also pointed out that this is not a literacy test bill, and I think there has been too much propagandizing of the American people to that effect. The pending bill goes far beyond literacy tests.

The bill, on page 2 of the Mansfield-Dirksen amendment, paragraph (d), states that:

Congress * * * finds * * * that persons who have completed six primary grades * * * cannot reasonably be denied the franchise on grounds of * * * lack of sufficient education.

This is not a literacy test bill. It goes to the heart of the rights of the sovereign States to set educational requirements.

It is very apparent to me that some States may see fit, in order to have an enlightened and informed electorate, to provide that 8 grades or 10 grades or 12 grades be required as a matter of the exercise of the franchise.

Later, on page 3 of the bill, it is stated that:

"Deprivation of the right to vote" shall not be limited to (1) 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.

I voted against invoking cloture last Wednesday. I voted against tabling the

[1] It was stipulated that if the mayor of San Juan, P.R., were called she would testify that between 1898 and 1948 attempts to teach ordinary subjects in the English language in grade schools in Puerto Rico were unsuccessful because the mother tongue of the children was Spanish; that after 1948 all required subjects were taught in Spanish up to the sixth or eighth grades; that the subjects taught were those taught on the mainland, and that the books were the same textbooks, by and large, used in the public schools throughout the mainland except that they were translated into the Spanish language. The editor of a Spanish language daily newspaper published in New York City testified that his paper is distributed throughout the State of New York; that it has correspondents in the major cities of the State where there are Puerto Rican residents, and that these correspondents, in addition to special correspondents who visit these areas during the preelection period, write articles about the issues and the candidates to be voted upon at the general election. He testified that his newspaper gives more space proportionately to politics than any other newspaper in the country and that there is another Spanish language daily newspaper that generally does the same thing. There are also six radio stations which program this type of news in the Spanish language and four weekly magazines in the Spanish language.

Mansfield-Dirksen amendment because I believed it had some merit. But today I intend to vote again against invoking cloture because I have not been persuaded by any of the leadership that an effort will be made to restrict the Mansfield-Dirksen amendment to literacy, and nothing else.

I regret that this is so, because I think there have been abuses that go far beyond the purposes and intentions of literacy tests. The way to get the question settled is not to try to bring in other issues besides the literacy test.

If I were assured that we would be voting for nothing except the literacy bill, I would vote to invoke cloture, because I think this situation merits some action. Failing that, my vote will be against invoking cloture.

Mr. RUSSELL. Mr. President, I yield 4 minutes to the distinguished Senator from Mississippi [Mr. STENNIS].

Mr. STENNIS. Mr. President, I have had the privilege of following this debate quite closely, and even though I had tried to prepare myself on the subject, it has been very illuminating to me, and I have learned much on the subject matter and related questions.

The Senator from Iowa [Mr. MILLER] has made a fine, clear-cut point, that this is not just a literacy test bill. It goes deep into the proposition of educational requirements. But, all in all, the proponents of the measure—and the burden is on the proponents—have failed to establish the need for general legislation on the subject. To the contrary, it has been shown that the Civil Rights Acts of 1957 and 1960, which are in operation, have been found broad enough to cover the subject matter, and they are being used effectively. The Attorney General has plenty of authority, and can intervene directly, in the name of and at the cost of the Government itself.

Furthermore, my second point is that the proponents have signally failed to bring their bill within the constitutional powers of Congress. This point is generally agreed to by those who have made a special study of the subject. It is agreed to by those outside.

I hold in my hand an editorial from the Washington Post of Friday, May 11, 1962, entitled "Literacy-Test Defeat," wherein the writer of the editorial points out that the constitutionality of this measure has not been established.

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

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

LITERACY TEST DEFEAT

There are many reasons for the administration's poor showing in the Senate vote for limitation of debate on the literacy-test bill. The 53–43 lineup against cloture, which had the support of both the majority and minority leaders, was first of all a reflection of the Senate's traditional reluctance to cut off debate. Further weakness lay in the vulnerability of the bill to constitutional objections. Apparently some Senators also felt that the Civil Rights Act of 1960 should be vigorously enforced before further legislation to compel respect for the voting rights of Negroes is enacted.

On the surface the refusal to cut off debate appears to be inconsistent with the subsequent 64–33 vote against tabling the literacy-test bill. The majority seemed to be saying that they favored the bill and yet would not limit debate so that it could be passed. Actually, however, many extraneous considerations entered into the vote against tabling or discarding the measure. Some of the 15 Republicans who were against both cloture and tabling were probably eager to keep alive an issue that has caused so much controversy between northern and southern Democrats. No doubt some other Republicans and some Democrats who voted "no" in both instances assumed that a vote against tabling would be counted as a vote for "civil rights" even though in fact it would be meaningless. In the language of politics this is known as a free ride.

Majority Leader MANSFIELD intended his tabling motion to serve as a test of sentiment on the merits of the bill, and he himself voted against his own motion. Yet it could not be an accurate test. Only a relatively small minority would line up for openly killing the bill, but a majority of 10 was willing to let it die of filibusteritis. This is always the conclusive test in the Senate in the case of relatively weak civil-rights bills that do not seem to warrant an all-out fight against the hazards of marathon oratory.

In the circumstances there seems to be no point in prolonging the debate into next week. Senator MANSFIELD'S second cloture motion will doubtless suffer the same fate as the first and thus leave the bill in a somewhat deeper grace. Nor does the outcome encourage renewal of the fight for easier application of the cloture rule. Majority cloture in place of the present requirement for a two-thirds vote would not have changed the result on Wednesday. The next logical moves are enactment of the anti-poll-tax amendment and more vigorous enforcement of the present law, and if these fail to bring about a full restoration of Negro voting rights, a more appealing measure than the defunct literacy-test bill will be needed.

Mr. STENNIS. I read over the weekend the statements of the distinguished and beloved former President of the United States, General Eisenhower, in which he very readily said that, regardless of the motives behind a bill like this, the Federal Constitution did not confer the authority to enact such legislation.

I point out, too, that if the Congress does pass a bill, even though it does not have the clear-cut authority to do so, Congress would give affirmation of its constitutionality. If such a bill is passed by Congress, it gives it a start on its way to being adjudged constitutional. It is well settled law that there is a presumption in favor of the constitutionality of laws passed by Congress, and that Congress would not pass a measure unless it thought it was clearly within the power of Congress to do so.

The fine constitutional lawyer from Wisconsin [Mr. WILEY], who ordinarily supports legislation on this subject matter, voted against cloture the other day because, as I understand, he said such a bill did not come within the constitutional powers of Congress to enact. Such authorities as that cannot be brushed aside.

Furthermore, the Senate exists as a legislative body unique and different from any other, the last place of refuge for any group that wants to have extended debate and discussion and have a full exploration of the merits and demerits of a bill, as well as the constitutional powers of our great Congress. Those lines still hold, and there is still respect for the power, prerogatives, and responsibilities of our States. This bill invades those fields; therefore it cannot stand. It cuts down laws of the States already on the statute books. I feel sure the Senate will sustain the power and authority of the States, and will not invoke cloture.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial which appeared in the Washington Star of Friday, May 11, 1962, entitled "Victory in the Senate."

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

VICTORY IN THE SENATE

The 53-to-43 vote by which the attempt to invoke cloture in the debate on the so-called literacy bill was defeated reflects creditably on the Senate. For it shows that the sponsors, needing a two-thirds vote, could not muster even a simple majority.

Political pressures being what they are, it is not easy to cast a vote which can be attacked, however unjustly, as hampering civil rights. Consequently, it is the more gratifying that 53 Senators were willing to stand up to the pressure artists.

The literacy bill was bad legislation on two counts. In the first place, it was of very doubtful constitutionality. It was an attempt, in the name of expediency, to bypass one of the basic constitutional provisions, and this, we think, was wrong. Secondly, at a time when intelligent voting is more than ever desirable, it would be a mistake to establish by law the fiction that a sixth grade education is conclusive proof of literacy. Some sixth graders may be literate in the sense of being able to understand important issues on which they would vote. But many others would not have the foggiest notion of what they were voting for or against. They would simply be the prey of the first demogague to lay hands on them.

It is true that enactment of the literacy bill would not have prevented the States from requiring a higher standard—even a college degree as a condition for voting. But this begs the question. The proper requirement is that the voter be literate, and this without regard to the number of years he spent in school.

In some States, as everyone knows, the literacy test has been used to discriminate against Negroes. Congress has empowered the Department of Justice to move against this kind of discrimination, and these powers should be used to the fullest. If this proves inadequate to deal with the evil, some stronger remedy will have to be provided. But we hope it will not take the form of reviving the literacy test bill, which now is all but dead.

Mr. MANSFIELD. Mr. President, I yield 3 minutes to the Senator from New York [Mr. JAVITS].

Mr. JAVITS. Mr. President, as we approach the end of the time for debate before the vote on cloture, my deep conviction is that the Senate should invoke cloture. Since there were 64 Senators, almost two-thirds, who voted to refuse to table the pending measure, it seems to me that fact answers eloquently the question of constitutionality and the consequent authority of the Senate to deal with this question.

Mr. President, there are two elements of responsibility involved in our debate

today. One is the responsibility of the Senate.

Without any question, Mr. President, this is the opening skirmish in the determined effort to be made again next January to see that rule XXII stops being the strangulating factor in the public affairs of this country that it is as it is presently written. It is a standard apparently impossible to attain in respect to civil rights legislation, and almost as impossible to attain in respect to anything else, and is completely inconsistent with the modern day.

Second, whatever happens upon the vote to be taken will be an important indication of the status of the administration. Let us remember that the administration, in the literacy test bill, has not produced the bill which is the key element in the civil rights struggle. That bill is the so-called part III bill, with respect to which there is no question of constitutionality, which would give to the Attorney General the power to sue in all civil rights cases, as Congress has already given to him the power to sue in civil rights cases concerning the vote.

The administration for a year chose to produce no civil rights legislation. It then produced the literacy test bill, with respect to which there was at least an argument as to constitutionality. I think the administration bears a doubly heavy responsibility. First, the administration must have a far more determined program the next time, including the backing of an amendment to rule XXII which will permit the Senate control over its own procedures. Second, the administration holds a heavy responsibility if the protection of the right to vote must be achieved by way of suits, including the appointment of voting referees, to see to it that the wide disfranchisement of Negroes in our country, about which there is no question, is ended.

If the Senate feels the administration has enough authority now, it is up to the administration to use its power; and if the administration needs more money and more lawyers, it should come to us to get them.

The VICE PRESIDENT. The time of the Senator from New York has expired.

Mr. JAVITS. I thank my colleague for yielding me this time, and I ask unanimous consent to have printed in the RECORD an editorial entitled "Minority Rule in the Senate," published in the New York Times of May 14, 1962.

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

MINORITY RULE IN THE SENATE

This year's Senate debate of the administration's literacy test bill is expected to end today when the Democratic leader, Senator MANSFIELD, will call up his second motion for cloture and it will be defeated. The situation is ironic. Last week almost two-thirds of the Senators liked the bill well enough to vote against killing it by tabling, but only a minority of 43 could be found to bring it to a vote by cloture. A majority of the Senate does not seem to believe in majority government.

The arguments for practically unlimited debate in the less numerous House of Congress are familiar, as are the arguments against it. In 1791, in the very first session of the Senate, Maclay, of Pennsylvania, complained that "the design of the Virginian and South Carolina gentlemen was to talk all the time," not to settle the question of where the National Capital should be located. In 1840 Henry Clay was indignantly proposing a rule "which would place the business of the Senate under the control of the majority of the Senate."

Two generations ago the elder Senator Lodge, of Massachusetts, remarked that "to vote without debating is perilous, but to debate without ever voting is imbecile." Many years later Mr. Lodge possibly violated his own earlier principles when he helped kill the Treaty of Versailles.

The veto power of the Senate minority, which is what the filibuster system actually amounts to, is useful at various times to all sorts of causes—to prevent the ratification of treaties, to delay action on economic and financial problems, even to defeat Presidential appointments.

As matters stand, a cloture procedure requiring a two-thirds vote and allowing each Senator a total of 1 hour to speak on the main question is better than nothing. Yet it is really not of much use. One reform frequently proposed would reduce the number of votes required for cloture to something less than two-thirds but usually something more than a majority.

However, behind the procedural question there is in this situation a question of principle. The ability of a Senate minority effectively to kill a bill does not violate any citable clause in the Constitution, but it does violate the basic principles of the Constitution. So, too, does the practice of southern registrars of keeping Negroes from voting by distorting the so-called literacy tests. As the President said at his press conference, "It doesn't make any sense." It doesn't make any justice, either.

Mr. RUSSELL. Mr. President, I yield 4 minutes to the Senator from Alabama [Mr. HILL].

The VICE PRESIDENT. The Senator from Alabama is recognized for 4 minutes.

Mr. HILL. Mr. President, it is difficult to conceive how the Senate could find any measure which it would seek to clothe with constitutionality more unconstitutional than the pending proposal before the Senate. It flies into the teeth of the Constitution not in one place, not in two places, not in three places—it flies directly in the teeth of the Constitution in at least four different places.

Section 2, article I, specifically provides that the qualifications of electors for Members of the House of Representatives shall be fixed by the State legislatures.

Section 1, article II, expressly provides that the qualifications for electors for President and Vice President shall be fixed by the State legislatures.

The 17th amendment provides that qualifications for electors for U.S. Senators—for Members of this body—shall be fixed by the State legislatures.

The proposal also flies in the teeth of the 10th amendment, which specifically reserves to the States or to the people in the States all powers not expressly delegated to the Federal Government.

Mr. President, all of the cases before the Supreme Court and other courts, beginning with the case of Reece against United States and Cruikshank against the United States, have upheld the right of the States to prescribe qualifications of electors. Those cases were decided in 1876, shortly after the adoption of the 13th, 14th, and 15th amendments to the Constitution. Down through the years to, finally, the Lassiter case—the North Carolina case which was decided in 1959—all court decisions have made it clear, definite, and specific that the right to fix qualifications for electors has been and remains in the legislatures of the several States.

The distinguished Senator from Florida [Mr. HOLLAND], when the Senator from Alabama spoke on Tuesday of last week, gave great emphasis to and brought out clearly and emphatically the fact that section 1 of article II, with respect to the fixing of qualifications of electors for President and Vice President in the electoral college, specifically, clearly, and absolutely left that right to the legislatures of the several States.

As I have stated, beginning with the cases in 1876, all the cases to date have confirmed and ratified the fact that the fixing of qualifications of electors absolutely and solely is a matter for State legislatures.

A study of the debates which took place in the House of Representatives and in the Senate at the time the 14th and 15th amendments were under consideration by these two bodies of the Congress confirms and ratifies the fact that there was never any intention, never any thought, and never any purpose to take from the States the right to prescribe the qualifications of electors, with the single and sole exception that there should not be any discrimination on account of race, color, or previous condition of servitude.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). The time of the Senator from Alabama has expired.

Mr. MANSFIELD. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Montana is recognized for 15 minutes.

Mr. MANSFIELD. Mr. President, we are about to vote for a second time on cloture. Before we do so, there are a few matters which I wish to call to the attention of the Senate.

I refer first to the debate of the past several weeks. It has been informative and helpful. Passions have not governed it. I say that despite the fact that in the heat of the moment there have been some personal irritations and even a somewhat surprising reference to one of the established rules of the Senate, as a "gag rule" from the Senator from Georgia, who I know has the highest respect for all the rules.

If there is any charge utterly lacking in foundation, it is that the Senate or any Member has been "gagged" in this discussion. There has been ample time—more than ample time—for anyone who has desired to express himself on the substance of this issue to do so. I know of no request for time to speak during the past several weeks which has been rejected for lack of time. There have been a number of instances—and I say this in all frankness—in which it has been difficult to find Senators to speak on the subject in the last few days. So I reiterate: Those who would pro-

long the debate on the grounds of insufficient time had better search their consciences and find some other explanation.

It is true that the Senate has met and adjourned at, more or less, regular hours. To the best of my knowledge, these hours have been more than ample to accommodate all who have wished to express themselves. If, at any time, there had been indication that these hours were not ample, the leadership would have, of course, extended the hours as long as necessary.

But there was, I repeat, no such indication. Yet there are some Members who feel that we should have had all-night sessions, Saturday sessions, circus sessions, and what not. I must ask, for what purpose? To permit Members to speak? Or to compel Members to listen? Since there was more than ample time for the first, as I have already indicated, any such course could have only been to compel Members to listen. The leadership had no desire to compel a quorum—51 Senators—to appear inthis body in nightshirt session in order to listen to one or two or three Members expound on this measure. The leadership has the health of Members to consider. The leadership has the demeanor of the Senate to consider. It has resisted and will continue to resist any course which jeopardizes either. The leadership, minority leader and majority leader alike, announced at the outset that it would not seek a trial of this issue by physical endurance. It announced that it would either bring the issue to a trial by deliberation and vote or otherwise it would ask the Senate to face up to the fact that it was either unwilling or unable under its present rules to face up to it, and go on to other matters.

That, it has done. It can do no more. The Senate is about to make what it hopes is the final decision on this matter in the second vote on cloture.

Before that vote is taken, however, I ask the Senate to consider most seriously the implications of the two votes on Wednesday. The Senate voted that it was the sense of the Senate that debate should not be terminated on the literacy bill. The vote was 53 to 43. The second vote was, in effect, to determine whether the Senate should pass over this matter and get on to other business. The Senate voted, in effect, that it should not pass over this matter. It did so by a vote of 64 to 33.

My comment now is not directed to those Senators who voted for cloture and also against passing over the matter by voting against tabling. Their position is clear. So, too, is the position of those who voted against cloture and also to pass over the matter by voting to table it.

In both cases, there is a disposition to dispose of the issue at this time. In the first instance by a vote on its merits. In the second by a clean burial, at least for the present session. I have no quarrel with either position, even though, as one Senator, I have made it clear that I prefer that the issue be decided on its merits and at this time.

My comment, then, is addressed to the 21 Senators who voted against invoking rule XXII—cloture—but then also voted against tabling the literacy bill.

I do not inquire into the motives of Senators. I assume they are the best in every instance, for the Nation and their States, and I say that in all sincerity. But I must ask those Members to examine the situation that has been created by these two votes in the light of the total responsibilities of the Senate. These votes, in effect, say to the leadership: Do not drop this issue but do not bring it to a decision—at least not yet.

The leadership can only reply: If not yet, when? As I have already indicated, for almost 3 weeks the debate has gone along in a somewhat desultory fashion, with more than adequate time to accommodate those who were eager to contribute to the discussion. I must point out that the Senate has other business to consider. It has already spent far more time on this measure than it spends on most appropriation bills, military construction bills, foreign aid bills and any number of others far more complex than this bill. I cannot in all honesty believe that the Senate, at this point, has less of a comprehension of what is involved in this measure which is contained in 3 or 4 printed pages as compared with the 40, 50 or more pages which go into some of these other bills.

How would the Senate function, if it were to give its time as lushly to all matters as it has given it to this matter and as it invariably does to matters of this kind? The answer, I think, is clear: It could hardly function at all under its present rules. In the name of free and full debate in the Senate we would destroy the ultimate function of free and full debate in the Senate.

So, Mr. President, the leadership moved immediately after the tabling motion, a second motion for cloture. It did so because the vote of 64 Senators against tabling indicated to it a preponderant inclination of the Senate to dispose of this matter one way or the other, or at least to have it discussed further before doing so.

It may be said, Mr. President, that in view of the size of this vote, perhaps a little more time should have been allowed for further discussion. If one views the work of the Senate as solely that of hampering or fostering civil rights measures, that conclusion may be valid. But the leadership must view it in a larger context. Let me say, in this connection, that the distinguished Senator from Georgia [Mr. RUSSELL] indicated that at one point he and some colleagues considered the possibility of joining in the motion against tabling. Had they done so, then the leadership would have had no choice but to recognize that in overwhelming numbers the Senate desired to keep this issue joined to the exclusion of all others. Indeed, the debate would have gone on to June, July, August—to next year or until the Senate, in its wisdom, decided to use its rules—rule XXII specifically—to get on with its business.

The leadership sees no virtue in that course, and I presume the able Senator from Georgia [Mr. RUSSELL] saw no virtue in it for he did not pursue it. The leadership does see a great deal of virtue in this second vote under rule XXII even though I am sure that the Senators who enshrine all rules of the Senate, except rule XXII, may not.

So, once again, the leadership asks the Senate to consider most carefully the vote which is about to be taken. It informs the Senate that if this second vote on cloture fails to obtain the necessary two-thirds majority it will interpret the vote as expressing the desire of the Senate to move on to other business.

From the outset Mr. President, the leadership has had only one purpose—to safeguard the equal procedural rights and privileges of each and every Member, in an effort to have this matter brought to a conclusion one way or the other on its merits and on the basis of reason. Failing that, it hoped to bring the matter to the point at which it was clear that the Senate would not or could not resolve this matter at this time. It is the leadership's judgment that that purpose has been fulfilled.

I wish, again, to pay tribute to the distinguished minority leader who has worked in the closest collaboration with me. I want to say on the floor of the Senate, once again, that he has been a tower of strength in this as in other issues, in putting first and foremost the interests of the Nation and the responsible conduct of the Senate's business. We have done what can reasonably be done, under the present rules, and I hope that there is not a single Member of this body, in either party, and from whatever section of the Nation, who feels that we have not acted in an impartial and equitable fashion under the rules.

Speaking for myself, Mr. President, as an individual Senator, as a Senator from Montana and of the United States, I want to say that I have not had any great political stake in the literacy bill. But I have had a deep concern in this matter as I believe every Member of the Senate should have. It is not a minor matter. It is not a minor bill.

The bill itself, Mr. President, is reasonable. It does not require States to have literacy tests—sixth grade or any other—as a requirement for voting in Federal elections. It does not require that the States not have literacy tests. It provides only that if States do have literacy tests, then the measure of literacy shall apply equally and objectively and impartially to all persons under the protection of the Constitution of the United States.

Who in this body would say that the Senate—the Congress—has no concern in a question of this kind?

I hope it will always be a matter of concern to Members of this body when any citizen of the United States is denied equal treatment and equal justice under law. I hope it will always be a matter of specific concern to the Senate and to the Congress so long as there is a significant and discriminatory denial, wherever it may occur in this Nation, of the fundamental right of freedom—the right of citizens of the United States to a voice on equal and impartial

terms in the selection of those who represent them in government. The distinguished minority leader put it well when he said on Wednesday, "Involved here are abuses which are going to have to find a cure." I ask the Senate to ponder those words carefully, most carefully. They are the words of a profound and deeply conscientious American. There are abuses. There are injustices. And we shall have to ask ourselves at the termination of this matter what the Senate has done about them.

The debate has at least served to make that much clear. Even those who oppose this measure on its merits recognize these abuses and injustices and, in effect, have excoriated the Attorney General for not making more vigorous use of existing law against them. It is one thing to say, as an individual Senator: "It is best to leave this matter to the courts and the President," as has been said here time and again. It is another thing to say that and then bewail the actions of the President and the courts when they do act to right the injustice. We cannot have it both ways. The truth of the matter is that the Senate, by failure to consider on merits, issues of this kind, is not being denied, it is denying to itself its coequal responsibility in their resolution. I do not believe any Senator wishes to do that. Nevertheless, when the Senate turns its back on abuses which affect thousands, tens of thousands of individuals, it comes with ill grace to criticize other branches of the government which do not. That is especially the case when we consider that a hundred Senators act, time and again, on private bills to right an injustice or an inequity to a single individual.

Thus the issue in this second vote on cloture is clear. It is not a procedural matter. It is not even a civil rights matter. It is whether or not the Senate wishes to abdicate its responsibilities even to consider whether it will participate with the other branches of government in the correction of a serious abuse of freedom. The President cannot decide that matter for the Senate. The courts cannot decide it. The leadership cannot decide it. Only the Senate itself can decide it.

Mr. RUSSELL. Mr. President, I yield 2 minutes to the Senator from South Dakota.

Mr. CASE of South Dakota. Mr. President, if cloture is voted down, the Senate can approach this matter in a constitutional way by the passage of a joint resolution proposing an amendment to the Constitution. That, I believe, is the gist of the answer that should be made to the argument just presented by the distinguished majority leader. Many Members of the Senate have honest doubts about the constitutionality of trying to do what is proposed here, by the passage of a simple statute.

A few days ago the junior Senator from South Dakota drafted and had printed an amendment which would accomplish what is desired in a clearly constitutional way, either by amending the Norman bill or by adopting a substitute for the Mansfield-Dirksen proposal.

The Mansfield-Dirksen proposal is a proposal to accomplish the literacy test objective by the enactment of a simple statute. The amendment submitted by the junior Senator from South Dakota suggests adding, after the 1st sentence in the 15th amendment, the following:

> In any jurisdiction where a literacy test is required as a qualification to vote, the completion by an individual of 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 shall, unless such individual has been adjudged incompetent, be deemed to meet such qualification by such individual.

Mr. President, if we were to do it this way, we would approach the problem in the same way in which we handled the vote for presidential and vice presidential electors in the District of Columbia. Instead of proceeding by statute, we would proceed by the submission of a constitutional amendment to the States. That can be done here. The amendment will be offered, if cloture is voted down.

Mr. RUSSELL. Mr. President, I am somewhat intrigued by the majority leader constantly stating that a vote on the cloture motion will indicate this or that. He has been in the Senate long enough to know that Senators may vote the same way on a bill for entirely different reasons. No one can say that a certain vote is a flat indication of the attitude of the Senate merely because the leadership undertakes to make such an interpretation of it. It is obvious to me that the leadership must have a peculiar opinion of the stability of the Senate of the United States, or else they have implicit faith in the ability of pressure groups to take Senators by the nose and turn them completely around and face them in the other direction, to bring this matter of the cloture vote to a conclusion.

Mr. President, after the vote last week on the cloture motion we had only 1 day of debate. That much time was allowed for reasons which are apparently sufficient to the leadership. We did not have a session on Friday or on Saturday. I did not request either. I have assumed, since we are in an assuming frame of mind, that the leadership did not have a session on Friday and on Saturday, when the cloture motion would have come to a vote, because a good many Members on their side were out of town, and felt they could have them here on Monday. I believe that is a logical assumption.

Some Senators who are opposed to cloture were also compelled to be out of town.

Mr. President, we voted on Wednesday, and since then there has been a debate of about 4 or 5 hours on Thursday. From Thursday the issue was put over until today.

I submit that anyone would indeed be hard put to explain a vote against cloture on Wednesday and, by shifting around completely, a vote in favor of gagging the Senate today. I do not believe the Senate will stultify itself by any such quick acrobatics as that. I do not believe the Senate will twist itself around, and, after voting one way on Wednesday, and after only 1 day's further debate, vote the other way on Monday.

We have shown two things conclusively in this debate; first, the fact that there are ample laws already to cover this subject. Those laws are on the statute books today. They are both criminal and civil laws.

The Senator from Montana has referred to abuses. I submit that there are abuses and violations with respect to other Federal statutes that greatly exceed in number the abuses that can be cited in this area. There are abuses of other Federal rights, and there are abuses of other rights of citizens of the United States that greatly exceed even those claimed by the Civil Rights Commission in this particular area.

Those cases are not sought to be made the subject of remedial action by Congress.

I repeat that there is no widespread deprivation of the right to register and to vote. I would deplore any such thing.

It is only in isolated instances where the Department of Justice could round up cases, with all the legal force at the command of the Department of Justice, in which it could charge that there were any violations in this field.

No one has contended that southern judges or southern juries are derelict in dealing with cases of this nature. My observations have been that judges of the Federal judiciary in Southern States are so acutely aware of their delicate position with regard to this subject that they go much further than even the Supreme Court of the United States has gone in handing down decisions in this particular area.

I also submit that when the Washington Post, the leading champion of all legislation that can be labeled by any remote suggestion civil rights legislation, says a bill is unconstitutional, it is so clearly unconstitutional that even a wayfaring man can see it to be just that.

What do we have here, Mr. President? It is an attempt to amend the Constitution by the enactment of a simple statute. It is a bill which would fix the qualifications of voters in this country, notwithstanding the fact that under the Constitution the power to prescribe such qualifications rests in the States.

Several weeks ago we had before us the proposal to amend the Constitution by denying the States the right to prescribe the payment of poll taxes as a qualification for voting. It was announced in the President's letter to the distinguished Senator from Florida and was generally agreed on the floor of the Senate that a constitutional amendment is required to deal with the elimination of the requirement of a poll tax. I have sat here during the entire debate without hearing one Senator state why a constitutional amendment is required to deal with the elimination of the requirement of payment of a poll tax, whereas it is contended that the qualification with respect to literacy can be enacted by a simple statute. To this good moment, no Senator has risen to state any possible

justification for relying on a statute to amend the Constitution in the case of literacy qualifications, whereas it is maintained that an amendment to the Constitution is required to reach the subject of the qualification of the payment of a poll tax. The two propositions are equal; they are in exactly the same area; they affect protection afforded the States by the same provisions of the Constitution. If the poll tax requirement must be stricken down by a constitutional amendment, it does not require a lawyer to know that a constitutional amendment is required to reach a literacy qualification.

There is no reason on earth why there should be the imposition of gag rule in this situation now. I feel certain that Senators will not change their positions on this question simply because the leadership has carried this proposal over a long weekend in order to make them subject to the many pressures which are applied in connection with proposed legislation of this type, whether it be constitutional or unconstitutional.

Mr. President, I believe I have 2 minutes remaining, have I not?

The PRESIDING OFFICER. The Senator from Georgia has 2 minutes remaining.

Mr. RUSSELL. I yield 2 minutes to the distinguished Senator from Virginia.

Mr. ROBERTSON. Mr. President, I wish to emphasize the splendid editorial written by David Lawrence and published in the U.S. News & World Report, which impresses upon us our solemn duty to uphold and support the Constitution.

Here also is a message which has come down through the ages from one of our greatest authorities on the Constitution, Judge Thomas N. Cooley, who on page 160 of his work on the general principles of constitutional law says:

> Legislators have their authority measured by the Constitution; they are chosen to do what it permits, and nothing more, and they take solemn oath to obey and support it. When they disregard its provisions, they usurp authority, abuse their trust, and violate the promise they have confirmed by an oath. To pass an act when they are in doubt whether it does not violate the Constitution, is to treat as of no force the most imperative obligations any person can assume. A business agent who would deal in that manner with his principal's business would be treated as untrustworthy; a witness in court who would treat his oath thus lightly, and affirm things concerning which he was in doubt, would be held a criminal. Indeed, it is because the legislature has applied the judgment of its members to the question of its authority to pass the proposed law, and has only passed it after being satisfied of the authority, that the judiciary waive their own doubts, and give it their support.

Mr. President, as the distinguished Senator from Georgia [Mr. RUSSELL] has said, not a single authority has been presented to the Senate to sustain the constitutionality of the pending bill.

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

Mr. MANSFIELD. Mr. President, I yield the remainder of the time under my control to the distinguished Senator from Illinois.

Mr. DIRKSEN. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Illinois has 7 minutes remaining.

Mr. RUSSELL. Mr. President, how much time did the Chair say remained to the Senator from Illinois?

The PRESIDING OFFICER. Seven minutes.

Mr. DIRKSEN. Mr. President, I doubt that any words of mine will materially change the result as the Senate prepares to vote for a second time on cloture on the pending literacy bill. However, it seems strange, in view of the repeated argument made about constitutionality, that not until last Thursday was an amendment proposed to deal with this problem from the constitutional aspect.

That abuses exist of the right to vote by some of our citizens cannot be denied. The objective findings of the Civil Rights Commission on this point simply cannot be controverted. The evidence is available. The literacy test has been used in 100 counties in 8 States to achieve the result of the denial of the right to vote, but the fight to eliminate these abuses will continue because the issue is a fundamental one.

At Gettysburg, 99 years ago, Lincoln spoke about government by the people, and that it shall persist, not perish. He did not say government "by some of the people;" he did not say government "by a part of the people;" he was speaking of government by all the people. That means those who are qualified to exercise the right to vote.

To deny capriciously and arbitrarily the right to vote means a departure from that basic ideal. Sooner or later the procedure will be changed.

Earlier, I said that among the findings made by the Commission was the fact that persons holding master's degrees and bachelor's degrees—ministers, teachers, and others—were disqualified from voting. In a land which is dedicated to liberty and equality, will any Senator stand in his place and defend such practices? Can such conditions be permitted to continue and still maintain the ring of sincerity to our professed interest in peoples everywhere, where freedom and the rights which go with it are denied?

It has been contended that the Attorney General, under existing law, has enough authority to proceed against the wrongdoers who have participated in efforts to deny the right to vote. Take the case in Montgomery County, Ala. There the Department of Justice had a staff of eight persons, including three trial lawyers. They examined 36,000 registrations and heard 160 witnesses from both sides. Three months were required to prepare the case, and 1 week was needed to try it—and that was only one case. How much progress can be expected under circumstances like that?

Further argument on this point at the moment would probably serve no useful purpose. However, I remind the Senate that once upon a time men stood in this Chamber and inveighed against civil service and its adoption. How they were reviled, vilified, and ridiculed. Yet it took only one bullet in the heart of Garfield to sweep away all the superficial arguments; and today we have civil service.

Once, men stood in this Chamber and reviled Dr. Harvey Wiley, when President McKinley and Dr. Wiley thought there ought to be a pure food and drug law upon the statute books. But Members of Congress said that such a law would be an invasion of the rights of the States. Yet what Dr. Wiley proposed was a mere circumstance compared with the law which was finally written and passed by Congress in the interest of the health and well-being of the people.

Once, men stood in this Chamber and said it was absurd for the Federal Government to intervene in the field of child labor, to protect the sweating, future trustees and custodians of the country. Even Woodrow Wilson said that such a proposal was obviously absurd. But the Keating-Owen Child Labor Act is today on the statute books. Today the youngsters of the Nation are protected by a law which prevents the shipment in interstate commerce of goods which are made by sweating child labor.

Once, a Negro Representative, with whom I served in the House of Representatives, purchased a pullman ticket from Chicago to Hot Springs, Ark. He was removed from the car he had boarded. He was an elected lawmaker, having the right to vote on the laws under which he might live and travel; yet he did not have the protection of the very laws which he was privileged to help to enact.

Once there were State constitutions, in the Northern States, which limited citizenship to white males, until the 14th amendment struck the word "white" from those organic laws.

Once Dred Scott, the servant of an Army surgeon, who had been taken into Illinois, claimed his freedom because Illinois was a nonslave State; but the Supreme Court said he was not included within the term "citizen," and that therefore he had no standing in court.

Once men stood on this floor and declaimed against extension to women of the right to vote. It took 41 years from the time when the joint resolution proposing a constitutional amendment was introduced before it secured the approval of both Houses and ratification by the requisite number of States, thus making ineffective State laws and State constitutions to the contrary.

More than 90 years ago the States could exclude a citizen of the United States from voting at all, until the 15th amendment put an end to that situation.

Mr. President, citizens of this country are morally entitled to vote for those who make the laws—the laws with respect to the taxes they must pay and the laws under which they must do military duty.

Mr. President, if the change we now seek cannot be made by means of legislation, then let it be made by means of a constitutional amendment. But, Mr. President, the change will come, because conscience and morality are on our side.

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

The time now being 12 o'clock noon, which is 1 hour after the meeting of the Senate today, the Chair, under the rule, lays before the Senate the cloture motion presented to the Senate on Wednesday last, and directs the Secretary to call the roll for a quorum.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 50 Leg.]

Aiken	Goldwater	Morton
Allott	Gore	Moss
Anderson	Gruening	Mundt
Bartlett	Hart	Murphy
Bennett	Hartke	Muskie
Bible	Hayden	Neuberger
Boggs	Hickey	Pastore
Burdick	Hill	Pearson
Bush	Holland	Pell
Butler	Hruska	Prouty
Byrd, Va.	Humphrey	Proxmire
Byrd, W. Va.	Jackson	Randolph
Cannon	Javits	Robertson
Capehart	Johnston	Russell
Carlson	Jordan	Saltonstall
Carroll	Keating	Scott
Case, N.J.	Kefauver	Smathers
Case, S. Dak.	Kerr	Smith, Mass.
Chavez	Kuchel	Smith, Maine
Clark	Lausche	Sparkman
Cooper	Long, Mo.	Stennis
Cotton	Long, Hawaii	Symington
Curtis	Long, La.	Talmadge
Dirksen	Mansfield	Thurmond
Dodd	McCarthy	Tower
Douglas	McClellan	Wiley
Dworshak	McGee	Williams, N.J.
Eastland	McNamara	Williams, Del.
Ellender	Metcalf	Yarborough
Engle	Miller	Young, N. Dak.
Ervin	Monroney	Young, Ohio
Fong	Morse	

Mr. MANSFIELD. I announce that the Senator from Idaho [Mr. CHURCH] and the Senator from Washington [Mr. MAGNUSON] are absent on official business.

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

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL] and the Senator from Iowa [Mr. HICKENLOOPER] are necessarily absent.

The PRESIDING OFFICER. A quorum is present.

The Chair now submits to the Senate the question, Is it the sense of the Senate that debate shall be brought to a close?

Under the rule, the clerk will call the roll on this question.

The legislative clerk proceeded to call the roll.

Mr. ALLOTT (when his name was called.) On this vote I have a pair with the distinguished senior Senator from Iowa [Mr. HICKENLOOPER], who, if he were present, would vote "nay," and with the distinguished Senator from Maryland [Mr. BEALL], who, if he were present, would vote "yea." If I were at liberty to vote, I would vote "yea." I *therefore* withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Idaho [Mr. CHURCH] and the Senator from Washington [Mr. MAGNUSON] are absent on official business.

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

On this vote, the Senator from Arkansas [Mr. FULBRIGHT] is paired with the Senator from Idaho [Mr. CHURCH], and the Senator from Washington [Mr. MAGNUSON]. If present and voting, the Senator from Arkansas would vote "nay," and the Senator from Idaho and the Senator from Washington would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL] and the Senator from Iowa [Mr. HICKENLOOPER] are necessarily absent.

The pair of the Senator from Maryland, and the Senator from Iowa has been previously announced.

The yeas and nays resulted—yeas 42, nays 52, as follows:

[No. 51—Leg.]

YEAS—42

Anderson	Hartke	Moss
Boggs	Humphrey	Muskie
Burdick	Jackson	Neuberger
Bush	Javits	Pastore
Carroll	Keating	Pell
Case, N.J.	Kuchel	Proxmire
Clark	Lausche	Randolph
Dirksen	Long, Mo.	Saltonstall
Dodd	Long, Hawaii	Scott
Douglas	Mansfield	Smith, Mass.
Engle	McCarthy	Smith, Maine
Fong	McNamara	Symington
Gruening	Metcalf	Williams, N.J.
Hart	Morse	Young, Ohio

NAYS—52

Aiken	Ervin	Mundt
Bartlett	Goldwater	Murphy
Bennett	Gore	Pearson
Bible	Hayden	Prouty
Butler	Hickey	Robertson
Byrd, Va.	Hill	Russell
Byrd, W. Va.	Holland	Smathers
Cannon	Hruska	Sparkman
Capehart	Johnston	Stennis
Carlson	Jordan	Talmadge
Case, S. Dak.	Kefauver	Thurmond
Chavez	Kerr	Tower
Cooper	Long, La.	Wiley
Cotton	McClellan	Williams, Del.
Curtis	McGee	Yarborough
Dworshak	Miller	Young, N. Dak.
Eastland	Monroney	
Ellender	Morton	

NOT VOTING—6

Allott	Church	Hickenlooper
Beall	Fulbright	Magnuson

The PRESIDING OFFICER. Two-thirds of the Senators present not having voted in the affirmative, the motion is rejected.

Mr. KEFAUVER. Mr. President, I ask unanimous consent to have remarks that I have prepared printed at this point in the RECORD.

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

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

STATEMENT BY SENATOR KEFAUVER

On last Wednesday I voted against cloture, and I have voted against cloture again today. I wish briefly to state my reasons.

I realize that literacy tests have been unfairly applied in some States to deprive unjustly citizens of the right to register and vote. This I deplore. Like most of my colleagues in the Senate, I am anxious to support some effective remedy. This is an important question and an appropriate remedy is not easy to decide upon.

It is true that more than 2 weeks have elapsed since the bill, H.R. 1361, was made the pending issue. However, it does not seem to me that a determined effort has been made to bring the issue to a vote. No morning sessions of the Senate have been held. We have usually adjourned about 5:30 or 6 o'clock. On some days there have been no meeting of the Senate at all. To justify a vote for cloture I feel there should be more strenuous efforts to get full and complete consideration and debate on a measure.

The pending measure, in my opinion, is of very, very doubtful constitutionality. Under the Constitution qualifications for voters must be set by the States. This is not a question of discrimination on the face of the State laws themselves. Such discrimination would be prohibited by the 15th amendment. But it is a question of how to prevent unfair and discriminatory application of existing literacy laws which the States have adopted.

Even if constitutional I think the present measure might encourage even more disfranchisement of citizens because of their race than we have at present. It might encourage States to raise the basic literacy test to the sixth grade criteria. Election officials could require voters to furnish proof of completion of six grades of schooling, which would in many cases be difficult to do and thus would prevent many qualified voters from registering. The bill does not cover discriminations where the citizen had not graduated from the sixth grade.

I think the civil rights law of 1960, which I supported, can be a much more effective remedy. It authorizes the appointment of Federal referees who can register voters upon showing a pattern of discrimination in any county. If this law needs strengthening or its procedures expedited, I would be in favor of doing so.

Since we met on last Wednesday Senator COOPER of Kentucky has prepared an amendment, which I understand he will file today. I have discussed his proposal in detail with him. It provides a vehicle which probably would be constitutional and which would afford a more effective means of preventing discrimination than is contained in the present bill.

Senator CASE of South Dakota has offered a substitute amendment calling for a constitutional amendment. There can be no doubt as to the legality of this approach. Eventually this method could be more effective than the plan proposed in the pending measure.

Senator COOPER's and Senator CASE's proposals are far reaching and important and are entitled to thorough discussion. Other amendments may be filed during the next few days which should be considered. It would not be possible to give them the consideration they deserve with Senators limited to 1 hour of debate which would be the case under cloture. I feel that the Senate should have 4 or 5 full days to consider these proposals. During this time we should meet early in the morning and have sessions into the night. After that time I would feel that there had been sufficient discussion; that the citizens of the Nation would be informed; there would be an opportunity for crystallization of public opinion both on the pending measure and the amendments and substitutes. At the expiration of that time I would feel that we ought to decide the issues on the merits and that further discussion would be only for delay and obstruction, of which I do not approve.

If then a consent agreement on a time for voting could not be obtained, I would then feel justified in voting for cloture. I am sure that the majority and minority leaders of the Senate know that a number of Senators share these views.

TRANSACTION OF ROUTINE BUSINESS

Under the order previously entered, the following routine business was transacted.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on May 11, 1962, the President had approved and signed the act (S. 1668) to authorize the imposition of forfeitures for certain violations of the rules and regulations of the Federal Communications Commission in the common carrier and safety and special fields.

REPORT OF ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 404)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Public Works:

To the Congress of the United States:

Pursuant to the provisions of section 10 of Public Law 358, 83d Congress, I transmit herewith for the information of the Congress the annual report of the St. Lawrence Seaway Development Corporation, covering its activities for the year ended December 31, 1961.

JOHN F. KENNEDY.

THE WHITE HOUSE, *May 14, 1962.*

EXECUTIVE MESSAGES REFERRED

As in executive session,

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

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

MESSAGE FROM THE HOUSE

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

H.R. 11221. An act to amend section 302 of the Career Compensation Act of 1949, as amended (37 U.S.C. 252), to increase the basic allowance for quarters of members of the uniformed services and to make permanent the Dependents Assistance Act of 1950, as amended (50 App. U.S.C. 2201 et seq.), and for other purposes; and

H.R. 11261. An act to authorize an adequate White House Police force, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 1595. An act to amend the Natural Gas Act to give the Federal Power Commission authority to suspend changes in rate schedules covering sales for resale for industrial use only;

H.R. 9778. An act to provide for the free entry of certain steel and steel products donated for an addition to the Chippewa County War Memorial Hospital, Sault Ste. Marie, Mich., and to provide for the free entry of records, diagrams, and other data with regard to business, engineering, or exploration operations conducted outside the United States;

H.R. 10607. An act to amend the Tariff Act of 1930 and certain related laws to provide for the restatement of the tariff classification provisions, and for other purposes;

H.J. Res. 628. Joint resolution authorizing the President to proclaim the week in May of each year in which falls the third Friday of that month as National Transportation Week; and

H.J. Res. 711. Joint resolution to prescribe names for the several House of Representatives office buildings.

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

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

H.R. 11221. An act to amend section 302 of the Career Compensation Act of 1949, as amended (37 U.S.C. 252), to increase the basic allowance for quarters of members of the uniformed services and to make permanent the Dependents Assistance Act of 1950, as amended (50 App. U.S.C. 2201 et seq.), and for other purposes; to the Committee on Armed Services.

H.R. 11261. An act to authorize an adequate White House Police force, and for other purposes; placed on the calendar.

SUBCOMMITTEE MEETING DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Subcommittee on Juvenile Delinquency of the Committee on the Judiciary was authorized to sit during the session of the Senate today.

COMMITTEE MEETING DURING SENATE SESSION TOMORROW

Upon request of Mr. MCCLELLAN, and by unanimous consent, the permanent Subcommittee on Investigations of the Committee on Government Operations was authorized to meet during the session of the Senate tomorrow.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON EXPANSION OF LAUNCH FACILITIES AT CAPE CANAVERAL, FLA.

A letter from the Deputy Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, on the expansion of launch facilities at Cape Canaveral, Fla.; to the Committee on Aeronautical and Space Sciences.

REPORT ON PROPERTY ACQUISITIONS FOR STOCKPILE PURPOSES

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, on property acquisitions for stockpile purposes, for the quarter ended March 31, 1962; to the Committee on Armed Services.

AMENDMENT OF DISTRICT OF COLUMBIA PUBLIC SCHOOL FOOD SERVICES ACT

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the District of Columbia Public School Food Services Act (with an accompanying paper); to the Committee on the District of Columbia.

RELIEF OF OWNERS OF ABUTTING PROPERTY FROM CERTAIN ASSESSMENTS IN THE DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, Washington, D.C., transmitting a draft of proposed legislation to relieve owners of abutting property from certain assessments in connection with the repair of alleys and sidewalks in the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

INCREASE IN BORROWING AUTHORITY FOR GENERAL FUND OF THE DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, Washington, D.C., transmitting a draft of proposed legislation to authorize an increase in the borrowing authority for the general fund of the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

REPORT OF NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL PROBLEMS

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report of the National Advisory Council on International Monetary and Financial Problems, for the 6-month period ended June 1961 (with an accompanying report); to the Committee on Foreign Relations.

CERTIFICATION OF ADEQUATE SOIL SURVEY AND LAND CLASSIFICATION, SOUTH GILA VALLEY UNIT, ARIZONA

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, that an adequate soil survey and land classification has been made of the lands in the South Gila Valley unit, Yuma Mesa division, Gila project, Arizona, and that the lands are susceptible to the production of agricultural crops by means of irrigation (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT OF FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

A letter from the Chairman, Franklin Delano Roosevelt Memorial Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission, dated April 30, 1962 (with an accompanying report); to the Committee on Rules and Administration.

APPROPRIATIONS FOR ATOMIC ENERGY COMMISSION, 1963

A letter from the Chairman, U.S. Atomic Energy Commission, Washington, D.C., transmitting a draft of proposed legislation to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (with an accompanying paper); to the Joint Committee on Atomic Energy.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

A resolution adopted by the City Council of the City of Fountain Valley, Calif., protesting against the imposition of a Federal income tax on interest derived from public bonds; to the Committee on Finance.

A resolution adopted by the Board of Supervisors of San Joaquin County, Calif.,

protesting against the imposition of a Federal income tax on income derived from public bonds; to the Committee on Finance.

A resolution adopted by the Council of the City of Philadelphia, Pa., favoring the enactment of legislation to amend the Social Security Act so as to include medical care for the aged; to the Committee on Finance.

Resolutions adopted by the 71st Continental Congress of the National Society of the Daughters of the American Revolution, held April 16–20, 1962; to the Committee on Foreign Relations.

Resolutions adopted by the city councils of the cities of Santa Cruz and Covina, both of the State of California, protesting against any amendment of the Constitution providing a Federal income tax on income derived from public bonds; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. ROBERTSON, from the Committee on Banking and Currency:

Byron D. Woodside, of Virginia, to be a member of the Securities and Exchange Commission.

By Mr. DODD, from the Committee on the Judiciary:

Robert C. Zampano, of Connecticut, to be U.S. attorney for the district of Connecticut; and

Joseph T. Ploszaj, of Connecticut, to be U.S. marshal for the district of Connecticut.

BILLS INTRODUCED

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

By Mr. LONG of Louisiana:

S. 3289. A bill to amend title 38, United States Code, to permit, for 1 year, the granting of national service life insurance to veterans heretofore eligible for such insurance; to the Committee on Finance.

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

By Mr. ELLENDER (for himself, Mr. BENNETT, Mr. HUMPHREY, Mr. LONG of Louisiana, Mr. HOLLAND, Mr. SMATHERS, Mr. ALLOTT, Mr. CARROLL, Mr. WILEY, Mr. CARLSON, Mr. LONG of Hawaii, Mr. METCALF, Mr. LAUSCHE, Mr. JOHNSTON, Mr. BURDICK, Mr. MANSFIELD, and Mr. FONG):

S. 3290. A bill to amend and extend the provisions of the Sugar Act of 1948, as amended; to the Committee on Finance.

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

By Mr. ROBERTSON (by request):

S. 3291. 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. PASTORE:

S. 3292. A bill to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. ANDERSON (by request):

S. 3293. A bill for the relief of Gerda Christoffersen Hilliard; to the Committee on the Judiciary.

By Mr. CARROLL:

S. 3294. A bill for the relief of Bertha Nicholson; to the Committee on the Judiciary.

By Mr. CLARK:

S. 3295. A bill for the relief of Mathew Lengyel (also known as Brother Paul, S.V.D.); to the Committee on the Judiciary.

By Mr. McCARTHY:

S. 3296. A bill to provide that tips received by an employee in the course of his employment shall be included as part of his wages for old-age, survivors, and disability insurance purposes and for purposes of income tax withholding; to the Committee on Finance.

By Mr. SPARKMAN:

S. 3297. A bill for the relief of Joannis Dounis; to the Committee on the Judiciary.

By Mr. HART:

S. 3298. A bill for the relief of Stanislaw Bialoglowski; to the Committee on the Judiciary.

RESOLUTION

TO PRINT AS A SENATE DOCUMENT A LIST OF PROPOSED AMENDMENTS TO THE CONSTITUTION SUBMITTED DURING 69TH CONGRESS, 2D SESSION, THROUGH THE 87TH CONGRESS

Mr. EASTLAND, by request, submitted the following resolution (S. Res. 341); which was referred to the Committee on Rules and Administration:

Resolved, That there be printed as a Senate document a list of proposed amendments to the Constitution of the United States submitted during the Sixty-ninth Congress, second session, through the Eighty-seventh Congress, as compiled by the Senate Library, under the direction of the Secretary of the Senate, and that one thousand five hundred additional copies be printed for the use of the Committee on the Judiciary.

EXTENSION OF TIME FOR GRANTING NATIONAL SERVICE LIFE INSURANCE TO CERTAIN VETERANS

Mr. LONG of Louisiana. Mr. President, I introduce, for appropriate reference, a bill to amend title 38 of the United States Code to permit, for 1 year, the granting of national service life insurance to veterans heretofore eligible for such insurance.

During the past few weeks I have been in communication with officials of the Kennedy administration about this matter. In the past I have expressed amazement that the administration opposed the NSLI bill, in light of the fact that President Kennedy, when a Member of the Senate, joined me in sponsoring that bill on four different occasions.

The fact that the Senate has demonstrated its intention to stand firm in this matter has led to greater cooperation in several quarters. For one thing, it has made it possible to receive indications that the President's position on this bill has not changed since he was a Member of the Senate. The Veterans' Administrator has had occasion to study this matter carefully, and he has concluded that it is the kind of thing which the VA should be supporting. I am confident that when the Administrator—who has never personally testified on the bill—appears, he will speak in favor of the measure. I both believe and hope that he will be in a position to state that he is speaking for the Kennedy administration on this matter.

The NSLI bill which I am today introducing meets several objections which the Veterans' Administration has raised to the proposal I have introduced in the past, and to the NSLI bill introduced by the Veterans' Affairs chairman in this session of Congress. This bill would accomplish the same objective, with a few significant changes.

Most important, any service-disabled veteran heretofore eligible for national service life insurance, whether his disability be total or partial, would be eligible for the reopened insurance.

Another significant change is that under this new bill, insurance for veterans who are in good health would be based upon the 1958 mortality table, rather than the older, out-dated tables which have been used in the past.

I ask that the bill be received and be at the desk for 3 days for additional sponsors.

The PRESIDING OFFICER (Mr. BURDICK in the chair). The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Louisiana.

The bill (S. 3289) to amend title 38, United States Code, to permit, for 1 year, the granting of national service life insurance to veterans heretofore eligible for such insurance, introduced by Mr. LONG of Louisiana, was received, read twice by its title, and referred to the Committee on Finance.

Mr. LONG of Louisiana. The following analysis will explain the bill; it proposes to:

First. Restore for 1 year after a year from date of enactment of the bill the eligibility of all veterans in good health who were formerly entitled to apply for national service life insurance to apply for and be granted participating insurance with premiums and guaranteed values based on the 1958 Commissioners Standard Ordinary Table of Mortality.

Second. Restore for 1 year after a year from date of enactment of the bill the eligibility of all veterans unable to qualify for the nonparticipating insurance above solely because of a service-connected disability, whether partial or total, to apply for and be granted nonparticipating service disabled veterans insurance issued under 38 U.S.C. 722(a).

Third. Require that the administrative costs of the insurance granted to veterans in good health be borne by the insureds.

Fourth. Establish a new trust fund for veterans in good health who are issued insurance. This is necessary, since a new type of insurance is being established for a new group whose mortality experience may be different from those in the existing NSLI fund; the establishment of a new fund will safeguard the equities in the existing trust fund.

AMENDMENT AND EXTENSION OF PROVISIONS OF SUGAR ACT OF 1948

Mr. ELLENDER. Mr. President, on behalf of myself and Senators BENNETT, HUMPHREY, LONG of Louisiana, HOLLAND, SMATHERS, ALLOTT, CARROLL, WILEY, CARLSON, LONG of Hawaii, METCALF, LAUSCHE, JOHNSTON, BURDICK, MANSFIELD, and FONG, I introduce, for appropriate reference, a bill to amend and extend the provisions of the Sugar Act of 1948, as amended. I ask unanimous consent that the bill may lie at the desk until Wednesday next, in order that Senators who desire to join in sponsoring it may do so.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested by the Senator from Louisiana.

The bill (S. 3290) to amend and extend the provisions of the Sugar Act of 1948, as amended, introduced by Mr. ELLENDER (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Finance.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. HAYDEN submitted the following notice in writing:

In accordance with rule XL, of the standing rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 10802) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1963, and for other purposes, the following amendment, namely:

On page 23, line 9, after "therein," insert: "including the improvements of the county road from Brigham City, Utah, to the headquarters Bear River Migratory Bird Refuge;".

Mr. HAYDEN also submitted an amendment intended to be proposed by him, to House bill 10802, making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1963, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

JAMES M. NORMAN—LITERACY TEST FOR VOTING—AMENDMENTS

Mr. COOPER. Mr. President, I submit amendments, in the nature of a substitute, to the amendment, in the nature of a substitute proposed by the Senator from Montana [Mr. MANSFIELD], for himself and the Senator from Illinois [Mr. DIRKSEN], to the bill (H.R. 1361) for the relief of James M. Norman. I ask unanimous consent that the amendments be printed in the RECORD.

The PRESIDING OFFICER. The amendments will be received, printed, lie on the table; and, without objection, the amendments will be printed in the RECORD.

The amendments are as follows:

AMENDMENTS (IN THE NATURE OF A SUBSTITUTE)

In lieu of the matter proposed to be inserted, insert the following: "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 the Federal Government to secure and protect this right against all discriminatory restrictions.

"(b) The Congress further finds that the right to vote of many persons has been subjected to discriminatory restrictions on account of race or color; that tests of literacy have been used extensively as a device for 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, 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 discriminatory restrictions on the franchise which occur through the denial of the right to vote to persons through the use of certain literacy tests 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, as amended (42 U.S.C. 1971), is amended by inserting '(1)' after '(a)' and by adding at the end thereof the following new paragraphs:

"'(2) No individual seeking to vote, or to qualify to vote, in any general, special, or primary election in any State or subdivision of a State shall be subjected to any literacy test as a qualification for voting by an official, or person acting under color of law or otherwise, to whom application is required to be made to vote at the place of voting, or to be enrolled or registered as a voter. For the purposes of this paragraph and paragraph (3), the term "literacy test" includes any test of the ability of an individual to read, write, comprehend, understand, or interpret any matter.

"'(3) No person, whether acting under color of law or otherwise, shall, in administering any literacy test which is imposed as a qualification for voting in any general, special, or primary election in any State or subdivision of a State, apply to any individual any standard, practice, or procedure which is different from the standards, practices, or procedures applied to any other individual.'

"SEC. 3. If any part or provision of this Act is held invalid, all other parts or provisions shall remain in effect. If a part or provision of this Act is held invalid in one or more of its applications, the part or provision shall remain in effect in all other applications."

Amend the title so as to read. "An Act to protect the right to vote from discrimination through the use of literacy tests."

EASEMENTS ON REAL PROPERTY OF THE UNITED STATES—AMENDMENT

Mr. CASE of South Dakota submitted an amendment, intended to be proposed by him, to the bill (H.R. 8355) to authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT OF SECTION 204 OF AGRICULTURAL ACT OF 1956—AMENDMENT

Mr. MUNDT (for himself, Mr. HRUSKA, Mr. ALLOTT, and Mr. CASE of South Dakota), submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 10788) to amend section 204 of the Agricultural Act of 1956, which was ordered to lie on the table and to be printed.

EQUAL TREATMENT FOR ALL FUELS IN GOVERNMENT CONTRACTS—ADDITIONAL COSPONSORS OF BILL

Under authority of the order of the Senate of May 3, 1962, the names of Senators MOSS, RANDOLPH, COOPER, CLARK, SCOTT, BYRD of West Virginia, DOUGLAS, and BURDICK were added as additional cosponsors of the bill (S. 3241) to amend section 201(a)(3) of the Federal Property and Administrative Services Act (40 U.S.C. 481(a)(3)), and for other purposes, introduced by Mr. GRUENING (for himself and Mr. BARTLETT) on May 3, 1962.

SELECT COMMITTEE ON SMALL BUSINESS—ADDITIONAL COSPONSOR OF RESOLUTION

Mr. MOSS. Mr. President, I ask unanimous consent that my name be added as a sponsor, at the next printing, of the resolution (S. Res. 333) amending the resolution creating the Select Committee on Small Business, the principal sponsor of which is the senior Senator from Indiana [Mr. CAPEHART].

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

NOTICE OF RECEIPT OF NOMINATION BY COMMITTEE ON FOREIGN RELATIONS

Mr. MANSFIELD. Mr. President, on behalf of the chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the nomination of Seymour M. Peyser, of New York, to be Assistant Administrator for Development Financing, Agency for International Development.

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

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

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

By Mr. RANDOLPH:

Remarks in presenting Senator STUART SYMINGTON, of Missouri, at West Virginia Lions Clubs convention and article on Senator SYMINGTON'S address from Charleston (W. Va.) Gazette, May 12, 1962.

By Mr. SPARKMAN:

Address by Senator FRANK E. MOSS on the subject of small business, delivered at the George Washington University, May 3, 1962.

LEGISLATIVE PROGRAM

Mr. CASE of South Dakota obtained the floor.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

Mr. CASE of South Dakota. Mr. President, I desire to call up my amendment.

Mr. MANSFIELD. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. CASE of South Dakota. I yield.

The PRESIDING OFFICER. The Senator from Montana will state his parliamentary inquiry.

Mr. MANSFIELD. Is the Senate in the morning hour?

The PRESIDING OFFICER. Under the unanimous-consent agreement earlier entered, the Senate will be in the morning hour until 1 o'clock.

Mr. MANSFIELD. Is the Senate operating under a limitation on time in the morning hour?

The PRESIDING OFFICER. Yes; under a 3-minute limitation.

Mr. CASE of South Dakota. Mr. President——

The PRESIDING OFFICER. The Senator from South Dakota has the floor.

Mr. CASE of South Dakota. I desire to call up, as in legislative session, my amendment to H.R. 1361, identified as "5-10-62—B."

The PRESIDING OFFICER. That is not in order at this time. There is nothing pending before the Senate at the moment. The Senate is in the morning hour, under a limitation of debate.

Mr. CASE of South Dakota. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CASE of South Dakota. Was the bill, H.R. 1361, laid before the Senate this morning when the Senate went into session?

The PRESIDING OFFICER. It was not.

Mr. CASE of South Dakota. Did the Senate proceed to vote at 12 o'clock merely under the prior order of the Senate?

The PRESIDING OFFICER. The Senate voted under rule XXII.

Mr. CASE of South Dakota. Will the pending business of the Senate be H.R. 1361 when the Senate returns to legislative session?

The PRESIDING OFFICER. When the bill is laid before the Senate, it will become the pending business. It will become the pending business at 1 o'clock.

Mr. CASE of South Dakota. Was it the pending business when the Senate last recessed or adjourned?

The PRESIDING OFFICER. It was.

Mr. CASE of South Dakota. Then is it not in order to consider the bill before the morning hour expires?

The PRESIDING OFFICER. Not on Monday.

Mr. CASE of South Dakota. Not on Monday?

Will there be any opportunity, under the situation which prevails on Monday, for the Senator from South Dakota to call up his amendment?

The PRESIDING OFFICER. There will be. Under the rule the bill will be laid before the Senate at 1 o'clock.

Mr. CASE of South Dakota. Is there a possibility that the Senator from South Dakota can reserve the right to be recognized at 1 o'clock?

The PRESIDING OFFICER. The Senator could not reserve that right except by unanimous consent.

Mr. CASE of South Dakota. Mr. President, I ask unanimous consent that I may be recognized at 1 o'clock to call up my amendment.

Mr. MANSFIELD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

TRIBUTE TO MRS. MARJORIE L. FRENCH—NATIONAL TEACHER OF THE YEAR

Mr. CARLSON. Mr. President, Mrs. Marjorie L. French, of Topeka, Kans., mathematics instructor at the Topeka High School, has been named National Teacher of the Year. This is a great honor which has come to our State, and particularly to the Topeka High School.

Mrs. French was chosen for this honor from 1.4 million elementary and high school teachers in the country. The award was sponsored by the U.S. Office of Education, the Council of Chief State School Officers, and Look magazine.

In accordance with the rules of the award, a teacher must be nominated by the chief school officer of the State; and then, after being observed at work, nominees are rated by a committee of national leaders in education meeting in Washington, D.C.

This morning Mrs. French received an award in the form of a gold lapel pin and a certificate emblematic of her honor from the President of the United States.

In a current issue of the Look magazine, Mrs. French was described as "one in a million." She teaches mathematics in the Topeka High school and is supervisor of mathematics in grades 7 to 12 for the Topeka public schools. She has been a teacher in her native Kansas for 23 years and has taught 14 years in the Topeka school system.

Many splendid statements have been made regarding her outstanding ability as a teacher. A Topeka school official put it this way:

She gives her students the kind of salt that makes them thirsty for knowledge.

Another said:

She has every quality a great teacher should possess. Her pupils get to class early because they are so eager to work with her.

One of her students stated:

She's the finest teacher I ever had. We work very hard in her classes but it's never drudgery.

Mrs. French has received many honors during her teaching career. She was named Woman of the Year in education in Topeka in 1959. In 1960 she was awarded a medal by the Freedoms Foundation Valley Forge. She has been president of the Kansas Association of Teachers of Mathematics and of the Topeka Teachers Association.

Kansas is greatly honored by this outstanding recognition that has come to one of her teachers, and I want to extend congratulations and best wishes to Mrs. French.

WOODBINE DAM AND RESERVOIR, KANS.

Mr. CARLSON. Mr. President, Kansas is greatly interested in a program of water runoff, and therefore is interested not only in the construction of large reservoirs, but an increased and expanded development of control of water runoff in our smaller watersheds. We have had some outstanding work done in this field, but there is more to be done.

The State Association of Watersheds, through its president, Mr. Grant Engle, of Abilene, Kans., expressed it recently this way:

We want it understood that the State Association of Kansas Watersheds is not antidam, but think that both programs have their place in the flood control program as written by the Congress.

The Watershed Act passed in 1953 delegated rights for local people to organize and to qualify for Federal funds to stop flooding on streams of 250,000 acres or less. The Corps of Engineers and other agencies were given authority in the field of flood control many years before this. We believe that local people should not be denied the right to make full use of the Watershed Act as stated by Congress in 1953.

Recently there appeared in the Abilene Reflector-Chronicle an editorial in regard to the authorization of one of the former proposed reservoirs in Kansas.

I ask unanimous consent that the editorial be made a part of these remarks and referred to the appropriate committee.

There being no objection, the editorial was referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

NOW OR NEVER FOR WOODBINE

The Association of Kansas Watersheds, along with numerous other farm organizations, has taken a firm position against authorization by this session of Congress of the Woodbine Dam and Reservoir on Lyons Creek as proposed by the U.S. Corps of Engineers.

This is not at all surprising. However, the very sound reasoning behind the opposition is not based on simply "antidam" sentiment which exists generally among farmers. It is based more on a demand for the watershed program to be given an equal and fair chance.

The Federal program of flood control through big dams and reservoirs has been the specialty field of the Corps of Engineers for many years. They do a good job and some places their type of project is vital. This is highly questionable in the case of the Woodbine Reservoir—but the corps is one of the most potent "influence" bodies there is when it comes to pulling appropriations out of Congress, and when they set out to get a project through it is about like a town baseball team playing the New York Yankees.

It's been only less than 10 years that a watershed district could qualify for Federal funds to stop flooding on small streams, such as Lyons Creek. The corps was given this right many years ago.

The point is simply this: if Congress authorizes the proposed Woodbine Dam at this time the people would be denied the right to make full use of the Watershed Act of 1953. In order to obtain funds under the Watershed Act the project has to be justified by a benefit area. If the big dam is authorized it would take in virtually all of the benefit area of the watershed district. There can't be both. Therefore, the possibility of solving the water problems in the Lyons Creek area under the watershed program would be washed downstream forever.

It is sort of a legalized throatcutting process. The flood plain of any watershed determines the feasibility of the project and the flood plain is eliminated through priority to another project, you're out of business.

The Congress should be guided by a resolution passed by the Kansas House of Representatives last year. With only three dissenting votes, the house asked the Governor not to recommend the Woodbine Dam project until the watershed district (now actively engaged in a program that will solve the problem without loss of all the productivity and taxes from the land) has just a few years to prove itself.

"THE GOLD CRISIS"—ADDRESS BY SENATOR HARRY F. BYRD

Mr. BYRD of Virginia. Mr. President, on Thursday, May 10, I addressed the 67th annual convention of the Delaware Bankers Association in Wilmington, Del., on the subject of the gold crisis and other vital matters confronting this Nation today.

I ask unanimous consent to have printed in the RECORD, as a part of these remarks, excerpts from that speech.

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

THE GOLD CRISIS

This Nation has been on a deficit financing basis for 25 of the past 31 years. There was a $4 billion deficit last year; there will be a $7 to $10 billion deficit this year; and there will be another deficit of $3 to $5 billion in the coming fiscal year.

The statutory Federal debt limit has been raised twice in the past 11 months. A third request is pending, and I shall oppose it. The debt is approximately $300 billion. The administration estimates that its spending will raise it close to $308 billion in the coming year.

We are told that the fiscal situation will be all right if we balance the Federal budget over a cycle of years, and that this will be taken care of automatically if the Federal Government will only spend enough to raise the GNP high enough to produce the necessary revenue.

This is evil fiction. It never has worked; it is not working now, and I can prove it. It will not work in the future, and it is dangerous to rely on it. A prudent government would balance its budget by stopping nonessential expenditures. This is not being done.

The hard fact is that continuing deficits ultimately end in bankruptcy. When a nation goes bankrupt, its assets are not taken over and sold to satisfy its debts. Its money becomes worthless; its economy disintegrates; its form of government falls and changes.

Previous Federal deficits have been a prime factor in inflation which continues to reduce the value of the dollar. Recent claims that inflation had stopped were shortlived. The value of the dollar has dropped every year since World War II except 1949 and 1955; it is still going down; it has dropped another half-cent in the past 12 months.

As of March this year the dollar was worth 46.1 cents on the 1939 index. Its purchasing power had dropped between February and March, and it had dropped between January and February. I suspect it will be down again in April and May.

In short, our situation is characterized by increasing debt, continuing deficits, and threatening inflation. Such a situation does not inspire confidence at home or abroad; but we need confidence in the dollar now as we never needed it before.

I say this because loss of our gold, through withdrawals by foreigners—in its own way—imperils our security like an atomic bomb. Foreign nations and their central banks take our gold when they lose confidence in the dollar.

Precisely this is happening. There are two reasons—and both of them are deficits. We have been running two sets of dangerous deficits for years. One is the domestic deficit in the Federal budget. The other is a foreign deficit in our international balance of payments.

After 31 years of them the domestic deficit should be generally understood. What is this balance of payments? It is the dollar value accounting of the debits and credits of all of our transactions with other countries around the world.

For 16 years, since the end of World War II, the United States has been the free world's banker, its policeman, and its Santa Claus. In our international accounts we have spent abroad more than we have received from foreign countries in 11 of the past 12 years for a net deficit of $23.7 billion.

The law does not require it, but for years we have given foreign governments and their central banks the option of taking payments for these deficits in dollars, or in gold, at the rate of $35 an ounce. They take gold if their confidence in our money is impaired.

They are aware of our domestic deficits, our increasing national debt, and the decline in the value of the dollar. They have drawn out $8 billion—one third—of our gold reserves since 1949. Generally, gold withdrawals are heaviest when domestic deficits are going up.

The largest outflow of gold in any single year occurred in 1958. At that time we were embarking on the largest peacetime domestic deficit in history. And foreseeing it, foreigners took $2.3 billion of gold in lieu of dollars. This was 10 percent of our total gold supply at that time. The record shows the outflow of gold closely follows our pattern of domestic deficits.

Of the $8 billion gold loss since 1949, more than half of it has taken place since the huge domestic deficits of 1958–59, which totaled $15 billion. It appears that we shall have combined deficits in fiscal years 1961–63 totaling another $15 billion.

Most recent Treasury reports show that we lost $395 million in gold between January 1 and May 4 of this year. At this 4-month rate, the gold outflow in the current year would be nearly $1¼ billion. In 1949, with $24.6 billion in gold we had 75 percent of the free world's supply; now we have only 40 percent of the total gold supply.

Gold backs the U.S. dollar. Approximately $12 billion is required for this purpose under the law. With $16.5 billion remaining in our gold reserve—and it is steadily going down—only $5 billion or less remains to meet foreign demands for gold in lieu of dollars.

Our balance-of-payments deficits continue. The deficit in the past year ran to $2.5 billion. Latest official estimates indicate foreign claims against the United States total $18 to $20 billion, and about half of this, or approximately $10 billion, is held by foreign governments and central banks which can demand gold.

Under these conditions, our $5 billion or less in gold not dedicated to backing the dollar could be dissipated overnight. In this frightening dilemma we would be faced with removing or diluting the dollar's gold base or reneging on our policy of offering the gold-or-dollar option in foreign payments.

Either action would have catastrophic effects. Our own economy would be shaken and the repercussions would be worldwide, inside and outside the Iron Curtain. We dare not consider action in either direction while the dollar is under fire of domestic deficits and declining value.

Either or both courses would be regarded around the world as a sign of weakness; and other free-world currencies, which are tied to the dollar, would be jeopardized as well as our own. Other free-world nations know this, and it is to be hoped that their actions are guided accordingly.

But the temptation to take our gold is great, because our guaranteed price of $35 an ounce is cheaper that the present average cost of producing gold either at home or abroad. If we should raise the price of gold, this would weaken the dollar and certainly cause further inflation.

When other nations, such as England, have been confronted with similar balance-of-payments crises, they have taken drastic action and corrected the situation. In this country there has been no effective action to date by either the present or the previous administration.

The Eisenhower administration brought armed services dependents home, and the Kennedy administration restricted the duty-free value of articles tourists can bring home from abroad. But these actions, plus negotiation of advanced payments on German and Japanese debts to us, are only flyspecks on the wall.

We must go to the root causes of the situation before it is too late. The root causes are huge deficits at home and huge deficits in our financial transactions abroad. Those in authority must act to restore confidence in the dollar.

No more serious situation, short of war, confronts this Nation today.

As a postscript: Official records, Board of Governors, Federal Reserve System, on May 9 showed $30 million in gold had been withdrawn from our supply in the week ending on that date. This reduced the total of our reserves to $16,465 million. This is our lowest gold level since August 16, 1939.

CONCENTRATION OF POWER

The President is continuing to ask for concentration of power in the Federal Government at Washington. No President in the history of the United States has ever asked Executive power such as is embodied in two proposals by President Kennedy which are before Congress today.

Under one proposal he could spend public funds without appropriation; this is pending in the Senate now. Under the other proposal, just received, he could cut taxes by Executive order.

Both proposals would undermine the Constitution which prohibits expenditures except in "consequence of appropriations made by law," and fixes the taxing power of the Government in the legislative branch.

The President says he wants these powers for use in unemployment relief. Where is the emergency justifying such grants of power? It is here? Is it imminent? Or, is it a plan to speed up spending?

He is asking not only for these vast powers in the name of unemployment, but also for

federalization of unemployment insurance. Such emphasis in high places on unemployment might in itself bring on recession or depression.

If Congress is not in session in event of emergency, it will be available for immediate call. It would be better for it to remain in constant session than to place more power in the Executive.

Use of the Federal whiplash on a segment of the Nation's industry in recent weeks shocked the country, but it should have *surprised no one* at this late date.

The increasing dominance of the executive branch in the Federal Government is combined with the usurpation of power in a continuing line of decisions by the Warren Court.

This Court is now undertaking to dictate or influence the formation of political districts within States from which members of State legislatures are elected.

Gerrymander by the Federal judiciary is something new and dangerous in our form of government. It could destroy the effectiveness of our two-party system.

The so-called public works bill now before the Senate not only would authorize the President to spend $2 billion of funds authorized for other purposes, he could invade State and local jurisdictions.

Standby power to reduce taxes in recessions would open the door for Executive usurpation of more and more of the taxing power, which is the greatest and most dangerous power of any government.

When we undermine the safeguards against the Federal power to spend and tax, and strike down the checks and balances in our dual system of State and Federal Government, we are indulging in national self-destruction.

The present requests for more Presidential power to spend and adjust taxes are the latest climax in a chain of Kennedy proposals to concentrate more power in the executive branch in Washington.

Proposals in the field of public education, medical care, social security, transportation, rebuilding of cities, and tariffs would set the stage for the exercise of vast controls in these vital areas by the executive branch of the Federal Government.

Much of the usurpation of power would come through new spending proposals. Some 200 actions and proposals involving increased Federal obligation of public money and credit can be documented in Presidential communications to Congress during the present administration.

Increased expenditures and credit are proposed for housing, urban renewal, public assistance, education, health, water resources, river basin development, etc.

Huge spending is contemplated in such new programs as space, moon and ocean exploration, depressed areas and jobless retraining.

Still more Federal spending programs are being formed in surface and mass transportation, acquisition and development of open spaces, etc.

Other proposals include increased grants to States and payments to individuals and institutions in existing programs for public assistance, health, higher education, etc.

Virtually no area of domestic-civilian activity by the Federal Government is being overlooked in proposals for increased spending and use of public credit.

Expansion of foreign aid programs, including the Peace Corps which was established without benefit of legislation; and the military build-up with new emphasis on civil defense are in addition.

Under other proposals there would be vast increases in trust fund expenditures and taxes outside of the regular Federal budget for unemployment and aged health insurance, social security recipients, and continuing increases for highways.

When the President sent his message to Congress Tuesday asking for the delegation of taxing powers to him, he included a draft of the bill he wants Congress to enact.

The introductory section of the law he wants set forth a concept of the use of the taxing power which is foreign to the fundamental principles on which our form of government is founded. I quote it directly:

"FINDINGS AND DECLARATION OF POLICY

"This section sets forth the congressional finding that the taxing power is an instrument which the Federal Government can use to meet its responsibility set forth in the Employment Act of 1946 to promote maximum employment, production and purchasing power. It sets forth the declaration of congressional policy that it is desirable to adopt a procedure to provide for the effectuation of reductions of individual income tax rates, in limited amounts and for limited periods, more speedily than by means of the enactment of specific legislation."

JOURNALISM SCHOLARSHIP IN MEMORY OF THE LATE HERMAN A. LOWE

Mr. AIKEN. Mr. President, on May 9, Mr. E. W. Scripps II, chairman of the Sigma Delta Chi Foundation, of Washington, D.C., announced the establishment of a $500 journalism scholarship in memory of the late Washington newsman, Herman A. Lowe.

Herman Lowe not only was a distinguished journalist, but also a good friend especially to those of us in Congress who were fortunate enough to be covered by his news bureau.

I never knew Herman to want to "get" anyone. Rather, he was helpful to all who came in contact with him, particularly those in his own profession. He gave great encouragement to newcomers in the world of journalism.

It is, therefore, fitting that the Herman A. Lowe Memorial Scholarship in Journalism should be established to help worthy students who need financial assistance to continue their full-time schooling in pursuit of a journalistic career.

The first scholarship will be awarded this June for the 1962–63 academic year to a student who intends to follow this field as a career and who is at the present time a sophomore or junior at American, Catholic, Georgetown, George Washington, or Howard Universities, or the University of Maryland.

I can think of no greater tribute nor memorial than this for Herman Lowe.

Mr. SCOTT. Mr. President, the establishment of a $500 journalism scholarship in memory of the late Washington newsman, Herman A. Lowe, was announced today by E. W. Scripps II, chairman of the Sigma Delta Chi Foundation of Washington, D.C.

The first annual scholarship will be awarded in June for the 1962–63 academic year to a student who intends to follow journalism as a career and who is presently a sophomore or junior at American, Catholic, Georgetown, George Washington, or Howard universities, or the University of Maryland.

The Herman A. Lowe Memorial Scholarship in Journalism was established to help worthy students who need financial assistance to continue their full-time schooling in pursuit of a journalistic career.

Mr. Scripps, who is vice president of Scripps-Howard Newspapers and a former national president of Sigma Delta Chi, disclosed that the deadline for applications for the first award is May 26, 1962. The winner of the first scholarship will be announced at the annual banquet of the Washington professional chapter of SDX on June 13.

This scholarship has been endowed as a tribute to Mr. Lowe, a distinguished journalist who was a member of the Washington Professional Chapter of Sigma Delta Chi, national professional journalism society.

A native of New York City, Mr. Lowe was graduated from the Wharton School of the University of Pennsylvania. He served progressively as reporter, day city editor, night city editor and political correspondent of the Philadelphia Inquirer. In 1942 he was assigned to the Inquirer's Washington bureau.

Mr. Lowe founded his own Washington bureau, the Penn-Federal News Bureau in 1947. He also served as Washington bureau chief of Variety. At the time of his death in 1961, he had completed 3 years as Director of Development and Public Relations of the Albert Einstein Medical Center in Philadelphia.

He was awarded the Sigma Delta Chi special citation for Washington correspondence in 1946. He contributed articles to national magazines and was a frequent guest lecturer in journalism classes.

Mrs. Herman A. Lowe and her brother, Bernard G. Segal, Esq., a Philadelphia attorney, took an active interest in the formation of the scholarship program.

STANDBY AUTHORITY TO ACCELERATE PUBLIC WORKS PROGRAMS

Mr. ROBERTSON. Mr. President, last week I was under the impression that after the Senate had disposed of the cloture motion this morning the leadership probably would move that the Senate consider the standby public works bill. I now understand that the leadership does not intend to have that bill considered today.

Under the rule, I gave notice that I would move to refer the bill to the Committee on Banking and Currency.

When the President's message came to the Congress it was referred to the Committee on Banking and Currency. When the bill was introduced, the bill was referred to the Committee on Public Works, because the bill, as framed, dealt primarily with public works; but the committee amended the bill to provide for taking $2 billion out of trust funds which are under the jurisdiction of the Committee on Banking and Currency, on which subject there has been no hearing.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the statement I had planned to make if I had had the privilege of moving that the bill be referred, plus a statement of the provisions relating to the agencies under the jurisdiction of the committee, from which the $2 bil-

lion is to be raided; and I now ask unanimous consent that the bill be referred to the Committee on Banking and Currency, where appropriate hearings with respect to the $2 billion fund can be held.

Mr. HUMPHREY. Mr. President, reluctantly I must object to the request of the Senator. The bill is not before the Senate. When the bill is before the Senate, then such a request might be in order. I object.

Mr. ROBERTSON. Did I receive unanimous consent to have printed in the RECORD the statements to which I referred?

Mr. HUMPHREY. I have no objection to that request.

The PRESIDING OFFICER (Mr. BURDICK in the chair). Objection is heard.

Mr. ROBERTSON. Mr. President, was unanimous consent granted for my material to be printed in the RECORD?

Mr. HUMPHREY. I have no objection to the printing of the material in the RECORD. It was the request that the bill be referred to the Committee on Banking and Currency to which I objected.

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

The Committee on Banking and Currency, under rule XXV, paragraph (d), has jurisdiction over legislation relating to the following subjects:

Banking and currency generally.

Deposit insurance.

Public and private housing.

The President's message relating to the proposal which has now become S. 2965, also described as the "Standby Public Works Act of 1962," was referred to the Committee on Banking and Currency. However, after further consideration, when the bill was introduced it was referred to the Committee on Public Works. This did not seem inappropriate at the time because the principal subject matter of the bill was a proposal relating to public works, including standby public works.

However, as amended by the committee, the principal effect of the bill would be to weaken and impair our Nation's banking system, our Nation's savings and loan system, our Nation's home loan bank system, our responsibilities under the Bretton Woods Agreements Act, and, in addition, it would impair many housing programs.

To finance the standby public works program would involve expenditures up to $2 billion. I shall not elaborate upon the method of financing this program in any great detail at the moment. It is enough, I think, to say that the funds would be taken from the borrowing authorities which now provide the basis for the insurance of bank accounts and savings and loan accounts, and from the funds which back up World Bank bonds and Federal Home Loan Bank bonds which have been issued and sold to thousands of investors on the good faith of the United States. I have had a memorandum prepared which sets forth the statutory provisions involved and summarizes briefly the programs which would be affected by this bill.

I am including this memorandum following these remarks.

I believe it is absolutely essential to refer S. 2965 to the Committee on Banking and Currency so that hearings can be held at which the Committee can obtain the views of the executive branch, particularly the views of the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, the Federal Reserve Board, the Comptroller of the Currency, and the Home Loan Bank Board; the industries affected, banks, savings and loan associations, homebuilders and other elements of the housing industry; and the millions of individuals who have deposits in insured banks, who have savings in insured savings and loan associations, who have purchased Federal Home Loan Bank bonds; and the many other millions who are interested in the housing industry.

FINANCING PROVISIONS OF S. 2965—THE STANDBY PUBLIC WORKS BILL

Section 10 of S. 2965 provides a $2 billion fund for the public works acceleration program authorized by the bill. Section 10(b) would provide, in part, as follows:

"In order to expedite financing activities under this Act, the President may, during the existence of the public works acceleration period, cause the unobligated balances of authorizations to expend from public debt receipts available for the Housing and Home Finance Agency, for loans to the Federal Savings and Loan Insurance Corporation, for loans to the Federal Deposit Insurance Corporation, for the purchase of obligations issued by the Federal Home Loan Banks, and for payment of the subscription of the United States to the International Bank for Reconstruction and Development, which are estimated to be in excess of the amount needed in the current fiscal year for obligation or expenditure for the purposes for which they were made available (but not the balances of trust funds), to be transferred to the appropriate accounts of any such agency or other department or agency in such amounts and at such times as he may deem appropriate and, notwithstanding the provisions of any other law, such transferred balances may be used for the purposes of this Act: *Provided*, That there are hereby authorized to be appropriated such amounts as may be required to restore such transferred balances not otherwise restored to the sources of funds from which they were derived: * * *"

FEDERAL DEPOSIT INSURANCE CORPORATION

Accounts in more than 13,000 banks are insured by FDIC, up to $10,000 per account. This is about 97 percent of the country's banks. A total of $150 billion of accounts is insured, and the total deposits in insured banks is about $260 billion. These include both commercial and savings banks. This insurance is backed up by an insurance fund of almost $2½ billion built up from assessments on the banks. In addition to this reserve fund, the government has agreed to make available $3 billion by the use of borrowing authority provided under the Federal Deposit Insurance Act. This borrowing authority has never yet been used, but it is generally considered an essential part of the Federal deposit insurance program.

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Savings accounts in more than 4,000 savings and loan associations, Federal and State, are insured by FSLIC, up to $10,000 per account. Savings in insured savings and loan associations are about 95 percent of total savings in such associations and amount to more than $67 billion, about 96 percent of which is covered by insurance. This insurance is backed up by an insurance fund which last December amounted to about $450 million, built up from premiums on insured savings and loan associations. In addition to this reserve fund, the Government has agreed to make available $750 million by the use of borrowing authority provided under the National Housing Act. This borrowing authority has never yet been used, but it is generally considered an essential part of the Federal savings and loan insurance program.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

The United States is a member of the International Bank for Reconstruction and Development—the World Bank—through its participation in the Bretton Woods Agreements and the Bretton Woods Agreements Act and amendments thereto. The United States has paid in $635 million of its subscription in accordance with the Bank's articles. The balance of $5,715 million is subject to call to meet obligations of the Bank. Based on this commitment of the United States and similar commitments from the other members of the Bank, the World Bank has sold about $2.4 billion of bonds in the United States and in foreign countries. These bonds are considered, in large part because of the commitment of the U.S. Government, as being of the highest value and soundness. In selling its obligations, the Bank has included in its prospectuses the following language: "Under the Bretton Woods Agreements Act, the Secretary of the Treasury is authorized, without any requirement of further congressional approval, to pay the $5,715 million unpaid portion of the subscription of the United States from time to time when payments are required to be made to the Bank and to use for this purpose the proceeds of U.S. Government borrowings."

FEDERAL HOME LOAN BANKS

Federal Home Loan Banks are authorized to issue obligations to the public in order to provide funds for savings and loan associations belonging to the Federal Home Loan Bank System. About $1.5 billion of such obligations are now outstanding. These obligations are secured in part by the authority to borrow from the Secretary of the Treasury up to $1 billion outstanding at any one time. No borrowings have been made under this provision, but it is generally considered an essential part of the security behind Federal Home Loan Bank obligations.

HOUSING AND HOME FINANCE AGENCY (TREASURY BORROWING AUTHORITY)

The HHFA has authority to borrow from the Treasury in order to carry out a number of its loan programs:

Total borrowing authority

[Millions of dollars]

College housing loans	2,875
Public facility loans	600
Transportation facility loans	50
Urban Renewal loans	1,000
Public Housing Administration loans	1,500
Federal flood indemnity	500

In addition, FNMA has authority to borrow from the Treasury $2¼ billion as part of its secondary mortgage operation. Such borrowings are ordinarily used in order to carry on these operations. However, to some extent this borrowing authority could conceivably serve to back up FNMA's liability on money borrowed from the public. FNMA also has authority to borrow $3,425 million from the Treasury in order to carry out its special assistance programs.

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

Mr. ROBERTSON. If I have any time remaining, I yield to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. LAUSCHE. Mr. President, I concur in the statement made by the Senator from Virginia. We are presented with the frightening and shocking situation in which it is contemplated to take $2 billion from the funds that have been pledged to bank, building and loan depositors, and others to whom such

obligations would be due in the event an untoward situation shoud arise in our economy. The effort is now being made to take trust funds from the pool to which they have been legitimately pledged. If such action took place in private business, it would be a crime; yet it is contemplated in the proposal to which the Senator from Virginia referred .

Mr. BUSH. Mr. President, I strongly favor the position taken by the distinguished Senator from Virginia [Mr. ROBERTSON] and the distinguished Senator from Ohio [Mr. LAUSCHE] in respect of the bill S. 2965, the Public Works Acceleration Act. The bill is one of the most amazing I have ever seen in my 10 years in the Senate. It is incomprehensible to me how the President could ask for authority to raid trust funds that have been dedicated by law enacted by Congress to specific purposes. There is nothing that would unsettle our people more than to know that the Federal Deposit Insurance funds might be raided in order to build public works at any time the President in his discretion thought that to do so would be a pretty good idea.

In the minority views I note the sentence:

> This might be termed side-door financing or even slide-door financing. Now you see it; now you don't.

I wish to record my strong protest of that type of proposed legislation. I hope the Senate will permit the bill to be referred to the Committee on Banking and Currency so that witnesses from the agencies involved might be called to testify on the question whether they wish to see the funds of their respective agencies dedicated to the discretion of the President for public works programs any time he thinks it would be a good idea to use them in such a manner.

Mr. CAPEHART. Mr. President, I join with the able Senator from Virginia [Mr. ROBERTSON], the Senator from Ohio [Mr. LAUSCHE], and the Senator from Connecticut [Mr. BUSH], in protesting against the sort of action proposed.

It would be a very serious mistake if the Senate did not refer the proposed legislation to the Committee on Banking and Currency so that the committee might hold hearings and listen to the people who are affected by that sort of proposed legislation.

It is unbelievable that the sort of action proposed could happen in the United States, namely, taking trust funds that have been set aside for specific purposes, particularly for our banking institutions, our Federal Home Loan Bank, and others, and convert the funds to some other use.

As we know, bank deposits are guaranteed up to the sum of $10,000. It would be my opinion that it would be unprecedented if we should permit the contemplated action.

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

Mr. CAPEHART. I yield if I have the floor.

Mr. SALTONSTALL. I am heartily in accord with what the Senator from Indiana has said. Should we permit the use of trust funds for other purposes, we would violate the promise made to the beneficiaries of such funds when Congress created them. I hope that the bill will be referred to the Committee on Banking and Currency.

Mr. LAUSCHE subsequently said: Mr. President, the Senator from Virginia has spoken on the proposal in S. 2965 with respect to the diversion of funds held in trust for the support of the Federal Deposit Insurance Corporation, the Federal Savings and Loan Corporation, the International Bank for Reconstruction and Development, the Federal Home Loan Association, and several other institutions.

When the people of the country, following the bank crash in the 1930's, were told that their deposits in banks and building and loan associations would be insured up to $10,000, it was asserted that the premiums paid by the banks and building and loan associations would be impounded in trust funds. Also, it was impliedly stated to the people that authority would be made available to the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation to borrow from the Treasury, the authority to be used to fortify, secure, and guarantee deposits.

Those guaranteed funds, which were available to be borrowed from the Treasury, have never been used by either of the two agencies. However, in the Public Works bill, which provides for a $2 billion standby fund, authority is given to the President to borrow under the authority granted to the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation. To the extent that that authority is given, there is definitely constituted a diversion of the funds from the source to which they were initially pledged.

The improper diversion of private trust funds constitutes an offense which is frequently thrown into the category of crime. But in this instance, a proposal is made in the bill to permit the President to take funds in the sum of $2 billion and divert them from the source for which they were intended. I think that such a proposal is not sound. The bill ought to be referred to the Committee on Banking and Currency, where it belongs, especially so far as it deals with the funds which belong to the agencies I have mentioned.

I will support the effort of the Senator from Virginia [Mr. ROBERTSON] to have the bill referred to the Committee on Banking and Currency.

Mr. COOPER subsequently said: Mr. President, commenting on the statements which have been made by several Senators concerning the standby public works bill, I should like to say that when the bill was voted on in the Public Works Committee, of which I am a member, I made a motion, with the junior Senator from Delaware [Mr. BOGGS], to strike from the bill the section which provides for the unusual method of financing public works programs—a section which would authorize the President to direct the transfer of unobligated funds from the Federal Deposit Insurance Corporation, the Housing and Home Finance Agency, the Federal home loan banks, the Federal Savings and Loan Insurance Corporation, and even from the World Bank, to be used on Federal works programs. That motion was defeated.

We then moved to strike from the bill the entire standby provision which would authorize the expenditure of $2 billion. That motion was also defeated. It was after these motions were defeated that we voted against the bill.

Mr. President, a week ago last Thursday, I spoke in the Senate on the possible effect on the financial structure of the World Bank, and on the security for its bonds, of the method of financing the Standby Public Works Act of 1962, as reported by the Senate Committee on Public Works. My remarks appear on page 7667 of the CONGRESSIONAL RECORD for May 3.

I pointed out at that time that while Secretary Dillon is Chairman of the National Advisory Council on International Monetary and Financial Problems, and represents the United States in its relations with the International Bank for Reconstruction and Development, Mr. Dillon had not testified before our committee. I said that I had written him about this, the method of financing S. 2965, and that I would present his reply to the Senate when I received it.

Last week I did receive a reply from Secretary Dillon. I am glad to know from his response that the Bureau of the Budget is reconsidering this matter. While I do not know what amendments are being proposed, I am sure that the financial resources of the World Bank should not be dragged into this public works proposal. The proposals to borrow funds from the amounts set aside for the Federal Deposit Insurance Corporation, the Federal home loan banks, and the Federal Savings and Loan Insurance Corporation are also a mistake. However, at this time I merely wanted to call attention to Secretary Dillon's response.

Mr. President, I ask unanimous consent to have printed in the body of the RECORD a statement on the Standby Public Works Act of 1962, a letter that I wrote to Secretary of the Treasury Douglas Dillon on April 28, and his response dated May 4.

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

APRIL 28, 1962.

Hon. DOUGLAS DILLON,
Chairman, National Advisory Council on International Monetary and Financial Problems, Department of the Treasury, Washington, D.C.

DEAR MR. CHAIRMAN: Senate bill 2965, known as the "Standby Public Works Act of 1962," was reported to the Senate this week by the Public Works Committee, of which I am a member. Section 10(b) of the bill as reported would authorize the President, an agency or officer specified by him, and those delegated in turn, to "cause to be transferred" to a new public works agency or any other agency "the unobligated balances of authorizations to expend from public debt receipts available for payment of the subscription of the United States to the International Bank for Reconstruction and Development."

I would appreciate very much any comments you might care to make on the pro-

priety of this method of financing, with particular regard to the support of the World Bank and its operations by the United States.

I understand that under the Bretton-Woods Agreement, the United States has subscribed to the stock of the World Bank in the amount of $6,350 million, has paid in $635 million, and that the balance of $5,715 million, is subject to call by the Bank when needed. I assume that the United States' subscription is a part of the financial structure of the World Bank, and even though not called, supports the bond issues and funding of the Bank.

I have not recently examined the Agreement, or the Bretton-Woods Act as amended. However, I would welcome your opinion as to whether the $5,715 million in borrowing authority available for investment in the International Bank for Reconstruction and Development can correctly be termed an "unobligated balance" as represented to the committee by representatives of the Bureau of the Budget. While it may be an unobligated balance in budgetary terms, I assume it has a statutory purpose which might be impaired if $2 billion of this amount is withdrawn for public works spending.

I know that in your capacity as Chairman of the National Advisory Council on International Monetary and Financial Problems, you represent the United States in its dealings with the World Bank, and in addition to understanding the responsibilities which the United States has undertaken, you may be advised as to the opinion of the Bank on the withdrawal of funds now authorized for the U.S. subscription.

As far as the operations of the Treasury are concerned, however, I would appreciate a description of this authority, and its statutory purposes. For it is not the same as the Treasury borrowing authority for Federal agencies which is also transferable under the bill.

While it now appears that S. 2965 may not be called up in the Senate in the next week, it could come up at any time and very quickly. I want to be able to study this and other information related to the bill before the debate. Therefore, I hope you will send me a reply as soon as possible.

With kind regards, I am,

Sincerely yours,

JOHN SHERMAN COOPER.

THE SECRETARY OF THE TREASURY,
Washington, May 4, 1962.

DEAR SENATOR COOPER: Thank you for your letter of April 28, in which you request my comments with regard to the propriety of the method of financing suggested by S. 2965, particularly as it affects the U.S. support of the World Bank and its obligations.

I shared your concern about the inclusion of the unobligated balance of the U.S. callable subscription to the stock of the World Bank in the amounts to be temporarily drawn upon and later replaced under the arrangements for standby public works authority as set forth in the bill. My concern rested largely on the grounds which you suggest in your letter. However, I am now advised by the Bureau of the Budget that revisions of the bill are being proposed which would eliminate this problem.

Sincerely yours,

DOUGLAS DILLON,
Chairman, National Advisory Council on International Monetary and Financial Problems.

PHILIPPINE PAYMENT BILL DESERVES CONGRESSIONAL SUPPORT

Mr. HUMPHREY. Mr. President, this past week the House of Representatives by a vote of 171 to 201 defeated a bill to authorize $73 million for payments to Philippine citizens and corporations of World War II damage awards made under the Philippine Rehabilitation Act of 1946.

I was most disappointed at this action which was taken by the House of Representatives.

As my colleagues will recall, the 1946 act authorized the full payment of all Philippine war damage claims up to $500 and 75 percent of losses over the $500 limit. Appropriations made to date have permitted the payment in full of all claims up to $500 but only 52.5 percent of the awards beyond the $500 limit. The $73 million as provided in the measure which was defeated in the House last week would take care of the remaining 22.5 percent of the unpaid claims.

This legislation was originally requested by the Eisenhower administration and it has had the full support of the present administration as well.

As the author of a companion measure here in the Senate, S. 2380, I feel very strongly that we have a moral obligation to provide these funds because of the original commitment which we made back in 1946. We have no more loyal ally than the Republic of the Philippines and it seems to me that to reject this bill is a sorry way to treat a country which has supported us so strongly and so ably.

Mr. President, I am hopeful that the Senate will soon act on my companion measure and that the House will re-consider its action of last week. I know that the Members of the House in rejecting this bill did not intend to rebuke the Republic of the Philippines, but I do fear that the people and the Government of that great country will so interpret it.

In conclusion, Mr. President, I ask unanimous consent that an editorial in regard to this legislation which appeared in the New York Times of May 11, be printed at this point in the RECORD.

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

MISTREATING THE PHILIPPINES

House defeat of a bill to authorize payment of the remaining Philippines war damage claims was a foolish and indefensible act.

This is money the United States has owed the Philippines for more than a decade.

Compensation for property damaged in the Philippines by American forces during World War II—when the islands were American territory—was sanctioned by act of Congress in 1946. The amount later appropriated did not cover all approved claims, and year after year Congress has failed, as the House did on Wednesday, to vote funds to pay the remaining $73 million due despite pleas of the State Department and Presidents Truman, Eisenhower, and Kennedy.

The Republic of the Philippines is one of our stanchest and most important allies; its people and governments have been consistently friends of the United States. Filipinos are justifiably dismayed and angered by this repudiation of an acknowledged debt. The House vote denies to the Philippines funds that had been counted on to bolster efforts of the progressive new Macapagal administration to spur the Philippine economy.

Emanuel Palaez, Philippines Vice President and Foreign Secretary, characterized the House action as evidence that "the United States treats her friends more shabbily than those who are not for her" and said, "One has to blackmail Americans to get anything from them." Unhappily many in the Philippines and people in other countries will agree with him.

The Senate has not acted on the war claims bill. It must, and the House must, reverse itself on this unwise, unjust vote.

THE OLD PEOPLE—MISLEADING INFORMATION ON WITHHOLDING TAX OWED AT SOURCE ON DIVIDENDS AND INTEREST

Mr. DOUGLAS. Mr. President, as we all know, there has been much misinformation about the proposal to withhold the tax on dividends and interest at the source. One example which has been thrown up time and time again is about the elderly couple who are both over 65 who receive $5,000 a year in dividends and about whom it is said that to institute such withholding would be very hard on them.

This example has been used time and again. Those who use it say it proves how unfair withholding would be. However, very few people have taken the time to analyze it, but I intend to do so now.

DIVIDENDS OF $5,000 WOULD MEAN AN INVESTMENT OF $125,000

In the first place, anyone who receives $5,000 a year from dividends and interest would have to have an investment of about $125,000 with a rate of return of 4 percent in order to receive this large an amount from dividends and/or interest in a year.

Anyone with $125,000 in investments, Mr. President, is not exactly a pauper.

ELDERLY COUPLE WITH $5,000 OF DIVIDENDS, WOULD BE EXEMPT

But, Mr. President, this example is wholly inaccurate in any event. Under the bill, an elderly couple with $5,000 in dividends as their only source of income would not be subject to any tax and hence would be exempt from the withholding provisions.

Therefore, statements are misleading like those made on the radio program "Three-Star Extra," which has used this example, and has made such statements as—

Withholding will exceed the couple's taxes by $950—

And—

The couple four times a year * * * will have to apply for this refund and then wait for the application to be processed.

And—

During all this time * * * the couple will be denied the use of money which is rightfully theirs.

And on and on and on.

As I said, in the first place this couple would not even be subject to withholding and with an investment of $125,000 no one can say they would be harmed even if they were.

Mr. President, I ask unanimous consent that I may have printed in the body of the RECORD a transcript of the "Three-Star Extra" broadcast of May 2 and a memorandum which I have had prepared which quotes the various statements in the broadcast and comments on them.

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

TRANSCRIPT OF "THREE-STAR EXTRA" BROADCAST

The welfare of the Nation's senior citizens is engaging much attention in Congress.

It is directed chiefly toward proposals for medical care.

But the problem does not end there and many Members of Congress are becoming concerned over injustices to the elderly people under the administration's new tax program.

Representative JAMES UTT, of California, a member of the House taxwriting committee, puts it in the simplest terms. He says the old folks are being clobbered.

The issue arises in the plan for withholding taxes on dividends and interest.

Take, for example, the case of an elderly couple with an income of $5,000 a year from dividends.

Allowing for double exemptions and normal deductions such a couple will owe income taxes of about $50 a year.

But under the withholding plan 20 percent of their income—or $1,000—will be withheld at the source.

This means that the withholding will exceed the couple's taxes by $950.

Of course the machinery is provided for refunding this money, but the couple, four times each year, will have to apply for this refund and then wait for the application to be processed.

During all this time the couple will be denied the use of money which is rightfully theirs.

The Government will pay no interest on the money withheld which means an out-of-pocket loss to the taxpayers.

Critics of the program say this is nothing less than confiscation. Some even suggest that tax officials might be prosecuted for misappropriation.

Representative UTT points out that many of the withholding transactions will involve only small amounts of money and many taxpayers will not take the trouble to file for refunds.

Thus, he says, the Government will reap millions of dollars in taxes to which it is not entitled.

STATEMENTS FROM "THREE STAR EXTRA" BROADCAST AND SPECIFIC ANSWERS TO THEM

Statement: Take, for example, the case of an elderly couple with an income of $5,000 a year from dividends.

Allowing for double exemptions and normal deductions such a couple will owe income taxes of about $50 a year.

Comment: Allowing for double exemptions and normal deductions, this couple will pay no tax whatsoever. The computations would be as follows:

Gross income (entirely from dividends)	$5,000.00
Dividend exclusive ($50 apiece)	100.00
Adjusted gross income	4,900.00
Exemptions	2,400.00
Total	2,500.00
Standard deduction (10 percent of adjusted gross)	490.00
Taxable income	2,010.00
Initial tax	402.00
Dividend received credit (4 percent of taxable income)	80.40
Total	311.60
Retirement income credit	−321.60
Actual tax owed	0

Assuming a 4-percent rate of return, this elderly couple would have $125,000 of investments in order to receive these dividends but they would still not be subject to tax.

Statement: But under the withholding plan 20 percent of their income—or $1,000—will be withheld at the source.

Comment: Untrue. The couple can file exemption certificates with the corporations which pay them dividends and no withholding will take place. This would be the procedure under H.R. 10650, as it is presently before the Senate Finance Committee.

Statement: The machinery is provided for refunding this money—four times each year—will have to apply for this refund and then wait for the application to be processed.

Comment: Incorrect. First, the couple could solve any problems by simply filing exemption certificates as indicated above. However, second, if refund procedures were necessary, the refund procedures would not be as indicated in the statement. Rather, the couple would file one refund application sometime during the course of the first calendar quarter of the first year. This application would trigger three refund payments during the course of the year. The couple could then receive their fourth refund payment after filing their income tax return for the year. This, at any rate, would be the procedure under H.R. 10650 as it stands at the present time. In any case, these refund payments would only involve short periods. The usual estimate is from 3 to 4 weeks.

Statement: This means that the withholding will exceed the couple's taxes by $950. During all this time the couple will be denied the use of money which is rightfully theirs.

Comment: This is not true for several of the reasons indicated. First, there would be exemption certificates; second, the refund procedures would occur during the course of the year; third, refund payments would be made before subsequent withholdings were made by dividend payors. Thus, the amount of money withheld (assuming that any was withheld) would never amount, in this case, to as much as $950.

Statement: The Government will reap millions of dollars in taxes to which it is not entitled.

Comment: Quite the contrary. By this procedure, individuals will be paying taxes which they have owed but which they have not paid in the past. The estimated amount of taxes, which should have been paid from dividends and interest and which have not been paid, amounted to an estimated $800 million in 1959 and for 1963 is estimated at about $1.1 billion.

LOUIS LAUTIER

Mr. DIRKSEN. Mr. President, I believe it most appropriate that we take account of the passing of Louis Lautier, one of the outstanding members of the Washington press corps, who has served in that capacity for a great many years. He was the first Negro to be admitted to the congressional press galleries, the White House Correspondents Association, and the National Press Club. Let it be said for him that he conducted himself with such dignity that he gained the respect and admiration of all of his colleagues in the Washington press corps.

I came to know him quite well and paid testimony to his character and to the objective way in which he reported Washington news that was of special interest and significance to Negroes everywhere. In connection with this observation I would like to include an account of his career carried in the New York Times on May 8 and also an editorial which appeared in the Washington Post on May 9.

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

[From the Washington Post, May 9, 1962]

LOUIS LAUTIER

Louis Lautier who died suddenly at the age of 65 on Sunday night was esteemed by his colleagues of the Washington press corps as a skilled, seasoned and responsible reporter of national affairs. Because he happened also to be a Negro, his counsel was often sought by fellow-newsmen in regard to racial issues; and he became some years ago a major if symbolic protagonist in the accelerating movement toward racial equality which he covered as a reporter. Throughout the heated discussion which revolved round his applications for membership in the congressional press galleries, the White House Correspondents Association, and the National Press Club—he was the first Negro to be admitted to these organizations—he behaved with a dignity and tolerance that won him the widest admiration. He was a resolute champion of Negro rights. But it is as a reporter representing the best attributes of his craft that he will be missed and affectionately remembered by his fellow reporters in Washington.

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

LOUIS R. LAUTIER, REPUBLICAN AID

WASHINGTON, May 7.—Louis R. Lautier, who in 1955 became the first Negro admitted to the National Press Club, died last night at the Washington Hospital Center, where he had been a patient for 2 weeks. He was 65 years old.

Mr. Lautier had been special assistant to the chairman of the Republican National Committee since last September. Previously, he had served for 15 years as Washington bureau chief for the National Negro Press Association.

Mr. Lautier was born in New Iberia, La. He attended Morris Brown College in Atlanta, Ga., and the Howard University Law School here.

In 1947, he was admitted to the Senate and House Press Galleries as the Washington correspondent of the Atlanta Daily World, a Negro daily newspaper. The next year he received the Wendell L. Willkie Award in Negro journalism for objective reporting.

In a tribute to Mr. Lautier, Representative WILLIAM E. MILLER of New York, chairman of the Republican National Committee, said that the Negro journalist "had fought consistently for the betterment of his race, giving freely of his time and keeping his door open to all who sought his counsel."

Surviving Mr. Lautier are his widow, Mrs. Constance Lautier, and a daughter, Mrs. Fred Owens.

A BOY'S UNDERSTANDING OF THE FREE ENTERPRISE SYSTEM

Mr. ERVIN. Mr. President, on April 9, 1962, one of my youthful constituents, Neal Snyder, of Winston-Salem, N.C., wrote me an interesting letter stating his objections to the proposal that a withholding tax be imposed upon income from interest. At the time he wrote the letter, Neal was unaware of the provision of the proposal allowing boys of his age and financial standing to obtain exemption from the withholding requirement. Despite this fact, his letter is worthy of preservation because it discloses an understanding on his part of the everlasting truth that the free enterprise system can endure only if Government permits

those who work with brain or hand to retain a fair share of the fruits of their labor.

I ask unanimous consent that Neal's letter be printed at this point in the body of the RECORD as a part of my remarks.

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

WINSTON-SALEM, N.C.,
April 9, 1962.

Hon. SAM J. ERVIN,
Senate Office Building,
Washington, D.C.

DEAR MR. SENATOR: I am a boy of 11 years old who has worked and saved his money from mowing lawns and other jobs that I could do.

I have saved about $150 and put it in a savings account with the First Federal Savings & Loan of Winston-Salem. They pay me $6 a year interest.

Now if the Government passes a law to withhold 20 percent of my interest, I will only get $4.80 and will have to go to a tax person to file a return to get my $1.20 back and his minimum charge for a return is $5, which would only give me $1 on my investment or file no return and keep the $4.80.

Do you think this is fair for the U.S. Government to take 20 percent of an 11-year-old boy's gross earnings?

I will appreciate your doing all in your power to protect my rights, and not kill my incentive so early in life.

Thank you.

Sincerely,

NEAL SNYDER.

LAW DAY AT WAKE FOREST LAW SCHOOL

Mr. ERVIN. Mr. President, on April 28, 1962, the Law School of Wake Forest College at Winston-Salem, N.C., observed Law Day—a custom which this law school and its alumni instituted some 5 years before Law Day became in a very real sense a national institution.

I had the privilege for the second time on this occasion of speaking to the students and alumni of Wake Forest Law School and their guests upon the significance of Law Day to our country.

It is impossible to overstate the contribution which Wake Forest Law School has made over the years to the administration of justice in North Carolina and the United States. Many of our ablest judges and lawyers are numbered among its alumni.

Carroll W. Weathers, the present dean of Wake Forest Law School, who was a noted practicing attorney before his acceptance of the deanship and who is assisted in his work at Wake Forest by a faculty of high capacity, has made signal improvements and innovations in the teaching of law, which merit the commendation of all who are concerned with the administration of justice.

This being so, it was altogether fitting as a part of the observance of Law Day at Wake Forest that James F. Hoge, a distinguished member of the New York bar and a graduate of the Wake Forest Law School, should present to the law school a portrait of his classmate, Dean Weathers.

I ask unanimous consent that the address made by Mr. Hoge in presenting the portrait and my remarks on Law Day be printed at this point in the body of the RECORD as a part of my remarks.

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

PRESENTATION OF PORTRAIT OF DEAN CARROLL W. WEATHERS

(By James F. Hoge)

In my files there is a letter dated May 5, 1950. It was written by the man who, in September of that year, became dean of this law school. Writing about his acceptance of that appointment, he said:

"It's final now. I hope I have done right. I tried to decide it in the final analysis on the question of where lay my duty. * * * I know the opportunity is great. It's why I accepted. * * * If I can stimulate those boys, when they become lawyers, to seek justice, to walk humbly, and set the tone and character of their communities in that fashion, then I am sure I will find satisfaction to compensate for the loss of leaving my home."

Looking back over these 12 years, we see that that was a prophetic statement, for that is precisely what has happened here. Dean Weathers has stimulated the boys—and the girls—and has sent out into this State and Nation lawyers who do seek justice, do walk humbly, and do set the tone and character of their communities in that fashion.

In this law school, under the leadership of Dean Weathers, it has been made crystal clear that the profession of law when true to itself does set its scholars and practitioners apart and does impose upon them obligations to society. Here it has been emphasized that lawyers hold positions of influence from which flow privilege and duty to lead their fellows in the conduct of social order. Here, not only on Law Day but on every day, it is taught that the hope of mankind is in the rule of law; that there is no alternative but chaos or despotism.

Ours is a government of laws and not of men, and of that there is constant and sharp need of remembrance. John Adams succinctly stated it. John Marshall, whose portrait adorns the front wall of the law school's courtroom, strongly emphasized it in the landmark case of Marbury versus Madison. Lawyers, of all people, must adhere to it as by second nature. And they must lead the laity into an understanding and an acceptance of it as fundamental to the only security that is worthy of the dreams and the efforts of free men.

"We need laymen," said Woodrow Wilson, "who understand the necessity for law, and the right uses of it, too well to be unduly impatient of its restraints; and lawyers who understand the necessity for reform and the safe means of effecting it, too well to be unreasonably shy of assisting it." Every citizen, said Wilson, "should know what law is, how it came into existence, what relation its form bears to its substance, and how it gives to society its fiber and strength and poise of frame." These words were of our century but the views were expressed by Blackstone more than a century before Wilson.

Let me give my testimony formed in the crucible of 40 years of practice where I have been molded in the processes of government and in the industrial system of our country. Let me tell you that every government official, every businessman, every minister, every social worker, every educator should have some training in law—at least to the extent of knowing the functions that law performs in society.

These are the historical objectives of this law school. To them it was committed at its founding. To them it was committed anew at the time of the dedication of the law building. To them it was committed again when Carroll Weathers became its dean—and to them it will be faithful as long as he is its dean.

In this sense of dedication the growth of the school in the last 12 years is deserving of some remarks at this time. Excluding abnormal numbers following World War II, the enrollment is approximately twice the average enrollment which prevailed from the time the law school was accredited in 1936 until World War II, and the admissions policy administered by an admissions committee has elevated the standards of admission.

The faculty has been increased from six to eight regular members and there is an annual visiting professor of distinction. The curriculum has been enlarged by approximately 25 percent to meet developing phases of the law. And where prior to 1959 there was no scholarship program, now, thanks to the board of trustees of the college and to the Mary Reynolds Babcock Foundation, there are six partial scholarships and five full tuition scholarships.

This school is housed in one of the finest physical plants in the United States, so designed as to accommodate continued growth and expansion of program. The multiple-purpose court and assembly room seats 250 people, and the law library is capable of 100,000 volumes. Twelve years ago there were 19,000 volumes. Now there are 30,250.

Well, the law building is here and is what it is primarily because of the efforts of Dean Weathers. The law school might have been housed in the general facilities of the college but for the star of his vision and for his following of it. He saw the building on the drawing boards, he saw it rise brick on brick, and then he supervised the removal of the school to it from the old campus.

Time will not allow a full narrative of what has been accomplished these 12 years or a naming of all who have had a part in it. Many they are who have brought their faith and their works—and their devotion—to making this school what it is today. The first to recognize and acclaim the fact of that would be Dean Weathers himself.

Law Day, which we now celebrate, was established here in 1953, some years prior to the establishment of National Law Day. The law alumni were organized on a formal basis in 1952. The Student Bar Association has continuously developed and assumed numerous useful responsibilities. With the North Carolina Bar Association and the other two law schools of this State, this school has participated significantly in the program of continuing legal education.

Let us come now to the meaning of it all. The graduates of this school have made excellent records on bar examinations and have made their mark in the practice of law and in other fields of life work. They have become research assistants to justices of the North Carolina Supreme Court and to judges on the Federal bench. They are active at the bar and are leaders in the public life of their State and communities.

It is never forgotten here that this is a Christian college and the Christian spirit of it has been threaded into the thoroughness of this school's legal training. Personality has been exalted and it has been made manifest that in the love and service of others the law is not destroyed but is fulfilled.

These things have been magnified in the life and leadership of Dean Weathers. I know that at first hand and over long years. For it was in the autumn of 1918 that he and I entered Wake Forest College as freshmen and began a friendship that has come uninterrupted through 44 years. Wake Forest has meant much to me, and much of what it has meant has been Carroll Weathers.

And so, knowing him as I do, knowing his love of this college, knowing what he has wrought in this law school, knowing what he has contributed to the life of this State, I have wanted to do something which would be both recognition and inspiration. Some

months ago he agreed to sit for a portrait which I might present as a gift to the college and this law school. Mrs. Isabelle Bowen Henderson, of Raleigh, who has known Dean Weathers for many years, who did the portrait of Prof. Bruce White which hangs in the entrance hall of the law building, and who made the copy of the portrait of Chief Justice John Marshall which hangs in the courtroom, readily accepted the commission and brought to the work the interest and the affection of longtime friendship with the dean and this school.

In making the gift, I accentuate Dean Weathers' two outstanding qualities. They were in the prophetic statement which I read you from his letter. They stand out in his teaching, in his administration of the deanship of this school and in all that he does and in all that he is: duty and character. Those two words—principally the word "character"—epitomize this man, and he has put the stamp of them on all the men and women who have left these halls these 12 years. "It is not what I have or what I do," said Thomas Carlyle, "but what I am that is my kingdom." And that is Carroll Weathers' kingdom.

An institution, according to Ralph Waldo Emerson, is the lengthened shadow of a man. Here you see the practical application of that. And my hope for this portrait is that long after Dean Weathers has retired from office, it will continue to project his shadow; that after he has finished his work, it will yet reflect the light of his character in this ongoing school of law.

For the unveiling, I ask the assistance of the young daughters of Dean and Mrs. Weathers, Jane and Mary Katherine. It is with a deep sense of privilege and appreciation that I make this presentation and I turn to the president of the college, Dr. Harold W. Tribble, with the request that for the college—and specifically for this law school—he accept from me this portrait of Dean Carroll Wayland Weathers.

REMARKS OF SENATOR SAM J. ERVIN, JR., OF NORTH CAROLINA, AT LAW DAY OBSERVANCE APRIL 28, 1962, WAKE FOREST LAW SCHOOL, WINSTON-SALEM, N.C.

I am happy to be with you on the occasion of the fifth annual observance of Law Day U.S.A., and to join with you and the other men and women throughout the country who are reaffirming our faith and respect for the rule of law and the administration of justice in our society.

I think it fitting in this age, when rockets have reached the moon, and men, apparently, will soon follow, that we should pause to give recognition to the laws which are so basic and fundamental to the peace and order of our national and international life. Indeed, there is a greater need for such recognition today that there ever has been in our history. The time is not too far off when, in addition to our well-established bodies of national and international law, man may find it necessary to devise a system of interplanetary law.

By the very fact that we are American citizens, each of us here today is engaged in the service of the law. Our service takes different forms, for it is not necessary that we acquire a law degree to demonstrate our devotion to the law. Although, I might say that those who enter the legal profession have perhaps, in the eyes of the world, assumed a greater responsibility to preserve the rule of law. While some may practice law, others of us may serve the law in our daily lives, through dedication to the high principles which it embodies. Each of us, student, teacher, public official, or citizen of whatever occupation, has, I believe, an obligation to render service of the highest quality. This is why I have chosen to discuss with you today the achievement of excellence in the service of the law.

The rule of law is an essential ingredient of any civilized society. It is the difference between order and chaos, between harmony and anarchy; without law and order there can be no civilization. The mere existence of law, however, is not sufficient to attain fruition of the fullest potentialities of society. To command the respect of its peoples, and to inspire them to uphold it, the law must be fair and just. The law must be more than a set of rules and regulations by which men are governed; it must be a product of the express consent of the people who are to be governed by it, and it must never overlook nor forsake the inalienable right of the individual to what the Declaration of Independence calls "life, liberty, and the pursuit of happiness."

It is this concept of law which distinguishes a free society from a totalitarian society, and it is this concept which the forefathers of the great Nation wrote indelibly into the Constitution of the United States, the greatest charter ever conceived by man for a free republic.

The preamble to our Constitution which begins with "We, the people * * *" says in a clear and compelling manner that our Government is based only on the consent of the governed and the divine right of the people.

History is replete with stories of the failure of harsh and unjust laws. It abounds with stories of war and revolution as the result of a dictator's seeking to substitute his own rule of law for the law of the state. And, by the same token, it isn't necessary to turn back the pages of history very far to discover the extent to which people will go in their quest for freedom and human dignity. Indeed, this very quest of our forefathers has resulted in the democratic form of government under which we now live—a Government which has become an inspiration for freedom-loving peoples the world over.

I have a deep and abiding respect for the blueprint of our system of government, the Constitution with its Bill of Rights, and I am constantly aware of its vitality. It is a great tribute to the vision of our forefathers that the hallowed words are as alive and meaningful today in the space age as they were when written.

Freedom of religion, freedom of speech, freedom of the press, freedom of assembly, freedom against unreasonable searches and seizures, the right to trial by jury, the right to counsel, the right against self-incrimination, the right to freely elect those who are to govern us, and the other guarantees of our Constitution are so much a part of our daily lives that we have come to take them for granted. And therein is where the danger lies—in taking them for granted, in being lulled into such a feeling of security and complacency that we are rendered oblivious to the forces which would erode or destroy our rights and freedom.

May 1 is Law Day in our country. In the Soviet Union it is May Day when the great armada of the Soviet Union will be on parade in Moscow's Red Square.

I think it is not beyond the pale of reason to suppose that even in Moscow they could celebrate Law Day. There is order in the Soviet Union. There is discipline. There are rules and regulations. They could celebrate Law Day. But they could not possibly celebrate what we celebrate. We do not really celebrate Law Day. This is something more than merely a pause in the day's occupation to acknowledge the bare existence of a legal system. I think we truly celebrate Liberty Day, and Freedom Day, and perhaps, even a sort of Thanksgiving. We are not remiss in our duties because we put aside our labor for an hour to join one another in this quiet festival of dignity. In this hour, we celebrate excellence in the preservation of liberty and freedom.

Our law goes back further than the great Constitution, or the Magna Carta, or the Code of Justinian, or the Ten Commandments, or the Law of Moses and Abraham. It began, of course, with the single ordinance of Eden which proscribed apple picking, and it grew and flourished in the hearts of honest men who strove not only for order and discipline, but for fairness and justice. Due process of law was not born suddenly in 1789. It has been transferred from generation to generation, from men who spoke Greek and Egyptian and Hebrew, to men who had finally mastered the King's English. It has been boiled and distilled through the turmoil of war and peaceful dispute, through the quiet striving of men like Jefferson and Marshall and Holmes who were searching with "a divining rod they could not see for wellsprings they might never reach," and as a result of all these efforts, Americans on Law Day, 1962, have that magnificent intangible, "due process of law."

But we do not really have it. We shall never have it firmly in our grasp because we do not know quite what it is, we do not quite understand it, except only generally, and we shall grapple with it further and it will change beyond our present recognition. Whether we celebrate Law Day in the future or not will be largely determined, I think, by our own ability to struggle on, to somehow muddle through. I believe, like Faulkner, that man will endure, indeed he will prevail. Therefore, the law will prevail.

Each of us should consider himself a watchdog of all the basic human rights which are part of our heritage. In the U.S. Senate, we have such a watchdog. It is the Subcommittee on Constitutional Rights of which I have the honor to be chairman. We have launched investigations and held public hearings on such subjects as freedom of information; wiretapping, eavesdropping, and the Bill of Rights; the Federal loyalty-security programs; civil rights; confessions and police detention; and the right to counsel. Within the past year we have entered areas of the law which Congress never before had explored. These include studies of the constitutional rights of the mentally ill; the constitutional rights of the American Indian; and the constitutional rights of military personnel; each of these is an exciting area of the law which too long has been neglected. We shall continue our work in these and other areas where erosions of our constitutional rights are likely to occur. I pledge to you that we shall do all in our power to preserve fully the guarantees of our Constitution. Notwithstanding our shortcomings, I challenge any dictatorship or totalitarian society, or for that matter any nation in the world, to match the United States in its meticulous regard for the right of its individual citizens.

The U.S. Supreme Court has held that the liberty mentioned in the guarantee of due process of law means not only the right of the citizen to be free from the mere physical restraint of his person, as by incarceration, but the term is deemed to embrace the right of the citizen to be free in the enjoyment of all his faculties; to be free to use them in all lawful ways; to live and work where he will; to earn his livelihood by any lawful calling of his own choosing, and enter into all contracts which may be proper, necessary, and essential to his carrying out to a successful conclusion any lawful pursuit.

That is what we mean by freedom and individual liberty. Can international communism or any other foreign ideology meet these terms? The answers is obviously "No."

The most appropriate location for a Law Day celebration is a law school. This is the first temple of the law, and as you seek the

law here, you will find at least a portion of it. You will never find it all. No man ever has. I understand that scientists are attempting to put the law on punch cards and dispense it by means of a great computer system, but I doubt that this can be done.

So much of the law is in our hearts. It thrives and flourishes because it is so substantially a thing of the spirit. To those of you who stand today at the threshold of the legal profession, I might say to you that if you truly would serve the law, if you would be more than practitioners, then, it is imperative to learn something beyond what you will discover in your casebooks. It is mandatory that you learn something of man and his society; of philosophy, religion, sociology, science, and those other disciplines by which man's relation to his environment is explained. You must have succeeded in some things to understand men who know success; you must have failed in some things to sympathize with men who fail. In the words of the Bible, "Knowledge is the principal thing. Therefore, get knowledge. But with all thy getting, get understanding."

Thus reverence for the law is a necessary consequence of a greater understanding of our fellow men. We do not have one law for the bright and another for the dull. We have one law for all, but you must learn to apply it fairly to both, in as equal a measure in both cases as you can, with rigor and sympathy at the same time. You are embarked upon a noble career, but I doubt that you will ever make much of it unless you try with all your might to be good men as well as good lawyers.

We shall have Law Day only so long as we concern ourselves with each other, only so long as we give the privilege to speak to those who advise people against us, only so long as we do as Holmes advised—grant freedom to the thought that we hate. I hope you will learn that there is more to the law than the rule itself. The fascination resides behind the rule. The men who probe behind the veil of mere recital of the rule will find there the greater verities of the law. Of such labor, Law Days are made.

In your service to the law, you must dare to be above the average, to assume the inherent risk of excellence, to bear the burden of your aberration from those who, because they will outnumber you, will also do their very best to outweigh you. You must be consoled by something more than the mere hope that they will not do it; then you will, in the end, prevail. Because you are the servants of the law you will be also the masters of this great art.

We shall no longer have Law Day in this country when there is no one to assume that risk of daring to achieve excellence, whatever the obstacles. True, we might have Regulation Day, and Ordinance Day, and Statute Day, but Law Day would be a memory.

George Bernard Shaw once wrote that all progress depended upon the unreasonable man. For, he said, the reasonable man tries to adapt himself to society, while the unreasonable man tries to adapt society to himself.

I, therefore, urge you in your service to the law, to be reasoning men, but unreasonable ones in the sense that you do not concede the day to those who merely claim that they have won, that they are right, that there is but one method and one goal. The world will regret it, and so will you, if you adapt yourself to such a society.

I remind you that George Washington, Alexander Hamilton, Thomas Jefferson, Tom Paine, Patrick Henry, all of them, all of the great and revered fathers of our country, were revolutionaries. By Shaw's definition, they were unreasonable men. They revolted. They ran the risk. They "pledged their lives, their fortunes, and their sacred honor" because they believed there was a higher law above kings which dictated that man should be free. The burden of their success yesterday devolved upon those of my generation; now, it has devolved upon those of you who are younger. Through your service to the law, you will either preserve and improve what we have done, or all our present enterprise will come to nothing.

"Rome shall perish. Write that down in the blood that she has spilled," Cato said. Rome did perish. I am not aware that any nation which wantonly spilled blood did not perish. Therefore, I have hope today that someday we shall no longer be afflicted with those who plunder the world at the expense of defenseless peoples. The victory will not come, as the President said, in the first 100 days, and it will probably not come within my lifetime, and perhaps not in yours, but possibly your children will have peace through the rule of law. I work for that today, and I shall work for it tomorrow. I shall ask you to pledge your lives, your fortunes, and your sacred honor to the same task, and if you do this I can promise you that there is no doubt of our victory.

The late and distinguished jurist, Learned Hand, said that "the spirit of liberty is the spirit that is not too sure that it is right; the spirit of liberty is the spirit which seeks to understand the minds of other men and women; the spirit of liberty is the spirit which weighs their interests alongside its own without bias; the spirit of liberty remembers that not even a sparrow falls to earth unheeded; the spirit of liberty is the spirit of Him who, near 2,000 years ago, taught mankind that lesson it has never learned, but has never quite forgotten, that there may be a kingdom where the least shall be heard and considered side by side with the greatest."

Let us rededicate ourselves to the preservation and protection of our liberty and freedom under our Constitution and laws; let us rekindle the flame of liberty that burned in the hearts of our Founding Fathers.

MISLEADING INFORMATION ABOUT WITHHOLDING FOR THE ELDERLY

Mr. DOUGLAS. Mr. President, when Secretary Dillon was testifying before the Finance Committee on Friday, May 11, 1962, the Senator from Nebraska [Mr. CURTIS] questioned him about how withholding might adversely affect the old people.

There has been much wringing of hands and bleeding of hearts about how the old people would be affected by withholding, but as most of us know, much of this is untrue and unnecessary.

For example, a married couple, both over age 65 and receiving all their income from dividends, would have to receive $6,100 per year before they would be subject to any tax whatsoever, and hence they would be exempt from withholding. Given a return of 4 percent, this couple would have to have investments of $152,000 before they would be subject to any tax and hence to any withholding.

These people are not exactly paupers.

A married couple, both over 65 receiving their entire income from interest, as opposed to dividends, could receive up to $5,333 in interest before they would be subject to any tax. Hence, they, too, would be exempt from withholding. At 4 percent interest, they would need an investment of $133,275 to produce this much income.

They, too, would not exactly be paupers. They would not be subject to withholding, and even if they were, no one could honestly claim that small overwithholding would be harmful to them.

Mr. President, I ask unanimous consent that the transcript from the hearings beginning on page 4064 and continuing through page 4066 be printed in the RECORD at this point in my remarks.

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

TRANSCRIPT OF HEARINGS, SENATE FINANCE COMMITTEE, FRIDAY, MAY 11, 1962, PAGES 4064–4066

Senator CURTIS. Now, it has been argued that since we have wage withholding we should have interest and dividend withholding. Opponents of withholding here on this committee and elsewhere use that as one of their principal arguments that the system of interest and dividend withholding now proposed is quite different from the present wage proposal.

Secretary DILLON. More onerous on those who are withheld on; the wage withholding.

Senator CURTIS. Now, to make the two systems the same, we would require that 20 per cent of all wages and salaries be withheld at the source regardless of the number of personal exemptions which the employee has, unless he owes no tax whatsoever. You would not favor that.

Secretary DILLON. I think the system we have now is very equitable and works very well. I think that the system we are providing for withholding will work equally well.

There will be a moderate amount of overwithholding on a few people, none of which will hurt in the slightest by it, and they will get their refunds back very promptly.

I must say that the propaganda that has been put out that this will hurt old people is totally false. There will be not the slightest hardship for anyone, any old person as a result of this withholding system, and I can prove that with figures.

Senator CURTIS. How can you produce some figures that would take some money away from somebody who doesn't owe it and giving it back doesn't hurt?

Secretary DILLON. Well, I will give you an example, Senator. It is very simple.

If you take an elderly couple, which is what we are talking about, who are receiving interest and dividends, and we will give, well, take the worst situation we can imagine, so that we will try to see if it can have an effect on them, and we come to this: And that is that an elderly couple, which is—an elderly couple which does receive social security, can have as much as $5,377 of income without being taxable; $2,178 of that would be from social security and $3,199 would be from interest and dividends. So the only people who would be affected would be people with an income of more than $3,000, roughly $3,200 from income from interest and dividends.

To get $3,200 from interest and dividends, this aged couple would have to have bank deposits at an average yield of 4 percent of $80,000, so they would not be exactly indigent, and if they were going to have overwithholding they would have to have some more income. Let's assume that they have $1,000 more income. Well, then their bank deposit would be $104,000—$105,000 roughly. In that case, they would have been receiving $4,200 a year in interest and income, and they would be withheld on that and they would be withheld about $210 a quarter of which $160 would be overwithholding, and so, therefore, what they would have to do the first time, the first quarter that that happened, they would have to pay, they would have to forego $160.

Now, thereafter, every quarter thereafter, the refund would come in in time to take care of the overwithholding, so this should be a one-time effect, and all they would have to do would be to take $160 out of their $105,000 of savings, and loan it to the Government and I do not call that a hardship. (Laughter.)

Senator CURTIS. Well, your hypothetical case is very interesting but it does not describe anybody living in Nebraska.

Secretary DILLON. It certainly does, every old individual if there is no way—I would like to see any other example that is different.

Senator CURTIS. There is nobody who gets social security like that.

Secretary DILLON. If you do not get social security the example is even better. I would be delighted to give you that example. They would have to have $150,000 instead of $105,000.

Mr. DOUGLAS. Mr. President, Secretary Dillon showed that the couple in the hypothetical example would be overwithheld only in the amount of $160 on an investment of $105,000.

The idea that they would be harmed is so ludicrous that it brought laughter from those attending that session of the committee hearings.

Let us do away with this wringing of hands about how old people might be harmed by withholding. The bill provides an exemption for those who would have no tax and for quick quarterly refunds for those who would be overwithheld against.

SAFE, SANE, CONSERVATIVE APPROACH TO HEALTH CARE FOR THE AGED

Mr. MCNAMARA. Mr. President, our esteemed colleague, Senator OREN LONG, recently delivered a radio talk to his Hawaiian constituents in which he compared the Kerr-Mills and King-Anderson approaches to the problem of financing health costs of the aged.

He concluded that health care financing through social security is really the safe, sane, and conservative approach which should be advocated by all who profess concern about protecting our fiscal solvency and our American traditions.

His reasoning is so clear and cogent and the historical illustration he presents is so compelling that it should certainly be read by all Members of the Congress and particularly by our Republican colleagues.

I ask unanimous consent that this brief address be set forth at this point in the RECORD.

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

REMARKS OF SENATOR OREN E. LONG, DEMOCRAT, HAWAII, IN REGARD TO MEDICAL CARE FOR THE AGED

This is OREN E. LONG in Washington. I am delighted that my old friend, Frank Fasi, has invited me to say a few words on this radio program, "Hawaii Speaks." As you may know I am a member of the Senate's Special Committee on Aging. I should like to talk about this problem shared by so many of our older people—and ultimately by people who are now younger—the costs of catastropic illness.

Congress must come to grips with this national problem, and it will. I want you to know where I stand and why.

There are two proposed answers to it. One is the Kerr-Mills bill which has already been enacted into law. The other is President Kennedy's proposal for a hospital insurance program operating through our social security mechanism.

I support the President's proposal because I regard it as the safe, sane, conservative, and thoroughly American answer to the problem.

The Kerr-Mills Act, affecting a relatively few people, can serve as a backstop to the President's program. But it has serious shortcomings. Before giving aid, the Kerr-Mills Act requires people to become indigent and dependent. It is financed by the already overburdened local State taxes and out of the General Treasury in Washington. It does not guarantee free choice of doctor or hospital.

Should it ever be called on to solve the national problem of millions of people—and it will if we provide no acceptable alternative—the Kerr-Mills program will almost certainly become the very system of government medicine which our doctors are so rightfully afraid of. I wish they could take off the economic and political blinders their own public relations people have slipped over on them and see the facts. I hope they do soon.

I, myself, favor the safe, sane, and conservative approach to the problem. This approach was endorsed, after careful study, by 30 State Governors in 1960.

And this conservative approach is the Kennedy social security approach.

It does not attempt to solve everything. It is based on the idea that if we can pay the major part of the principal item in our older folk's health bill—the costs of hospitalization only—we will have solved a major problem.

If we can do this, then we believe our voluntary plans will be able to come up with insurance policies to pay the rest of the costs at a price most older people will be able to pay. It will represent a real shot in the arm to insurance companies just as did social security itself when it began nearly 30 years ago.

The administration's proposal will not be a new burden for local tax authorities. It is self-financing in that we will make our contributions to the social security fund while we are young and healthy and earning, to be eligible for benefits later in old age when our earning power is most likely to be small.

It will give the same benefits to all eligibles in every part of the country; as a paid-for right and not as charity, and with the guaranteed freedom to choose one's own doctor and one's own hospital. If anyone—either layman or doctor—tells you that the proposed bill does not permit you to choose your own doctor, challenge him as being either ignorant or dishonest.

Finally, let me say this to those who give out with the cry of "socialism":

If ever there was a proposal based on sound American thinking, this is it.

It is based not on European practice, not on the ideas of Bismarck, or Marx, or Lenin, but on the reasoning of that most conservative of great Americans, the godfather of the Republican Party, Alexander Hamilton.

Does that surprise you? Let me explain. At the very beginning of our Government, Hamilton, always alert to protect the taxpayer, had a problem. It involved young America's sailors. Leaving home on their ships healthy and hearty, many returned ill with scurvy, racked with strange diseases or suffering from injuries.

Inevitably they wound up in the big ports of our young Nation dependent for medical care on the local taxpayers—on local relief—on a kind of Kerr-Mills setup. To Hamilton—a businessman if there ever was one—this made no sense whatsoever. Moreover it set a dangerous precedent for other groups in the population.

"So," Alexander Hamilton said, "why should we not charge these sailors a very small part of their wages when they are healthy and employed to pay for their own care when they are sick and injured?" It made sense to our 100-percent American forebears. The Congress enacted it into law in 1798, thus providing a system of self-financing care for merchant seamen and, at the same time, originating our U.S. Public Health Service.

It was the safe, sane, conservative, intelligent, businesslike approach over 165 years ago.

It remains today, in 1962, the same safe, sane, conservative American answer to a great American problem, and I am glad that many acknowledged conservatives are thinking their way through the American Medical Association propaganda barrages.

Let me give you just two examples:

Congressman HASTINGS KEITH, a Republican Congressman from Massachusetts, whose voting record is even more conservative than that of JOE MARTIN, and who has spent his life in the insurance business, recently announced that he, too, believes the social security mechanism the only proper way of handling this problem.

In the Sunday Times for April 15, Congressman BURR HARRISON, of Virginia, a very conservative southerner and member of the House Ways and Means Committee, was quoted as saying that he had voted for the Kerr-Mills bill with misgivings. Now Congressman HARRISON calls it the most socialistic legislation ever to pass Congress. Congressman HARRISON contends that a self-financed Federal insurance system must be devised to replace the Kerr-Mills Act as an answer to our problem before it becomes—and again I quote—"a bottomless pit for General Treasury funds."

The matter we are discussing is a most momentous one. I urge you to study the real implications of these two proposals, the one financed by State and Federal treasuries, the other self-financing. I urge you to consider the many implications in each of these proposed answers objectively and without recourse to the propaganda broadsides of either contender. If you do, I think you will agree with me that the President's approach is really the sound, reasonable approach. I shall vote for it.

MEDICAL CARE FOR THE AGED THROUGH SOCIAL SECURITY

Mr. MCNAMARA. Mr. President, the Common Council of the City of Detroit recently went on record in strong support of the King-Anderson bill to provide medical care for the elderly through social security.

In a resolution adopted on May 8 and signed by Mayor Cavanagh the common council detailed its reasons for taking this position.

I am pleased to receive this new and important expression of support for medical care through social security from a responsible governmental body that has great familiarity with the problem.

I ask unanimous consent that this resolution by the Common Council of the City of Detroit be placed in the RECORD at this point.

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

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF DETROIT ON HEALTH CARE FOR THE AGED

Whereas there are now more than 17 million people 65 years of age and over in the United States, and there is a net increase of 1,000 retired persons each day; and

Whereas the median income for older couples is $2,530 and for older persons living alone it is $1,050; and

Whereas persons 65 and over average 2½ to 3 times as many days of hospital care per 1,000 in the population as compared to younger persons; and the cost of hospital care has risen from a national average totaling $9.39 per day in 1946 to $32.23 per day in 1960; and the total medical bill for persons over 65 exceeds $500 per stay in the hospital for more than half of those hospitalized; and

Whereas the old-age assistance and Kerr-Mills programs are reaching only a small proportion of those who need such help because of the indignity of the means test and the inhumanity of lien and relatives' responsibility provisions; and

Whereas only about half the people over 65 have any form of voluntary health insurance and such insurance usually pays for less than half the costs of their hospital care: Now, therefore, be it

Resolved, That the Common Council of the City of Detroit strongly supports the immediate passage of the Kennedy administration's King-Anderson bill, H.R. 4222, which would provide prepaid hospital, nursing care, and out-patient diagnostic services for all those now covered by the social security old-age and survivors insurance, and railroad retirement programs; and be it further

Resolved, That copies of this resolution shall be sent to the President of the United States, the Governor of the State of Michigan, Michigan's two Senators, all Members of Michigan's congressional delegation, and to Congressman WILBUR MILLS, chairman of the Ways and Means Committee of the U.S. House of Representatives.

Ed Carey, President, Common Council; Mary V. Beck; James H. Brickley; Edward Connor; William T. Patrick, Jr.; Mel Ravitz; William G. Rogell; Eugene I. Van Antwerp; Anthony J. Wierzcicki; Thos. D. Leadbetter, City Clerk; Chas. N. Williams, City Treasurer; Jerome P. Cavanagh, Mayor.

Adopted May 8, 1962.

TEACHING COMMUNISM IN THE SCHOOLS

Mr. KEATING. Mr. President, as the United States stands today deep in conflict with the totalitarian ideology of Marxism, there is an urgent and growing need for more widespread information and knowledge as to the nature of the Communist menace. "Know your enemy" was a wise Greek saying. We must all know more about our Communist enemy, his long-term goals and his tactical methods for achieving them. We should also know, so that we can clearly understand and refute, the weaknesses in the Communist doctrine and how they can be exploited.

The best place to study Marxism-Leninism as well as the international communism of Stalinism, and present day Khrushchevism is in our schools and colleges. When I first asked the Library of Congress in 1959 to undertake a study as to whether and how communism was being taught in our schools, the response was shocking. Two or three short courses in two States was the extent of scholastic endeavor, below the college level on this vital subject.

Today we have come to realize that this is not enough. A recent study prepared by Mrs. Helen B. Shaffer, of Editorial Research Reports, reveals that many more schools are now offering courses in this or related fields. The problem today is not a lack of interest, but rather a lack of qualified teachers and adequate textbooks.

Mr. President, I commend Mrs. Shaffer's report to the attention of my colleagues and ask unanimous consent for a summary of the report, which appeared in the Rochester Democrat and Chronicle, and an excellent editorial from the same paper, commenting also on the need for more high school training in the whole field of economics, be printed following my remarks in the RECORD.

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

[From the Rochester (N.Y.) Democrat and Chronicle, Apr. 30, 1962]

WORD-AND-PEN ANALYSIS OF A TEACHING PROBLEM—STUDY OF COMMUNISM GAINING PUBLIC ACCEPTANCE

(By Helen B. Shaffer)

WASHINGTON.—During World War II it was considered unpatriotic to teach or study German. A dozen years ago, when the late Senator Joseph R. McCarthy, Republican, of Wisconsin, was making broadside allegations of Communist infiltration and affiliation, study of communism in the public schools was similarly taboo. The tendency then was to identify teaching about communism with advocacy of communism.

Today the public attitude toward matters of this kind is more mature. It is coming to be considered only commonsense to find out what communism is all about. Americans and other peoples of the free world can be expected to combat threats from that quarter with more intelligence and more determination if they know the basic facts about the Communist system and Communist principles and methods. That is why such organizations as the American Legion and the American Bar Association, which formerly opposed instruction about communism in the schools, are now working to promote such instruction.

The demand that the schools give attention to communism is closely linked with a demand for more effective instruction in the values of democracy and capitalism. Standard history courses have been criticized for discussing the cold war too superficially, and other high school courses for not conveying a real understanding of political and economic systems different from those of the United States. At the same time, it is believed that, despite a plethora of citizenship courses public schools have failed to instill in their pupils the thoroughgoing devotion to American institutions that they would need to hold their own against Communist attempts at brainwashing. The defection of some American soldiers captured in Korea is recalled in this connection.

A poll on the extent of instruction in communism in the public schools, taken by the Legislative Reference Service of the Library of Congress in 1959, brought responses from 55 cities. At that time, a half-year course about communism was given in the high schools of two cities, Manchester, N.H., and Wichita, Kans., and 2 or 3 weeks were devoted to the subject as a part of other courses in 22 cities. Most State education laws were silent on the question.

Now, Florida and Virginia laws make full-fledged courses in communism mandatory in their high schools; Louisiana urges all of its high schools to offer 6 weeks of study of "Americanism versus Communism"; and New York State law has been amended specifically to authorize a high school course in communism and its methods and its destructive effects.

Because of the tradition of local control of public schools, not many legislatures are likely to require teaching about communism. State action has taken the form chiefly of recommendation and encouragement from State education authorities. A number of State departments has issued guidance materials for teachers and administrators.

A number of city school systems have developed new courses or expanded existing courses. Boston has one of the oldest of such programs. It started in 1938 with a course in the principles of American democracy. In 1956 a course in civics, including a unit on communism, was made mandatory. Today the unit called "Communism, Enemy of Democracy" gives comprehensive coverage in Boston schools to the political, social, cultural and cold war aspects of communism and compares the beliefs, principles and actions of the United States and the Soviet Union.

There are various handicaps to introducing study of communism in the public schools. Finding time for a new program in already crowded class schedules is itself a problem. In addition, to work out sound instructional programs in what is still a touchy subject involves problems and risks; there have been warnings both against hasty action by committees of teachers—whose interest may exceed their information and against failure to act fast enough to forestall pressure from certain groups with programs of their own that are long on emotionalism but short on facts.

The chief handicap, however, is a lack of teachers trained to teach the subject and of suitable textbooks for teacher guidance and pupil study. Teacher training institutions have given little attention to communism, and very few teachers are adequately prepared to conduct classes in it. In-service training of teachers in the field is now considered an urgent necessity.

Although a wealth of educational material on communism and Communist countries is available, there are said to be virtually no textbooks suitable for classroom use. The particular need is for short textbooks for use in 6 to 10 weeks of continuous study at various grade levels. In the absence of such texts, certain educational pamphlets on the subject put out by congressional committees have been recommended by educators for use in the schools.

ECONOMIC LITERACY, TOOL OF FREEDOM

The Committee for Economic Development recently released a disturbing report on the widespread extent of "economic illiteracy." The Committee for Economic Development goes so far as to warn that a better understanding of how the American economy operates is vital to the survival of our free society.

We share its alarm. As will be noted in the Helen B. Shaffer article, there is growing support for instruction about communism in our schools. We also subscribe to this, having repeatedly stressed that Americans must know everything possible about the threat of communism. But we could never do so if it meant neglecting to teach

young Americans about our capitalistic system whose virtues, as the cartoon suggests, are occasionally copied by the Soviets.

The Committee for Economic Development has found a serious gap in teaching economics in schools and colleges. For example, 90 percent of our youth must rely on the high schools for economics training yet less than a fourth of high school social studies teachers are adequately prepared. Only a fourth of our college graduates take any economics courses. Only 18 States require a course in economics for teacher certification in social science.

In Rochester public high schools, economics, as a separate subject, is not a required course. It is an elective subject in the 11th and 12th grades. It is a required unit in ninth grade social studies. A check with Rochester school officials yesterday revealed that the social studies council, composed of the various high school chairmen of social studies departments, favors more emphasis on economics. We are told some revisions in that direction are likely. This is good news.

It is too bad that economics has been dubbed as a dull subject. This in itself reflects the need for better teaching. For nothing is more vital to the Nation's economic health than an appreciation of the science of the production, distribution, and consumption of goods and services. And there is nothing dull about a system of free economy that has given Americans the highest standard of living in the world. We are all part of that system, in one way or another.

The complexity of our economic affairs, with businesses, labor unions and government getting bigger and bigger, requires sound decision-making. In a democracy all of us must be our own economists, roles in which a large percentage of Americans are pathetically untrained.

PASSING OF GEORGE GRIGSBY

Mr. BARTLETT. Mr. President, the death in Santa Rosa, Calif., last week of George B. Grigsby removed from the Alaska scene one of its most colorful figures.

Lawyer, public official, lover of life, George Grigsby's name was in the forefront in Alaska for decades.

At the time of his death at the age of 88 years, George Grigsby was president of the Anchorage Bar Association. Wendell P. Kay, vice president of the Anchorage Bar Association, was quoted as having said that George Grigsby "for many years was the acknowledged leader of the Alaska bar and the outstanding lawyer in the State. We all are saddened by his passing and plan to hold a memorial service for him."

George Barnes Grigsby was a Delegate in the Congress of the United States from Alaska. The circumstances of his incumbency became so unusual and so unique that they are deserving of special mention.

Born in Sioux Falls in Dakota Territory on December 2, 1874, Mr. Grigsby attended the public schools there and then was a student at the State university at Vermillion and Sioux Falls University. He studied law and was admitted to the bar in 1896 and thereafter commenced practice in Sioux Falls.

During the Spanish-American War he served as lieutenant in the 3d Regiment, U.S. Volunteer Cavalry.

His father was U.S. attorney at Nome, Alaska, during the great days of the gold stampede, and George Grigsby moved there to become an assistant U.S. attorney. He served in that capacity from 1902 to 1908 and was U.S. attorney for the following 2 years. In 1914 Mr. Grigsby was elected mayor of Nome, and in 1916 he became the first elected attorney general of the Territory of Alaska.

After his service in the U.S. House of Representatives he moved to Ketchikan, but for the last 20 or more years had lived in Anchorage.

In 1920 and again in 1924 he was a delegate to the Democratic National Conventions from Alaska.

The first Delegate in Congress from Alaska was Frank H. Waskey, now a resident of Olney, Md. He served from August 14, 1906, to March 3, 1907, and was succeeded by Thomas Cale, whose period of service was from March 4, 1907, to March 3, 1909. Neither Waskey nor Cale was a candidate for reelection. Cale was succeeded by James Wickersham, who had been a Federal judge in Alaska and who was first elected to Congress in 1908.

In the 1916 election Charles A. Sulzer was Wickersham's opponent. Sulzer was declared the winner and was seated in the House of Representatives. Wickersham contested the election and finally the House of Representatives declared Wickersham to have been the victor in the 1916 election. Sulzer had taken office in March 1917 and served only until January 1919, when Wickersham was installed to serve until the expiration of the 65th Congress on March 3, 1919. The House of Representatives decided that Wickersham had won by a margin of 31 votes.

The election held on November 5, 1918, found Sulzer once more opposing Wickersham. Again the election was close. The Alaska Canvassing Board declared Sulzer to have been elected over Wickersham so Sulzer was again sworn in as a Delegate in the House of Representatives from Alaska. This occurred on March 4, 1919. In the meantime, Wickersham had again filed an election contest with the U.S. House of Representatives. Sulzer served only slightly more than a month because he died on April 28, 1919. A special election was held on June 3, 1919, and George Grigsby was elected Delegate. He was seated. Wickersham refused to run in the special election because of his contention that he had been legally elected in the November 1918 election. The House of Representatives for the second time decided in Wickersham's favor, finding that he had been elected over Sulzer in the November 5, 1918, election by a margin of four votes. So George Grigsby left office then and Wickersham served officially as Alaska Delegate for the last 2 days of the 66th Congress.

George Grigsby possessed a first-rate mind. He was an especially able lawyer, and his courtroom appearances have become part of Alaska folklore. Coupled with a really unusual ability, he had wit and understanding. Alaska will miss him. He was of the old breed, one of the legendary figures of an Alaska that is now gone, that lives only in memory and delightful retrospect. I knew him for 40 years or more and count myself fortunate in having had that acquaintance.

George Grigsby was buried last Friday in Golden Gate Cemetery at San Francisco. He is survived by his widow, Patricia, and two brothers and a sister.

WHERE DO WE GO FROM HERE?

Mr. WILEY. Mr. President, over the weekend I was privileged to address the convention of the Junior Chamber of Commerce of Wisconsin.

The convention—attended by outstanding, promising young men—considered and discussed many outstanding challenges confronting Wisconsin and the Nation.

As the senior Senator of Wisconsin, I considered it a real privilege to keynote the convention, touching upon topics of interest, not only to the Jaycee's, but also on legislation pending in the Congress.

I ask unanimous consent to have excerpts from my address printed in the RECORD.

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

WHERE DO WE GO FROM HERE?

(Excerpts from remarks of Senator ALEXANDER WILEY before the junior chamber of commerce convention, May 12, 1962, Milwaukee, Wis.)

I recognize that I am speaking tonight to the young men of industry, commerce, public service, and the professions, and so I want to talk to you about America—of her problems and challenges.

I know you appreciate many sacred obligations have devolved upon this generation. The great trust now descends into your hands.

You, junior chamber of commerce men, were interested in government at all levels. You know that the first great issue confronting this country is that of keeping out of war. You are acquainted with the history of the past and the threats of the present.

For 23 years I have been your servant in Washington. Let me tell you about the changes that have occurred during the time.

When I first came to Washington there were 12 million men out of employment, with a population of 135 million. Now, we have 4 million out of a population of 185 million.

But the world was big in those days. It took me 12 hours to go from Milwaukee to Washington. The other day I covered it in 2 hours and 15 minutes.

Then it took days to cross the Atlantic. Now we can do it in a matter of 3 or 4 hours.

Then we were at peace. Now we are in a cold war.

Those were the days before the atomic or hydrogen bombs; yes, before Hiroshima, where one bomb took 100,000 lives and wounded another 100,000.

Now, we have bombs that can destroy nations. And what is worse, the Kremlin has the bombs also. And with the intercontinental missiles which the Kremlin have, we are only 15 minutes away.

It is indeed a changed world.

There are many other phases that would indicate what has taken place during this period. Just the other day we impacted the moon. A month or so ago John Glenn circled the earth three times. Since that time, too, great changes have occurred in the life of your Senator. He has held the office of chairman of the Foreign Relations Committee and the office of chairman of the

Judiciary Committee. And now, he is ranking Republican on both those committees, as well as the Space Committee. He is the only Wisconsin man that has ever held those offices.

Now, he is—since the death of Senator Bridges—senior Republican in the U.S. Senate.

I note that President Kennedy is in town today, and I realize that his is the spotlight. Nevertheless, I am delighted to have this opportunity to exchange ideas with you young men.

"A WORD

"A word is a lovely thing,
When love on skyward wing
Turns darkness into day.
A word is a vicious thing,
When ignorance takes its fling
And measures not its sway.
A word is a valiant thing,
When courage sparks its wings
And speeds it on its way.
A word is a joyful thing,
When it causes hearts to sing
And the soul to pray."

Yours is the job of the future; to advance world peace and develop the resources of our land and the thinking of our citizens.

Now, I hear someone say, "But, Senator, is there no other question or issue except war or peace?"

My answer is: Yes, there are a good many. But in line of importance, let me say that our second real challenge is to maintain this country free so that it will not be taken over by the Communists.

Is that possible, you say. The answer is "Yes." But not if we fall asleep as we did before Pearl Harbor.

In this age of ferment, there are many opportunities for the missionaries of communism to penetrate. In lands where you have a great segment of "have-nots" and a few people owning all, there, you have an opportunity for penetration by Communist agents.

In other lands that are just coming out, as it were, of the caveman age, there is the second opportunity for communism; then, you have a third class known as the wealthy intellectuals, who are susceptible to the philosophy of the Communists.

So, we have thoughtful men who are asking: Is all that mankind has built over these long centuries coming to an end through a nuclear war?

And another class is asking whether, in this period of confusion, we will fall victim to the Communist putsch.

Let me quote some other questions: Are the skies of freedom darkening hopelessly across the earth? Is mankind prepared to accept complete subserviency to the state as its way of life; sheer materialism as its goal; and self-destruction as its inevitable end?

Can this Nation ride through the storms of these years without political liberty and private enterprise being ultimately brought to their ruin?

In other words, what is the economic answer to communism? We certainly don't want any new political philosophy; and, if possible, we certainly want less Government spending.

But we will have to work harder, and we will have to bring to bear upon our economy the old concept of work and save, and put our fiscal house in order—not by fiscal rabbits to be pulled out of our political hats, but by reducing expenses and doing the following: Rejuvenate our souls with the great national faith: (1) man does not exist for the state; (2) the state exists for man; (3) our political and economic systems exist so that we may build a more abundant life; (4) we believe that individual incentive and initiative must not be destroyed; (5) freedom of enterprise under a government, by and for the people.

We have mentioned how other nations like Poland have lost their freedom. I repeat: It is for you young men to see that "it can't happen here."

Let us go back and see how this country came into being with its Constitution. Nothing like it ever happened before.

Our forefathers looked down through the ages and found nothing; they looked through the books of their time—they found nothing. They didn't want a king, or the church—or both to rule. So they went to their knees and out of it came the concept that we have embodied in our Constitution. Someone said, "You will never know what America is until you have been where America isn't."

The question now is, Where do we go from here? Do we profit from the lessons of the past, or do we fall asleep on the job and let that happen to us which has happened to Poland, Czechoslovakia, and the Baltic States. The record is before us. We are not faced, like other countries are, with a deficiency in food. In fact, we are faced with an oversufficiency of leisure as well as food. Are we lacking in dedication and self-sacrifice? Our crime rate continues to rise, and our Government overhead is skyrocketing.

Is the spirit that built America fading out? The spirit of the pioneers? The spirit of self-help? Of course, what we need is a new birth of freedom—new idealism, new honesty, new integrity, coupled with self-discipline and the hunger in our youth to learn and to work.

As we face the problems confronting this country there is one outstanding that causes us to pause and to do a little praying. It is necessary that we stay out of war. But do the American people see the absolute need for being alert and on their toes? Not like we were back at Pearl Harbor on December 7, 1941. We know now that the citizens of America must not only be awake but they must also be informed; they must know the facts. I do not underestimate the intelligence of the American people. I do question that they have sufficient information of the facts. There is, of course, a great deal of misinformation flying around nowadays. It is found in the papers, and in pamphlets. Often it is only to create hate and suspicion and get the human mind befuddled; so I agree that while the awakened citizens realize the danger that there is, still there is a great deal of moral decay and apathy. We, of course, have to keep healthy and vigorous our military deterrent. We have to make sure that the individual citizen reflects in his action, responsibility.

I hear you say: But, Senator what are the other problems that are confronting us?

Well, there are plenty of them and in many respects, we are not doing so well with them. The record so far shows only three of Kennedy's major bills enacted in the 10-week session and they are the job retraining program, the new powers of pension and welfare funds, and the Du Pont stock bill. In the meanwhile, we are facing the question, What are we going to do about foreign aid? What are we going to do about extending reciprocal trade and what power, if any, should there be to the President to cut tariffs? We know, too, that the medical care for the aged and aid to public schools look very doubtful and then there is, also, the college aid, which is in jeopardy.

While the higher postal rates were passed in the House the same will be modified in the Senate. The farm program which the President has suggested will be greatly modified. The U.N. bonds are facing modification of the President's ideas. It looks now as if the passage of the poll tax and other civil rights legislation hasn't much of a chance. There has been no action to date for liberalization of jobless benefits nor has there been new standby power to raise public works spending.

While we have nearly 6 percent of the labor force in this country jobless and while we have in the last year seen 17,000 small business firms go into bankruptcy and while the farm problem remains unsettled, we are not downhearted. We are going forward with faith to seek improvement in our educational and economic systems. We know that there is coming into being around the Atlantic basin a tremendous new trading area. We know that we must strengthen our alliances with our allies. There is confusion and conflict all over the globe which if permitted to spread might mean a third world war and the obliteration of the races. We will not permit these other challenges that I have mentioned to interfere with our handling the main problems. We know that out of the conflict of ideas, the race has grown strong and balanced decisions have been arrived at. We cannot forget that we are the heirs of the wise minds that wrote the American Constitution. That brings me back to the fundamental thought that it is the exchange of ideas that makes an informed citizen. It is the ideas like love of country, love of one's fellow man that helps clear the atmosphere so one can see his way in an age like the present filled with challenges on every hand. We know that many times in the past when humanity was threatened with tyranny, that righteousness and justice prevailed. We will not permit ourselves to be hypnotically controlled by the propaganda that comes from the Kremlin. Right ideas—the basis of right thinking—provide the cement that will cause the free peoples of earth to find the answer to the arms war of communism.

LEGISLATION BEFORE CONGRESS

Briefly, let's take a look at some of these major challenges.

1. Labor-management-Government negotiations in steel

The most prominent developments in the economic field lately has related to labor-management-Government negotiations on prices and wages in the steel industry.

Although temporarily settled, we must face it: this will probably have far-reaching reverberations in our economy; on future labor-management negotiations; on Government-private enterprise relations.

The country, I believe, in the light of the steel controversy, needs to redefine for itself the role which Government can—and should, or should not—play in nongovernmental areas of activity that may affect the public interest.

2. Medical care for the aged

As you may recall, the Congress in 1960 enacted a Federal-State grant-and-aid program to meet the needs of the aged. As of now, several States have enacted legislation to participate in the program. As yet, Wisconsin has taken no such legislative action.

There are five major medical care bills that must be considered by House Ways and Means Committee. There is no indication at this time just what form of bill the House will finally approve. Of course, since this is a revenue subject area, the Senate must wait upon the House.

Certainly, this subject on meeting the needs of our older citizens in the financing of their medical costs is extremely complex.

3. Taxes

Over the years, there has been a broad range of philosophies about taxes; one of the great, proverbial—though unpopular—"certainties" of life. These extend, in extremes, from the theory of (a) attempting to utilize tax money to "spend ourselves into prosperity"; or, conversely, (b) utilizing the power of taxation "to destroy."

A sane, realistic tax policy, however, lies somewhere between these extremes.

The complex system of U.S. tax laws, unfortunately, has grown—in hodgepodge

fashion—into a long-tentacled revenue collector reaching deep into the pockets of individual and corporate citizens.

Regrettably, tax policy has been based too much upon hand-to-mouth, or perhaps, more accurately, year-to-year expediency. Generally, this has involved levying new laws or just changing statutes now on the books; rarely, are taxes repealed—even though many exist long beyond their intended time. The Nation, then, could well benefit—I believe—from creation of a more realistic tax philosophy designed to serve, preserve, and strengthen our free enterprise system, as well as to meet the long-range needs of the Nation.

Because of these factors, I have introduced a bill—S. 10, now pending before Congress—to overhaul the tax system. The purpose would be to carry out a top-to-bottom reform of our revenue laws. As well, the goal would be to make a study, not only of Federal statutes, but also of the way in which these overlap local and State revenue laws.

Unfortunately, Congress has not yet been willing to undertake such a broad-scope—though much-needed—reevaluation and overhaul system. Consequently, the outlook for the current session is for another "leaking roof" type "patching" of tax law.

The major features of the administration's recommendations, an omnibus set of proposals relating to—

(a) Deductions from tax liability for new investments other than buildings;

(b) Requirements in determining fair deductions for travel, entertainment, and lobbying expenditures;

(c) Treatment of mutual savings banks and savings and loan associations;

(d) Provisions pertaining to foreign-earned incomes; and

(e) Other aspects of the tax system.

As things are shaping up, however, the Senate debates on the House-passed bill promise to be one of the real "rough and tumble" battles of this session. Although it is too early, then, to know exactly what recommendations—in what form—will finally emerge from the Congress, I believe we need to act according to sound, fundamental principles aimed toward—

(a) Equitably meeting the Nation's fiscal needs;

(b) Assuring fair treatment of our citizens under the law; and

(c) Spurring — not stunting — economic growth and progress.

4. Mutual security

The United States—as a leader of the free world—has a fundamental responsibility for—

(a) Preserving and protecting our way of life; and

(b) Attempting to establish and perpetuate a world climate for peace.

Since World War II, our Nation has engaged in realistic efforts to—

(a) Block the efforts of communism to conquer the world; and

(b) Create a climate for world peace.

To help accomplish this objective, our country has dedicated money, material and equipment, technical know-how, and other economic, military, and political assistance to strengthen the free world.

For 1963, the President has urged extension of the mutual security program.

In evaluating the administration's recommendations, the Congress, I believe, must take a long, hard look at the program, including the following factors:

1. Year after year, the American taxpayer has been forking over great sums of money for mutual security programs.

2. The economic status of nations—particularly the industrialized countries of Western Europe—has changed and improved substantially.

3. Communist aggressions, economic, military, and political—change from year to year—requiring shifts of direction and/or emphasis in our anti-Communist programs.

The Congress, then, in my judgment, has responsibility for taking a new look at the program. The objective would be to—

1. Obtain a clear understanding of its objectives (ascertaining that these are absolutely essential for security and peace).

2. Weed out unnecessary activities.

3. Assure that administrators are imbued with a deep sense of stewardship—reflecting the interests of the taxpayers, as well as of security (and not become involved in foreign aid empire building).

4. Eliminate waste, duplication, as well as unnecessary projects.

5. Generally, to assure that a program of this scope and substantial cost is absolutely essential to security and peace.

To best serve U.S. interests, the following factors, I believe, also should be given careful consideration:

1. Encouraging industrially progressing allies to assume a proportionately larger share of the burden of strengthening anti-Communist defenses, as well as underwriting progress in lesser-developed nations. The OECD is a step in this direction.

2. Place a strong emphasis on loans rather than grants.

3. Assert—more so than in the past—U.S. right to know—and evaluate how—the American taxpayers' dollars are utilized in other countries.

4. Undertake a realistic study to determine the long-range impact which foreign-made commodities—produced as a result of U.S. economic assistance—will ultimately have on our domestic economy.

5. Reciprocal trade

Trade—an economic fountainhead of jobs, money, market, and essential commodities for business-industrial-consumer needs—remains a significant, yet controversial consideration in—

1. Creation of national policy; and

2. Conduct of international affairs.

According to the Department of Commerce, U.S. trade in 1961—on the plus side—involved the following factors:

1. An export market for about $20 billion of U.S. production.

2. The creation of over 500,000 jobs.

On the negative side, the inflow of commodities—produced at lower wage or operations costs abroad—often usurps markets of U.S. producers, resulting in slowdowns or stoppages in business activities and loss of jobs.

The world situation, the East-West economic strength, the economic needs of the United States—all of these require that we now take a look at U.S. trade policy.

The emergence of the European Common Market—a new phenomenon in the international trade picture—also must be considered as a major feature of the trade picture.

Earlier this session, the administration recommended to the Congress a series of revisions in trade agreements. Currently, these are still before the Ways and Means Committee in the House of Representatives.

Generally, the economic community is divided on the merits—or demerits—of liberalizing U.S. trade policy.

Those who benefit from freer trade, naturally, want it liberalized.

Those who would be hurt by freer trade, understandably, do not want it liberalized—in fact proposed further limitations on tariffs.

The Congress, then, faces the dual question of (a) which policy will best benefit the country as a whole; and (b) what kind of safeguards should be written into the law to protect domestic industries suffering the impact of imports.

Despite the fact that about only 4 percent of our total production is exported, this amounted to a substantial $20.9 billion last year.

The foreign currencies earned help pay (1) for necessary imports, and (2) for other foreign outlays.

Within the European economic complex, the tariff walls are tumbling down.

As things are progressing, a strong West European economic community may—although, realistically speaking, it will be a competitor of the United States—may also prove to be an even stronger bulwark against the outspread of communism.

For the future, also, markets for the U.S. production plan—already exceeding consumers' needs in many commodities—will be looking more toward the world market. Changes in U.S. trade policy now, then, must consider the long-range, as well as the immediate needs of the economy. Unless this is done, we may well find ourselves outside looking in at the trade circuit that will be further developing among nations—highly industrialized and underdeveloped—in Europe, Africa, Latin America, the Far East—all over the globe.

Recognizing that there must be a two-way flow of trade, congressional objective must be to (a) encourage the expansion of U.S. exports—way beyond the 4 percent of our production now flowing abroad, and (b) to adopt the kind of trade policy that will protect domestic industries and businesses that may be adversely affected by necessary changes in general trade agreements.

6. Optimism, key to economic outlook

Progress in our economy, also, depends to a tremendous degree upon optimism and confidence in our economy by you, Mr. and Mrs. America.

Now, is there a justification for such confidence and optimism? In my judgment—yes—absolutely—yes.

In the past, unfortunately, there have been mistakes—and sometimes ridiculous and irresponsible efforts (both at home and abroad) to categorize our economy as "second rate."

The economic facts of world life, however, demonstrate that this is far from the truth.

Let's cite some examples: First, comparison with Communist progress. Today, the United States—as mentioned—has a GNP rate of about $540 billion annually. According to the best estimates available, this is way ahead of the combined output of all the Communist countries—valued at $350 billion annually. The Red bloc included Albania, Bulgaria, Communist China, Czechoslovakia, East Germany, Hungary, North Korea, North Vietnam, Outer Mongolia, Poland, Rumania, and the U.S.S.R.

Second, what about competition with free-world nations? Again, the United States is way out front. Annually, our production far exceeds—in fact, about doubles—the combined output of the United Kingdom, Germany, France, Canada, and Italy.

For these reasons, then, the American people should, in my judgment, be absolutely out of patience—in fact, irritated with—the economic pessimists who, for whatever motives, downgrade our economic progress and accomplishment. There is absolutely no justification either for political or economic shortsightedness in underselling our country.

From these comparisons, then, it is obvious that we are not in danger of being immediately overtaken either by the Communists or non-Communist nations—although we cannot disregard such competition. The long-range efforts of the economy, then, should be "zeroed in" on such targets as—

1. Providing the goods and services to meet the needs of a growing 185 million population—expanding at the rate of 3 million a year;

2. Creating the jobs necessary for our labor force, growing at 25,000 a week;

3. Strengthening the economy to enable it to bear the burden of an ever-growing Federal budget, including skyrocketing costs for defense amounting to about $50 billion annually; and

4. Promoting economic progress—not just in response to competition from abroad; but, rather, to live up to the great traditions, and particularly the potential of our free economy—the mightiest production system in the history of the world.

"The world today is looking for men who are not for sale;
Men who are honest, sound from center to circumference, true to the heart's core;
Men with consciences as steady as the needle to the pole;
Men who will stand for the right if the heavens totter and the earth reels;
Men who can tell the truth and look the world right in the eye;
Men who neither brag nor run;
Men who neither flag nor flinch;
Men who can have courage without shouting it;
Men in whom the courage of everlasting life runs still, deep, and strong;
Men who know their message and tell it;
Men who know their place and fill it;
Men who know their business and attend to it;
Men who will not lie, shirk, or dodge;
Men who are not too lazy to work, or too proud to be poor;
Men who are willing to eat what they have earned and wear what they have paid for;
Men who are not ashamed to say "No" with emphasis and who are not ashamed to say "I can't afford it."

—JESSE MUSICK.

RUMANIAN INDEPENDENCE DAY

Mr. WILLIAMS of New Jersey. Mr. President, in the course of their long and turbulent national history Rumanians have a long list of national holidays, but May 10 marks perhaps the most significant of their holidays. On that day, in 1877, they proclaimed their independence and rose in revolt against their oppressors the Ottoman Turks. On that day, they began that great battle which culminated, in less than 1 year, in freedom from foreign domination.

Rumanians are among the oldest inhabitants of the Balkan Peninsula, and today, even after the breakup of their homeland by the Soviet Union, they constitute the largest single ethnic element in the whole Balkan region. A brave and patriotic people, endowed with many native and acquired gifts, Rumanians have had the misfortune to be subjected to alien regimes in their homeland during most of their modern history.

In the middle of the 15th century Rumania was conquered by the Ottoman Turks, and for more than 400 years they suffered under the oppressive tyranny of callous Ottoman administrators. In the 19th century when they succeeded in their attempt to secure freedom from the Ottoman sultans, then they came under the danger of Russia's czarist autocracy. Rumanians, however, managed to keep their country free and retain their independence in the course of many wars. At the end of the First World War they even regained some of their lost provinces. But the last war proved a terrible tragedy to them. Since 1945 Rumanians have been suffering under the Moscow-imposed Communist totalitarian tyranny in their homeland.

It is tragic that such a gifted and brave people, who have sacrificed so much for the attainment and enjoyment of freedom, are not even allowed to celebrate their great national holiday, the birth of their independence, in their homeland. But we in the free world are glad to do this in the hope of keeping up the spirit of freedom among unfree people in Rumania.

A MAN WHO HONORED FREEDOM

Mr. MUNDT. Mr. President, a magnificent editorial tribute has been brought to my attention concerning the passing of a very great journalist, Mr. Forrest Davis. The editorial appeared in the Cincinnati Enquirer of May 5, 1962. I ask unanimous consent to have the editorial printed in the RECORD.

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

A MAN WHO HONORED FREEDOM

It is invariably a painful task for a newspaper to chronicle the death of one of its own. But for us at the Enquirer, reporting the loss of Forrest Davis is a particularly unhappy responsibility.

For Mr. Davis was more than an associate, more than an editorial writer, more than a columnist. He was an institution. He possessed none of the qualities that characterize the typical "newspaperman." He had, instead, the courtliness of an ambassador, the gallantry of a 19th century gentleman, the breadth of vision of a world statesman and yet the warmth and compassion of an old and trusted friend.

Dr. Davis' Washington columns, which appeared on this page three times weekly, were a far cry from the dispatches that normally emanate from the Nation's Capital. They were couched in an elegance that has regrettably vanished from American journalism. Almost without exception, they reflected the long, detached view. Forrest Davis wrote almost as though he were looking back on our times from some point distant in both time and space. He was a man of strong convictions, to be sure. But there was nothing of personal animus in what he wrote; there was rather an undeviating dedication to principle.

And the highest of principles in Mr. Davis' standard of values involved the preservation of freedom.

The term "dignity of the individual" has become something of a cliche in today's political vocabulary. Yet to Mr. Davis the term was real and alive. To him, the story of humankind has been the story of man's struggle to preserve his personal integrity from the encroachments of outside forces—tyrannies, dictatorships, paternalistic governments.

Forrest Davis was a man who honored freedom. This was the theme that colored every word he wrote. This was the cause to which he dedicated his extraordinary talents. This was the mission that consumed his life.

NATIONAL FORESTRY RESEARCH PROGRAM

DEDICATION OF SOUTHERN HARDWOOD LABORATORY, STONEVILLE, MISS.

Mr. BYRD of West Virginia. Mr. President, once again I rise to commend the distinguished Senator from Mississippi [Mr. STENNIS] for his vision, foresight, and tireless efforts on behalf of our national forestry research program. He has been a pioneer in the field of forestry research and is its champion in the Senate. He has provided vigorous leadership in the fight to develop and preserve our valuable forestry resources not only for our needs of today, but for the benefit of generations to come. The entire Nation owes him a debt of gratitude.

On Saturday, April 28, 1962, Senator STENNIS delivered the dedicatory address on the occasion of the opening of the new Southern Hardwood Laboratory at Stoneville, Miss. The occasion marked another milestone on the road toward providing for the Nation more bountiful and profitable forest products.

Mr. President, I ask unanimous consent that this excellent address of Senator STENNIS be printed in the RECORD at this point.

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

WHERE THERE IS VISION

(Remarks of U.S. Senator JOHN STENNIS, of Mississippi, dedication of Southern Hardwood Laboratory, Stoneville, Miss., Saturday, April 28, 1962)

With great pride we meet today in Stoneville to dedicate the new Southern Hardwood Laboratory, a landmark and symbol of constructive research development. The completion of this facility marks a milestone on the road to more bountiful and profitable forest production.

We are in the heart of the southern hardwood region extending from the Roanoke River to the plains of Texas. Nature has endowed us with wonderful southern hardwood forests, unsurpassed anywhere in the Nation. Since 1915, we have produced 40 to 50 percent of our Nation's hardwood lumber.

Our valleys and richer uplands of the South contain over 40 million acres of hardwood forests whose high potentialities for growing timber are just beginning to be recognized.

The psalmist of old said, "Where there is no vision, the people perish."

Conversely, where there is vision, the people prosper; they become strong, happy and free.

Certainly, men of vision are responsible for this fine facility we dedicate today.

The story behind this laboratory, the finest of its kind in the world, is a remarkable one, a story which illustrates what dedicated people of vision can do when they work together.

Research was begun at Stoneville in 1939 by the Southern Forest Experiment Station. It has grown from a one-man project with the original assignment of studying management of bottom-land hardwoods native to the Mississippi River Delta, to this fine up-to-the-minute facility with 10 scientists and 10 technical and clerical assistants who conduct research applicable to the management of 45 million acres of southern river and stream bottom lands, swamps and rich upland forest sites.

Back in the days of pioneer research here at Stoneville, means were meager.

Little was known of many of the problems of growing better hardwoods, to say nothing of solutions to those problems. The first scientists here had limited funds and little equipment. Yet, the Forest Service and those men persisted in their hard work and dedication.

And, soon other highly important and essential ingredients were added. The program was blessed with the interest and support not only of the Mississippi Agricultural Experiment Station, but that of the delta council, the forest products industry, the Mississippi Forestry Association, as well as other organizations and individuals.

The program managed not merely to "hang on," but to grow and flourish.

I shall mention a few who helped write this remarkable record.

The program has had the long and faithful support of the Mississippi Agricultural Experiment Station, Dr. William L. Giles, vice president, of Mississippi State University, was superintendent of the delta branch during many difficult years of forestry research here. His efforts contributed greatly.

The delta council, through its forestry committee, has actively and vigorously aided and encouraged the program, and has played an important part by its sponsorship of forestry demonstrations, meetings and training aimed at putting research to use. As executive vice president of the council, B. F. Smith deserves special recognition for his faithful efforts and leadership in this program.

Many other individuals have contributed. Among them, James E. Hand, Jr., Bill Yandell, and Purvis Taylor who is no longer with us. John W. Squires and Peter F. Watzek have been active in leading steering committees and advisory groups benefiting the work. William E. Ayres and Homer C. McNamara, both now deceased, took a farsighted and active part in getting the delta experimental forest set aside and established as a field research and demonstration area. Monty Payne, Sid McKnight, John Putnam, and many others have labored long and faithfully here.

In 1954, 41 industries and landowners formed the southern hardwood forest research group. Since that time, 53 firms have participated in contributing well over $100,000 in cash and more than twice this amount in the form of direct assistance to hardwood forest management research at Stoneville.

Wholehearted cooperation and the pooling of effort are the story behind this new laboratory we dedicate today—the cooperative efforts of university scientists, industry, landowners, businessmen, agricultural organizations, and the Federal Government. Cooperative, constructive efforts are always essential for successful achievement.

Likewise, this new building itself represents the cooperative approach. The Federal Government has provided the basic funds for construction. The State of Mississippi has provided the land. Friends in industry have donated the valuable southern hardwoods featured throughout the building; they are a constant reminder of the beauty and utility of southern hardwoods.

Vital research at this laboratory will continue to be closely associated with Mississippi State University. With its school of forestry and other major scientific activities, Mississippi State University is looking to the future with vision and enlarging its field of achievements.

The Mississippi Forestry Commission and Jack Holman, State forester, will continue to cooperate

Research here at Stoneville is already paying rich dividends although time does not permit mentioning every contribution made by the scientists who have worked here. They have provided essential knowledge in the basic principles of hardwood forest management, and a book on this subject has recently been published.

Pioneer research has been done here in the cultural techniques for producing cottonwood, the fastest growing tree in America. In only 8 years we have produced one cottonwood selection, appropriately named "Catfish," which has grown as much as 15 feet in height and 2 inches in diameter in the first year. Improved planting techniques for cottonwood are now being applied widely. One company is planting a 15,000 acre block using newly developed methods.

Discovery of new insecticides and disease control methods, along with improved log-grading standards and methods for integrating timber management with more favorable wildfowl habitat—these are just a few of the fruits of important research which will continue here in the new laboratory.

For instance, one insect alone, the oak carpenter worm, is credited with costing the southern hardwood growers $70 million annually in destruction of fine oak veneer and lumber while it is still in the standing tree. Research at Stoneville will seek to develop a control program for this and other destructive insects.

We live in the scientific age—a time of scientific advances, methods, systems. The man who does not adjust to new methods and new systems is quickly left behind.

This is true, especially, in all phases of the forest industry. There are new and better methods of growing and caring for our timber, and protecting it from destructive insects and diseases, and for sustained maximum yields. There are new and more effective methods of land utilization. We can find new and stronger species of trees.

And there is a growing need for creating new uses for all of our timber products. The search for new uses demands the greatest emphasis. Lack of marketing knowledge is hurting the entire timber industry. We need to know what the market wants, and then produce what it wants.

The individual grower also needs increased knowledge of his products and how to market them.

The landowner, the grower, the processor, the finisher, the dealer—all will benefit from knowledge gained through research in the essential problems. These are the reasons I have actively championed, sponsored and supported forestry research over the years.

I am confident the dedicated men who work in this new laboratory, now and hereafter, will provide even better methods, better products and more uses for these products, thus enriching our own area and the entire Nation.

And now a word about our future.

Today's world is a changing world. In fact, we live in the most dynamic period in the entire history of civilization. Economic and political upheaval throughout the world have brought one crisis after another. The world today is a complex of conflicting forces, ideologies and political systems. Our leaders have not succeeded in charting the pathway to a permanent and lasting world peace.

Although we are beset with uncertainty, some things are certain.

First, we must remain strong.

A nation is only as strong as its most basic resources—the people and the land. Those resources which come from the earth, and the knowledge and skill with which a people protect and develop them, can make a nation strong.

America has been blessed with an abundance of those natural resources which we can improve and reproduce. Even though we have great resources, the times make greater and greater demands.

Thus, one overriding benefit from our forests, our most important reproducible resource, is the impact they have on national security and the living standards of our people.

We are now the leading and most powerful Nation in the world. But the problems facing us today are of greater magnitude than those which any major nation has ever faced during all of recorded history.

In recent years, a strong and ruthless world power, a nation with vast resources of its own, has challenged us with her military might. But we have called the hand of Russia and the Soviets.

We have built and we maintain a mighty military machine of our own, one of unquestioned superiority, and because of our world leadership, we must maintain a strong military power for years to come.

Further, as I have said on the Senate floor, we must follow a harder course and a firmer line than we have ever followed before. We must be firm and resolute. I have strongly advocated a sterner and firmer line on many policies, including the question of aid to Yugoslavia, and in our relations with Russia, Cuba, and the Caribbean area, including the Dominican Republic. There is evidence that our policy is firming up. I think the word is getting around in world affairs. At all events, I shall continue to be among those actively urging this course.

Not only must America remain militarily strong, we must continue to be highly productive. We must produce not only the weapons for defense, but also the consumer goods, the industrial and the farm products, and provide the communication and transportation facilities all so essential to a wholesome, growing nation.

Further, we must also maintain a prosperous economy to provide the jobs to keep our growing population gainfully employed.

Moreover, both industry and agriculture must be allowed to reap a reasonable profit to keep the total economy vigorous, healthy and strong. Too profits must be earned to provide the necessary taxes to pay for the military and other expenditures necessary.

At the present rate of increase, by the year A.D. 2000—only 38 years away—our population is expected to more than double, and to total more than 400 million.

Think of the new opportunities for individuals, for industry, and for the nation as a whole, with that vast population.

But, with these opportunities will come even graver responsibilities. There will be the problem of making our form of government effective in a nation of over 400 million people. Never in recorded history has a nation with such a vast population been able to maintain a representative form of government with its officials elected by the people.

And we will be faced, with questions of sufficient food, fiber, water, essential raw materials of every kind.

Our forests and forest products supply many of the jobs for agriculture and industry.

Very definitely, what we accomplish here at Stoneville will have a stake in the future of America, our place in the world and our chosen way of life, as well as in the security of our Nation.

Let us look to the encouraging side of our ledger.

We have in the South about 40 percent of the total commercial timberland of the Nation—nearly 200 million acres out of less than half a billion. Foresters estimate that half of the Nation's future timber needs must come from the South.

We can be enthusiastic about what the future holds through the new laboratory we dedicate today. This team of scientists and other staff members have the dedication, the training and the capacity for even greater achievements in pushing our reservoir of knowledge well beyond our present limited horizons, and in keeping our Nation rich in forest resources.

As we move forward in the decades ahead, let us move together in a rededication to the idea that the pinnacle of service in a material way is a life devoted to constructive conservation of natural resources which sustain the human race.

Achievements in this field are even greater and richer when they pertain to growth of reproducible resources, including increased

growing capacity and their more extensive use. For our own area of the Nation, the perfect field of such activity is the growing tree with its many and varied uses and services to mankind.

Such achievements do not confine us to material things alone because in them we enter the spiritual realm and serve God as we serve man.

POLICE WEEK

Mr. SCOTT. Mr. President, the week of May 13 to 19 has been designated as Police Week by Senate Joint Resolution 65 which was signed by the President last June 21.

We sometimes forget that without the devotion of law enforcement officers at all levels of government, society as we know it today would be in jeopardy from the lawless and the careless. We need only look to some other parts of the world to see how, in the absense of law-enforcement officials, the underworld takes over and living becomes possible only under the law of the jungle. Let us not forget either that enforcement in our land is done under the law and we are forever on guard against unbridled police powers which can easily turn a society into a police state.

I would like to pay my respects especially to the peace officers who were disabled in the line of duty and to the families of those who died to uphold the laws of our land. We should be grateful for them not only this week, which has been dedicated in their honor, but every day of the week when we walk down the streets of our communities, confident that our law officers are on the job.

It is especially gratifying for me to note that Police Week was stimulated by the efforts of Mr. Charles Sussman, of 2221 South Seventh Street, Philadelphia, who helped to organize the National Peace Officers Memorial Day Association

FORTY-THIRD ANNIVERSARY OF AMERICAN LEGION

Mr. LONG of Missouri. Mr. President, the American Legion, founded at the St. Louis caucus held May 8 to 10, 1919, celebrated its 43d anniversary in St. Louis last weekend. It was particularly fitting that this celebration took place in St. Louis, not only because that is where the idea born in the minds of the men of the first American Expeditionary Force in Paris earlier that year was first formed into this great and dedicated service organization, but moreover because American Legion National Commander Charles L. Bacon is a Missourian and the first candidate for that office who has come from my State.

Commander Bacon, an outstanding Kansas City attorney and dedicated Legionnaire, has an impressive background and is an outstanding American.

Last Saturday, in his address to the Society of American Legion Founders assembled in St. Louis, Commander Bacon gave what I believe to be, a clear statement of purpose of the American Legion, past, present, and what is even more important—for the future.

Present at this occasion, I personally found his message a great inspiration to Americanism in the complex and ever-changing world of today. So that it will have as wide circulation as possible, and so that it will be available for the reading of all my colleagues, I ask unanimous consent that National Commander Bacon's address now be printed in the RECORD.

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

[From National Public Relations Division, the American Legion, Indianapolis, Ind.]

AN ADDRESS BY CHARLES L. BACON, NATIONAL COMMANDER, THE AMERICAN LEGION, ST. LOUIS, MO., MAY 12, 1962

No greater thrill can come to a national commander than that of appearing before the Society of American Legion Founders.

One cannot help but feel that here he stands in the presence of greatness. It was from the hearts and minds of the men whom we honor this day that there sprang the greatest service organization this world has ever known.

This occasion holds a special significance for me because this group of men, this organization which has a portion of its roots so firmly implanted in St. Louis, and this State which was selected as the site of the second great caucus of the American Legion, all are so dear to my heart. In more ways than one I am really home today. I feel at home with you gentlemen. I am at home with the American Legion, and I am home in Missouri.

In St. Louis 43 years ago the lusty infant American Legion was placed in orbit, and was given direction that has served it in good stead from that day to this.

We of Missouri take particular pride in the fact that our fellow statesman Bennett Champ Clark played such an important role in the formative days of the American Legion.

I realize I take a calculated risk in mentioning the name of any single individual from among a gathering that included so many great men who made an indelible mark not only upon the life of the American Legion, but upon the life of America. To call the roll of honor would be a heroic undertaking.

As we pause to pay tribute to our founders the only testimony we need concerning the vision and foresight of that dedicated group is the fact that their plans and their philosophies have withstood all the rigorous tests of time. Through the years their dreams were brought to fruition because of their tireless efforts in carrying out the work of the American Legion—the work that they planned for themselves.

The causes for which we were founded, service to God and country, represent a never-ending task, and each day presents new and challenging problems which demand the very best that every citizen has to give.

The question is asked: "How long will there be a need for the American Legion?" Let me tell you that as long as there is a need to remind the American people of the ancient values upon which our form of government, our social structure, indeed our whole way of life is founded; as long as there are veterans of America's wars, or widows and orphans of veterans who are in need of assistance; as long as the security of our Nation needs strengthening to deter the threat of aggression or to repel it should it occur; as long as the youth of the Nation can be served by the programs that we provide; as long as these needs exist there will be a need for the American Legion.

We know that America today faces the most persistent and potentially the most deadly force that ever has sought to block her destiny. The forces arrayed against freedom have identified themselves in no unmistakable terms. They are resourceful, determined, and dedicated to our destruction. They are the forces of atheistic communism.

We live in a world of uncertainties. Uncertainties create fear. Fears breed an insistence upon security and the status quo. This can lead in turn to stagnation, and stagnation is the first step in the process of decay.

Let us understand that mere security and survival is not what we seek. Our goal can be nothing less than complete defeat of the Communist conspiracy to rule the world.

The leaders of the Axis Powers launched World War II in the belief that their intended victims were too weak or too complacent to stop them. The leaders of world communism must not be permitted to make the same mistake.

Khrushchev tells us that we have a choice between suicide and surrender. Khrushchev must know—must be made to know—that we will not surrender and we will not choose suicide; that if he forces such a choice, he and his empire will not survive and neither his grandchildren nor ours will grow up under communism.

These are not idle words. I have traveled this land from corner to corner in the past year and I am convinced that this is the spirit of the American people.

We are warned that in the nuclear age there is no alternative to peace. I speak for men and women who have known war and cannot forget its horror, and we believe there are several alternatives to the prisoner's peace the Kremlin offers. One is war—how we abhor it, even nuclear war—but we would prefer that to the slow death of communism. Another is victory over communism without war, and this I believe we can achieve provided we keep our nerve, sustain our patience and commit all our resources to the effort.

Some tend to think of the cold war in terms of a global spectacular in which only a few heads of state have parts—that it is but a prelude to a hot war. What is really involved is the spiritual and physical fitness of the American people—our character, our stamina, our faith in God, our ability to stand up under pressure. Let me suggest that this conflict involves a direct and personal challenge to every citizen of the United States, and our individual response will have a direct bearing on the outcome.

In an earlier time of crisis in our land, a citizen named Tom Paine observed: "Those who expect to reap the blessings of liberty must, like men, undergo the fatigue of supporting it."

Fatigue in the cold war can take many forms. It can make us question whether the race is worth the prize. It can tempt us to look for an easy and cheap way out of problems which are not easily or cheaply solved. It can render us vulnerable to the frustrations and disappointments which are inevitable as we seek to give expression to the ideals and to perfect the institutions we cherish as Americans.

The Communists are gambling that our free society will not be able to withstand sustained pressures, that our belief in the dignity of the individual, our tolerance of dissent, and our reliance upon divine guidance will render us unfit for the long pull. My friends, this is precisely where our advantage lies. These are resources which atheistic, totalitarian communism cannot possibly match. It remains for the American people, individually and as a nation, to mobilize and employ them to the fullest possible extent in a concerted, purposeful drive to realize our destiny.

I am convinced that the wave of the future belongs to those who seek to ennoble the spirit of man and not to those who would degrade and enslave it. It is we, not the Communists, who have the irresistible cause.

Now, more than ever before, it is important that all Americans take an informed and reasoned approach to the public issues of the day. We must make every effort to ascertain facts before making judgments. We serve our country well when we avoid the temptation to sound off on matters about which we are not sufficiently informed. While participating fully in the democratic process of discussion and debate, let us each be certain that our participation is reasonable and responsible.

We have both need and room in this country for a wide range of individual opinion and preference. We need no commissar to tell us where the national interest lies. We can have disagreement without disunity, reservations without recriminations, objectivity without indifference.

The task at hand as we see it is not to accommodate Russia or world court opinions. It is to do those things which our minds and hearts tell us will keep America free and her liberties intact, and which will help her rise to her full potential as a leader of the freedom forces of the world.

We are in this fight for the duration, however long that may be. We are in it not to make a good showing, but to win.

It is, I think, not wrong for us to conclude that the American Legion has contributed measurably to the good of America during its first 43 years of life. And having said that, we must immediately say also that all which has gone before can be only a prelude to that which we must now do. No one, and certainly no organization such as this one, is entitled to assume that the sum total of its contribution to America already has been made. On the contrary, our task is far from complete.

Freedom does not perpetuate itself. Each generation must make its own contribution to the preservation of its freedom.

As citizens of this great land, and as American Legionnaires, through the years immediately ahead, we must do a number of things: we must stand always for peace, but not peace at any price; for preparedness as opposed to unilateral disarmament; for the American way of life as opposed to foreign ideologies; for law and order as against unbridled violence; yes, and for religion in its broadest sense.

Let us then set our hand to do these things; with pride in the past and with determination and hope for the present and with confidence in the future. Let us so order our efforts that it shall be said of us when we become a part of history that this was an organization which did indeed devote itself to service for God and country.

In the words of Dr. Frank Barnett, we must make certain that no epitaph on the tombstone of a dead America will ever read: "Here lies a nation which died at the peak of its power with its power unused."

This is the American Legion's call to greatness 43 years after the caucus in St. Louis, Mo.

NEW SUGAR PROGRAM WILL HELP COLORADO

Mr. CARROLL. Mr. President, it is my hope that any hour now the administration will announce that it is sending the Congress new sugar legislation.

I think the principal negotiators on a new sugar program have just about arrived at complete agreement. I expect that this agreement will give the domestic industry a share of the total quota, a fraction of a percentage point under 60 percent, and it will also give the domestic sugar industry about 63 percent of the growth in consumptive demand over the overall quota of 9.7 million tons.

Negotiations on a new, 5-year sugar program have been going on, literally day after day, for months.

Representatives of the sugar beet industry in my own State of Colorado have been in Washington a good part of this year, helping to hammer out an equitable program that would improve the position of the beet farmer, protect the consumer from price increases and at the same time take a step toward greater U.S. self-sufficiency in sugar production.

I believe that the sugar program which will be announced any day now, will do all those things.

It is my expectation that the growers, processors, and the administration will agree that in the new quotas the domestic cane and beet growers are entitled to a substantial increase over their previous 53.5 percent share of the U.S. consumption quota. In Colorado an increase is needed to build up inventories cut by heavy losses last year from early frosts.

An increase to almost 60 percent of the new U.S. consumption quota will, I think, be received as good news by our Colorado beetgrowers. This would be an increase of over 6 points and a percentage increase of over 11 percent.

OVERALL QUOTA 9.7 MILLION TONS

Last month the Secretary of Agriculture determined that there was a tightening supply situation in sugar. He raised the 1962 estimate of U.S. sugar needs to 9.7 million tons.

Out of this overall U.S. sugar consumption quota of 9.7 million tons I expect that the domestic sugar industry will, under the new program, supply about 5,790,900 tons. Out of this I expect that the beet sugar growers will be allotted over 2.6 million tons.

In the area of market growth, if the new agreement allocates 63 percent of new annual growth to the domestic industry, this should amount to about 94,500 tons of cane and beet sugar per year, of which about 70,875 tons per year will probably be allocated to the beet industry, the balance to domestic cane.

All things considered, the agreement, which I hope will soon evolve into a new sugar law, looks good for the domestic sugarbeet industry.

The increase in the domestic producers' share of the total quota is several points above the figure originally proposed by the administration early this year, which means that beetgrowers gained an additional 50,000 tons in the bargaining of the past few weeks. I think the bargainers for the beet industry did well.

COLORADO SUGAR INDUSTRY

The new program will mean much to Colorado.

Colorado is the second largest sugarbeet-producing State in the United States.

Sugarbeets produce $70 million in annual income in Colorado: $43 million to farmers and $27 million to labor in processing plants.

We have more farms producing sugarbeets in Colorado than any other State in the Union: 4,285 farms.

The three sugar-processing companies in Colorado are Great Western, Holly, and American Crystal. When Secretary Freeman last September assigned sales quotas to beet processors these three companies received allotments of 26.7 million hundredweight out of a national total of 48.7 million. This is over half of the total allotment.

Colorado has a large economic stake in sound sugar legislation that permits reasonable and orderly growth of the domestic industry.

I think the new program fits the needs of the Colorado growers and processors.

WESTERN SLOPE NEEDS

The new program should provide an economic lift to several areas in Colorado: the Arkansas Valley, northeastern Colorado, and the western slope.

However, it is in the area of the Delta sugar plant where the most help is needed in Colorado, and I think the new sugar law will bolster the efforts there to stabilize the farm economy.

Farmers near the Delta plant have agreed to plant 8,000 acres of beets in 1962 and add 1,000 acres per year until they have 12,000 acres under production by 1966. In 1961 only 6,900 acres of beets had been harvested.

The farmers and businessmen on the western slope have shown their faith in the sugar program by pledging money and acreage to keep the Delta processing plant alive.

This new sugar program we are about to see unveiled will give the domestic beet growers sufficient allotments so that new beet acreage on the western slope can be made economically sound.

I ask unanimous consent that at this point in the RECORD there appear an article from the Grand Junction Sentinel of January 30, 1962, which describes the remarkable achievement of western slope leaders in saving the beet sugar industry in that area, and shows dramatically why this new sugar program is needed to provide opportunities for domestic sugar beet areas to increase production.

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

SLOPE EFFORT SAVES SUGARBEET INDUSTRY

The western slope sugarbeet industry took a forced look at extinction in the fall of 1961 when Holly Sugar Corp. sized up the last of several years of mediocre beet production and said it would not reopen its Delta plant in 1962.

This meant the loss of more than $2 million annually in product and labor income to Delta, Mesa, and Montrose Counties. So with the horse as good as stolen, the industry set out to lock the barn.

Holly was queried on what it would take to keep the Delta plant in operation. The company answered that it couldn't consider staying on the western slope unless it got a cash loan of $200,000 and pledges of 8,000 acres of beets in 1962, increasing a thousand acres a year to 12,000 in 1966. A deadline of January 1 was set for these requirements.

In 1961 only 6,900 acres of beets were harvested. In 1962, it would have to be 8,000 acres or none at all. And $200,000 would have to be raised or the acreage would mean nothing.

Early in December growers and businessmen in the three counties started soliciting land and money. The effort moved slowly, and a time extension had to be granted by Holly. By mid-January, the $200,000 was in a trust fund ready to be turned over to the

sugar company, and the 8,000-acre quota was topped by more than 1,000 acres.

A guarantee that no penalty would come to investors in the event of Government limits on beet acreage was written into the agreement.

And while the campaign was in full swing, the U.S. Department of Agriculture announced there would be no controls on beet acreage in 1962. This removed a fear of many growers about meeting the acreage requirements.

Investors in the Holly loan fund will get their money back in $40,000 annual payments over the 5 years, with 5 percent interest.

In addition to keeping the sugar beet business, the Holly agreement served to expand the industry by bringing acreage pledges from 130 new growers.

As these new growers become familiar with beets, the industry can expect vast growth—probably double the present level—in the next few years, observers feel.

AMERICAN TRAVELERS ABROAD HAVE A DIPLOMATIC MISSION

Mr. PELL. Mr. President, recently, Newsweek magazine, as a part of its public service series, published a message calling attention to the fact that 8 million American businessmen, servicemen, tourists, and students travel abroad each year. The impressions which these 8 million Americans make in foreign lands affect very directly our national reputation.

This is a message which performs a genuine public service. Recently, I have been pleased to note that as a part of their regular adult education programs, some school systems have been offering orientation courses for those who plan to travel abroad. This activity should certainly be encouraged.

I ask unanimous consent that the public service message entitled "You Now Have an Urgent Diplomatic Mission," which appeared in the April 3, 1962, issue of Newsweek, be printed in the RECORD.

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

YOU NOW HAVE AN URGENT DIPLOMATIC MISSION

No matter where you travel you can't get out of it: Hong Kong, Mexico, Kenya, Paris, Toronto, Melbourne, Rio.

That's just the place we're talking about.

Ben Franklin was a fine Ambassador. And didn't Jackie get a lot of applause, too? But you're 8 million strong. Businessman, serviceman, tourist, student. Camera around your neck, guidebook in your hand. America written all over you, and the whole world watching.

WINDFALL TO BANKS BY REASON OF WITHHOLDING TAX ON DIVIDENDS AND INTEREST

Mr. PELL. Mr. President, I rise today to speak on an unpopular subject, the withholding tax. But, I speak on it because so much misapprehension and distortion of it has been spread about it.

This proposal hurts hardest one broad category of people—those who are unlawfully, either willfully or accidentally, holding out from the U.S. Government better than $800 million a year in taxes which are due on their income from dividends and interest. It is particularly unfortunate that there should be such a large amount due the Government that is not presently being paid.

Moreover, only 11 percent of the dividends and 29 percent of the interest that is not now being reported is now going to people with annual incomes under $5,000. So, it is obvious that most of this money that is owed our Government is received by people with income over $5,000.

From the viewpoint of actual arithmetic, the amount of money that will be recovered by this particular program is estimated to be at least $613 million.

It is often said that it will cost too much to make it practical. This is completely incorrect. The specific cost to the Federal Government would be $18 million or 3 percent of the amount collected. And for those who say it is expensive, let us bear in mind the estimate of the Franklin Savings Bank of Long Island, which estimated it would cost the bank seven-tenths of 1 percent of the amount withheld the first year and three-tenths of 1 percent thereafter. This would mean a total cost of 70 cents per $100 the first year, and 30 cents per $100 per each succeeding year thereafter. But, the fact should also be borne in mind that the banks and financial institutions hold the payments that are due until they have to be paid over to the Federal Government. In fact, a very good argument can be made that the financial institutions will have a minor windfall; since they will have had the use of the money for that period of time. Specifically, from assuming that the average interest rate is 4 percent and the financial institutions retained it until the last possible day, it can be seen that on an averaging out basis, they will have benefited by 2 percent of the amount withheld. Subtracting the 0.3 percent that it would cost to withhold, we can see that the banks and financial institutions would have made a profit of 1.7 percent on all money withheld.

It has been said that this invokes a hardship on the old, the young, and those whose income is such that they do not have to pay an income tax. This is equally incorrect. All that anybody has to do who falls in any of these categories is to file a certificate stating that fact and they will be exempt. Moreover, under Secretary Dillon's recent proposal, this request would only have to be filed once and would remain in effect until actually changed by the person concerned.

Actually, wage earners have had withholding taxes since 1942. It has proven a popular, effective, and sensible way of collecting the taxes due the Government. Under the proposed legislation, dividend and interest recipients are treated a great deal more kindly than are wage earners, since wage earners can only apply for a refund on an annual basis, while dividend and interest recipients may do so on a quarterly basis.

It has been stated that tax exempt institutions, such as libraries, charities, and so forth, will suffer. Originally they would have been inconvenienced because they might have had to wait as long as 3 months to receive refunds. However, under Secretary Dillon's proposal, they too would, upon application, remain exempt in the same way as individuals.

The reason for all the hubbub is simple. Too many people are misinformed or are making anguished cries because they have not paid the taxes they should.

To my mind, although inconvenient, this is a sound and good proposal. I wish it were unnecessary. I wish that our fellow countrymen paid their taxes as punctiliously as you and I do. Unfortunately, that is not the case. Accordingly, I intend to support this legislation.

IMPORTS OF CERTAIN AGRICULTURAL PRODUCTS

Mr. JOHNSTON. Mr. President, I urge that the Senate act favorably on H.R. 10788, a bill to give the President power to block the flood of imports to this country of certain agricultural commodities and products, especially in this case, cotton and textile products.

As early as 15 years ago, I foresaw the trend against our domestic textile industry being presented by the increasing flood of cheap foreign textile products manufactured by cheap foreign labor. Only in the past 2 years have we made any headway in really regulating these imports.

Last year the United States reached an agreement with 19 importing and exporting countries for an agreed, regulated flow of cotton textile products. Unless the President of the United States has authority to cut off imports from nations not operating under the terms of the 19-nation agreement, the goal or the purpose of the agreement itself will be useless in the case of cotton textiles. The loopholes presented by nations not governed by the treaty must be closed. This is the purpose of H.R. 10788.

The Senate Agriculture Committee thoroughly studied this matter when it considered S. 3006, companion bill to H.R. 10788. A question was raised in the committee as to whether the terms of the bill—"agricultural commodities or products"—would include lumber, which is an important commodity of many States.

Happily, the committee agreed that such lumber would be included in this bill. Frankly, we need to protect our textile industry, which has been gravely threatened by foreign imports, but we also need to protect our lumber industry.

The plywood industry in this country has been severely damaged by foreign imports, and under the language of this bill and the interpretation placed upon it by the Senate Agriculture Committee, plywood products would come under this measure.

I want the President to have all necessary power to protect our domestic industries from cheap foreign products. At the present time, no two industries need help more than the textile industry and the plywood industry.

I strongly urge that the Senate approve this measure.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 185) to defer the proclamation of marketing quotas and acreage allotments for the 1963 crop of wheat.

JAMES M. NORMAN—LITERACY TEST FOR VOTING

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. Is there objection? The Chair hears none; and it is so ordered.

Mr. MANSFIELD. Mr. President, what is the unfinished business?

The PRESIDING OFFICER. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 1361) for the relief of James M. Norman.

The Senate resumed the consideration of the bill (H.R. 1361) for the relief of James M. Norman.

THE FARM BILL

Mr. MANSFIELD. Mr. President, I move that the Senate turn to the consideration of Calendar No. 1304, House bill 10788.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 10788) to amend section 204 of the Agricultural Act of 1956.

Mr. JAVITS. Mr. President, on this motion I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. YARBOROUGH. Mr. President, will the majority leader yield for a question?

Mr. MANSFIELD. I am delighted to yield.

Mr. YARBOROUGH. I desire to ask about the status of H.R. 1361, which has been passed by the House, and provides for the relief of a constituent of mine, a citizen of my State. The bill was reported from the Senate Judiciary Committee with a favorable, unanimous report; and the bill is not opposed by any Government agency. As the report on the bill shows, the Senate Judiciary Committee received a favorable report on the bill from the Bureau of the Budget. So I should like to ask the distinguished majority leader about the status of the original bill H.R. 1361.

Mr. MANSFIELD. Until and unless the motion I made a moment ago is agreed to, H.R. 1361 will remain the unfinished business.

But I wish to assure the distinguished Senator from Texas that if and when the pending motion is agreed to, it will automatically carry the unfinished business back to the calendar.

Let me say to the Senator from Texas that I have already contacted the chairman of the Judiciary Committee and other members; and they have assured me that it is their intention to report, at the first available opportunity, the bill for the relief of James M. Norman, and to report it as soon as possible in approximately the same form in which it was previously reported.

Mr. YARBOROUGH. I desire to thank the distinguished majority leader for the statement he has made, which clarifies this matter a great deal. I wish to thank him not merely on behalf of this one particular constituent of mine, but, in addition, on behalf of a number of other persons who will be affected.

Mr. MANSFIELD. I am quite certain that word will get back in a hurry to Mr. James M. Norman, of west Texas. It so happens that the controversial item which has been under consideration was attached to the bill for this relief, for it happened that at that particular time that was the vehicle which was available in that connection.

Mr. YARBOROUGH. I thank the Senator from Montana.

Mr. KUCHEL. Mr. President, is it in order to request the ordering of the yeas and nays on the so-called Mansfield-Dirksen substitute?

The PRESIDING OFFICER. Not at this time, because at this time the motion of the Senator from Montana takes precedence over the other matter.

Mr. JAVITS. 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. JAVITS. Mr. President, I ask unanimous consent that further proceedings under the call be terminated.

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

Mr. CASE of New Jersey. Mr. President, I rise in opposition to the motion of the majority leader. Before the vote on cloture was taken, the majority leader made a statement in which he said, among other things, "We have done what reasonably can be done at this time."

With all respect, I take exception to that statement. Mr. President, during the debates, those in favor of the bill, which is still the pending business, demonstrated, I think conclusively—and no demonstration was necessary, because everyone in this country who knows anything knows what the facts are—that grave injustices are being done all the time in a number of States of this Union by the deprivation of people, on the ground of their color, of the right to register and to vote.

Either we accept this fact and face it, or we do not. We have got to accept it, Mr. President. We have got to recognize that this fact exists—this fact of injustice, this fact which is a stain on the escutcheon of this land of ours, this fact which is only a manifestation, but a very important one, of the kind of prejudice which exists in this country, the kind of discrimination which makes this country fall short of its ideals—ideals which we honestly hold, but which some are unwilling to put into practice.

Mr. President, have we done what can reasonably be done at this time? Of course, we have not. It is quite true that there were two votes on cloture, one last Wednesday, one today, and that on each vote less than a majority voted in favor of cloture. Those votes were on a particular piece of proposed legislation.

Mr. President, I suggest there are perhaps four different categories into which Senators who voted against cloture on these occasions fall. First of all, of course, are those Senators who are opposed to all civil rights legislation. There exist a number, but a relatively small minority of the Members in this Chamber, who so believe.

Then there are those Senators who believe that cloture should not be voted on any matter, because of their conception of what the rights and prerogatives of Members of the Senate are and ought to be.

I do not believe those two groups comprise a majority. I suggest they do not comprise even a third of the Membership of this body.

Then there is a third group, undoubtedly composed of those Senators who felt that, even after 2 weeks and more of debate upon this measure, it was too early to vote for cloture.

Of course, I do not agree with that position, but I suggest there are those who felt that way. Therefore, it was a great mistake to require a second vote on cloture so soon after the first one and so soon after its failure, and I suggest that the vote just now had on cloture does not represent the ultimate view of those who voted against it at the time.

Then there is a fourth group, composed of those Senators who feel that this particular proposal in regard to the literacy test is either unconstitutional or unwise, or both.

I do not agree with that view in either part. I think it is quite clearly constitutional, and I think it is not only wise, but absolutely necessary. My views apart from those, there are those who hold that view and hold it very sincerely.

I suggest in the circumstances that the real duty of the leadership is not to accept this cloture vote as evidence of the impossibility of action on civil rights at this session of the Congress. And I suggest, if that is done, it represents a failure of the leadership, a failure of the leadership in a matter of vital importance not only to those whose rights have been taken away from them and whose rights have been denied for so long, but a failure of the leadership in a matter greatly affecting the future of this land of ours, both in the matter of domestic order and decency and the matter of the position of this Nation in the world.

In regard to civil rights legislation, it is common knowledge—and everyone who knows anything about the Senate of the United States knows this—that the ordinary process by which we de-

velop legislation to cure abuses has not been available for many years in the matter of civil rights. The simple fact of the matter is that the chairmanship of the committee which has jurisdiction of this matter has been in persons who are unfriendly, down to the ground, to civil rights legislation. This is a matter of their own views, and I do not criticize them at this time, although they are utterly wrong in my opinion. I am talking about the leadership, and the ability of our committee system to operate in this problem, and the requirement of real leadership on the part of the Senate as a whole and of its majority and minority leaders. It means we have to go beyond the committee system, and reliance on it, in order to meet this problem.

The two votes had on cloture last week and today do not end the responsibility that falls upon the Senate majority, or even upon the leadership of our minority side of the aisle.

Those of us who strongly favor civil rights legislation willingly accepted the decision of the majority and the minority leaders that we should limit ourselves at this time to this particular single piece of legislation. We did it, not because it was a cure-all or represented legislation that is most desirable or necessary; it was not because we felt that, even for its own purposes, it was without fault or shortcomings; but we did it because we wanted to assure our cooperation in any effort which we felt was sincere on the part of the leadership on both sides of the Senate—and we still do—to provide some remedy, some little step forward.

Mr. President, when it is clear—as it must be to the leadership, since it is to all of us—that there is not a majority in favor of the proposed legislation, then the duty of the leadership, if we are to meet a problem which affects America at home and also abroad, is not to accept this and to go on to something else, saying, "We have gone through the usual gesture which we must go through once every session, or perhaps once every Congress," but to do something about civil rights.

The duty of the leadership is to provide other alternative methods which a majority of the Senate will accept to meet the present problems.

There are many things which ought to be done. Those of us who did refrain from offering amendments to the bill would like to offer as an amendment, for example, part 3. We would like to offer a provision which would require the States and the school districts to submit, by a date certain, at least the beginning of a plan for school desegregation. We would like to offer proposed legislation to provide financial and other assistance to those school districts which are making honest efforts, some of them under great difficulties, to meet the school desegregation problems.

There are countless other provisions which could be offered, some of which I believe would receive at least majority acceptance.

But no—the leadership has no intention of giving serious consideration to getting the job done; it merely intends to close the door to an unpleasant and perhaps embarrassing problem for this session of the Congress.

This is not the right way for the Senate to conduct itself. This does not represent a meeting of the responsibility of the greatest deliberative body in the world at a time as serious as this time for this country of ours.

I suggest that instead of voting to displace the proposed legislation with the measure which the majority leader has suggested be made the pending business we should keep the proposal before the Senate. We should probe. We should do our best to find measures on which we can get agreement. We should proceed to take the necessary action, whether by way of cloture or round-the-clock sessions or a combination of these, strongly backed by the majority we find in favor of necessary legislation. We should get civil rights action at this session of the Congress.

Unless we do that, this Congress will go down in history not as one which has met its responsibility but as one which has evaded its responsibility.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an editorial entitled "Minority Rule in the Senate," which was published in this morning's New York Times.

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

MINORITY RULE IN THE SENATE

This year's Senate debate of the administration's literacy-test bill is expected to end today when the Democratic leader, Senator MANSFIELD, will call up his second motion for cloture and it will be defeated. The situation is ironic. Last week almost two-thirds of the Senators liked the bill well enough to vote against killing it by tabling, but only a minority of 43 could be found to bring it to a vote by cloture. A majority of the Senate does not seem to believe in majority government.

The arguments for practically unlimited debate in the less numerous house of Congress are familiar, as are the arguments against it. In 1791, in the very first session of the Senate, Maclay of Pennsylvania complained that "the design of the Virginian and South Carolina gentlemen was to talk all the time," not to settle the question of where the National Capital should be located. In 1840 Henry Clay was indignantly proposing a rule "which would place the business of the Senate under the control of the majority of the Senate."

Two generations ago the elder Senator Lodge, of Massachusetts, remarked that "to vote without debating is perilous, but to debate without ever voting is imbecile." Many years later Mr. Lodge possibly violated his own earlier principles when he helped kill the Treaty of Versailles.

The veto power of the Senate minority, which is what the filibuster system actually amounts to, is useful at various times to all sorts of causes—to prevent the ratification of treaties, to delay action on economic and financial problems, even to defeat Presidential appointments.

As matters stand, a cloture procedure requiring a two-thirds vote and allowing each Senator a total of 1 hour to speak on the main question is better than nothing. Yet it is really not of much use. One reform frequently proposed would reduce the number of votes required for cloture to something less than two-thirds but usually something more than a majority.

However, behind the procedural question there is in this situation a question of principle. The ability of a Senate minority effectively to kill a bill does not violate any citable clause in the Constitution, but it does violate the basic principle of the southern registrars of keeping Negroes from voting by distorting the so-called literacy tests. As the President said at his press conference, "It doesn't make any sense." It doesn't make any justice, either.

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

Mr. CASE of New Jersey. I yield.

Mr. JAVITS. I hope, since the Senator is a lawyer, he will not mind the length of my question.

Would the Senator give us his view as to the posture of the administration in this matter; bearing in mind that all during last year no civil rights legislation was requested at all, and that the general estimate of the civil rights legislation requested this year, in respect to the two bills relating to poll taxes and the literacy test, is that though they are important measures they fail to represent the really significant achievements in respect of civil rights which are dictated by the situation in the country; and bearing in mind that, when viewed in the light of riots, of freedom rides, of sit-ins, of wait-ins, of pray-ins, and the tremendous militancy which is developing in this field, there must be some way to give tongue and outlet to this feeling by such a tremendous mass of Americans, rather than trying this small salve or band-aid, and then even abandoning that with the first strong wind that blows in the shape of two cloture votes?

Would the Senator also tell us how he compares the amount of administration effort expended in respect to mustering a two-thirds vote for cloture, bearing in mind that it takes a lot of effort to do that, with the administration effort expended, for example, in respect to reorganizing the Rules Committee in the other body?

I would appreciate having the Senator's comments on those matters.

Mr. CASE of New Jersey. I think the Senator from New York by his question has correctly evaluated the strength of the administration effort in this regard. It seems to me impossible to conclude anything except that the administration has given this matter a very low priority.

I have seen no evidence of strenuous effort. In fact, I have seen no evidence of any effort whatever except that which has been made by the leadership on the floor. That has been a matter of observation to everyone who has seen it, of course.

It does seem very clear, first, that the two pieces of proposed legislation—one in the form of a proposed constitutional amendment and the other in the form of a literacy test, which is a matter still before us, hanging on by the skin of its teeth, as it were—are very minimal, and indeed quite inadequate; and that even for them there has not been the kind of strong, steady effort which anyone dedicated to finding a solution to these difficult and most serious problems could reasonably be expected to exert.

I may say, in regard to the measures themselves, it has been observed—and I think correctly—that there has not been

a great swell from the country as a whole for this particular literacy test measure. I am quite sure that the reason is, as it has been expressed to the Senator from New Jersey—and as it was expressed to the Senator from New York, I know, on more than one occasion—is a general feeling that the measure is so inadequate with respect to the serious problems which exist today in this country, *so small and puny* in relation to the swelling injustice and the response to it in the way of incipient resentment and all the rest, that people have not become excited about it. So it has been a matter, more or less, of an exercise on the part of those of us on the floor—those strongly opposed to any legislation and those who feel strongly that legislation is necessary—to carry the ball, more or less, on our own.

Obviously this is not enough, and I regret it very much.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. CASE of New Jersey. I am happy to yield.

Mr. JAVITS. I am sure the Senator has been as disappointed as I have been, notwithstanding the Herculean efforts made, for which I would hereby like to pay my tribute and respect to our own leader, the Senator from Illinois [Mr. DIRKSEN], that we did not do better on this side of the aisle.

Would the Senator join with me in some observation about the effect, with respect to rousing our people on this side of the aisle, of the fact that we were in a sense stuck with whatever the administration proposed in the way of civil rights legislation, no matter how it rated in the hierarchy of that legislation which was really needed? As the Senator has already said—and I thoroughly agree with him—it rated relatively low, considering the urgency of the measures required in this field.

I would appreciate having the Senator's observation on that matter, because I think it is, in all fairness, due because of the efforts of the minority leader; at the same time in deference to the fact that we have always regarded this effort as bipartisan, and naturally wished, ourselves, to do everything we humanly could—even if all we could do would still bring us short of the goal—to make the maximum contribution in voting strength toward the cloture motions on this side of the aisle.

Mr. CASE of New Jersey. The Senator again raises, quite rightly, I think, a point I meant to make in my earlier remarks, because this point ought to be emphasized.

The fact that we were limited to this single measure meant at least two things. First, there is a general feeling that it is not worthy of a very big effort, because it is not important enough. That feeling certainly was reflected in the votes on our side of the aisle, and I think on the other side of the aisle, and certainly is reflected in the response of the country as a whole to this particular proposal.

In addition there were, as we all know, because some of our colleagues have expressed themselves on this point, those who regarded this proposal, ineffectual as it was, to be unconstitutional. Because of their high regard for their responsibilities—I admire them for this, though I happen to disagree on the question of constitutionality—they felt they could not support the measure or support cloture for the purpose of bringing it to a vote.

Recognizing that fact, as do the leaders as well as all other Members of this body, it seems to me again to point up the responsibility of not accepting the unfavorable attitude indicated by our two failures to get cloture as the final disposition and final sentiment of Senators on the question of adequate civil rights legislation, but going into the question with renewed vigor at this point to find other legislation and other ways of meeting the problem.

As I said, we cannot rely, and, in my experience—and I think long before I came to this body—have we never been able to rely upon the normal action of the Senate's machinery, because the Committee on the Judiciary has been a stony obstacle to any action instead of an instrument for progress on the question.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. CASE of New Jersey. I am happy to yield.

Mr. JAVITS. I am very grateful to my colleague. I should like to ask one further question, because I believe it is important to elucidate for the country what has occurred. We are engaged in a historic process. Whether it fails or succeeds, it is still a conditioner of the world in which we live. Even if we fail, others will take heart from what we are doing. They will see in our action an indication of the possibilities of achievement at another time, provided the issue is laid before the country.

I ask the Senator one final question: What, in the judgment of the Senator, is now the responsibility of the administration, which I think is at least in part, and I think very materially, responsible for the frustration and defeat which the civil rights cause suffers? On the statute books are the Civil Rights Acts of 1957 and 1960. Our southern colleagues have said, though we think the plan is completely impractical, that if we were to muster enough lawyers and money and were willing to fill the courts with litigation of the proposed type, we might begin to make some dent over a period of time, notwithstanding the widespread way in which the literacy tests have been abused. I greatly respect the views of my colleague. Can he tell us what now represents the responsibility of the administration in view of the situation which we confront?

Mr. CASE of New Jersey. I think the responsibility is a double responsibility. In the first place, the administration ought not to give up with the failure of cloture on the two votes, but ought to press for effective legislation and use all of its powers of leadership and persuasion with Members of this body and of the other body in order to accomplish effective legislation at this session. But beyond that, and more particularly in response to the question of my colleague from New York, I think, as he suggested earlier, that the administration should make a massive effort through the courts and through the administrative machinery available to it, including the Civil Rights Commission, in order to correct the situation on an individual case-by-case, district-by-district, and county-by-county basis so far as it can be corrected through the methods open to it. For that purpose it ought to come to us and ask whatever it needs in the way of funds for the coming fiscal year to make that kind of effort. Unless it does both of those things, I think it will have done much less than would be indicated by recognition of the seriousness of the problem.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. CASE of New Jersey. I am happy to yield.

Mr. JAVITS. As we have seen so often before, not only is the distinguished Senator from New Jersey a distinguished lawyer with a luminous mind for public affairs, as he has demonstrated today, but even in his own decided dedication to the present course, he is also the very soul of inoffensiveness, without regard to party. I congratulate him for a magnificent presentation of the situation as we find it.

Mr. CASE of New Jersey. I thank the Senator. Recognition of that sort could not come from anyone more fittingly than from the Senator from New York.

THE FIGHT FOR CIVIL RIGHTS

Mr. DOUGLAS. Mr. President, like the Senator from New Jersey, I greatly regret the two successive votes by which the motion to limit debate was defeated, the first vote being 43 to 53, the second 42 to 52. For the sake of the RECORD it should be made clear that had the motion carried, there would still have been a possible 100 hours of debate, with 1 hour allotted to each Senator. That would seem to have been enough after 3 weeks of debate had already occurred.

The cloture provisions are not an automatic guillotine of debate. They would merely limit debate to a maximum of 100 hours and a maximum of 1 hour for each Senator. So the argument which some of our colleagues used, to the effect that they cannot vote for cloture on these questions because they believe in full debate, does not really hold water. The first motion for cloture was not made until 2 weeks of debate had passed, and, when we voted, virtually 3 weeks had passed, and for the second time the Senate rejected the motion to limit debate.

Those of us who feel very keenly on the question of civil rights believe in the principle of full and free debate. But we also believe in the ultimate right of the Senate to vote on the measure. The modern filibuster is a form of interminable debate, together with other delaying tactics, intended to prevent a vote. In times past the Senator from Illinois has taken part in extended discussions of measures before the Senate, most notably in connection with the successive gas bills and the offshore oil bill. But we have always made it clear that our ultimate purpose was not to prevent a vote, but merely to inform the Senate and the

country. We have constantly pledged our readiness to permit the vote to be taken at an appropriate time.

WHAT THE DEBATE HAS DEMONSTRATED

The debate of the last 3 weeks has demonstrated a number of things. It is quite apparent that if we could have brought the measure to a vote, a majority of the Senate would have voted for it. Nevertheless, not even a majority—to say nothing of two-thirds—would vote for limitation of debate.

I have never believed in attempting to probe the motives of our colleagues. I think it is evident that there is a decisive group in the Senate which, while pledging its favorable support to reasonable civil rights legislation, and while not openly taking part in a filibuster, will nevertheless protect Senators who do filibuster, and therefore throw the protection of the rules of the Senate around the filibuster and permit those opposed to civil rights to kill the bill by interminable discussion.

These tactics remind me very much of lines in a little satirical poem by the Victorian Poet Arthur Hugh Clough, in which he put the Ten Commandments into the words of a Pharisee of that period of English thought. Some of the satirical versions of the Commandments are interesting, such as, for example:

Honor thy father and thy mother: That is all
From whom advancement may befall.

Another:

Do not adultery commit;
Advantage rarely comes of it.

Still another:

Bear not false witness.
Let the lie have time on its own wings to fly.

As I thought of the vote this morning I thought of another satirical version:

Thou shalt not kill, but need not strive
Officiously to keep alive.

Many Members of the Senate will beat their breasts loudly and say that they believe in civil rights, but will do nothing to help us get a vote on the substantive measure, and who will instead, by voting against cloture, throw protection around those who are opposed to any form of civil rights.

As I have said, I shall not go into the motives of the people who carry on these tactics. Nearly all of them are personal friends of ours, and they are very estimable Members of this body. However, I should think that after this occurs year after year, time after time, the number of people who are taken in by these tactics would steadily diminish, and therefore that the value of this equivocal attitude in the marketplace or in the campaigns would decrease.

We are faced with the fact that if we could bring these measures to a vote, they would get a majority. But we can never bring them to a vote under the present rules of the Senate because of the distribution of political forces and the alliances which lie underneath the surface, and which cross geographical and party lines.

SOME OF THE CONSEQUENCES OF FAILURE

There are those who say, "What's the use of trying?" There are many people in the country who are now saying that. The failure to get civil rights legislation passed is causing a great many of the Negro race to turn to action outside the law. I do not say action against the law. I merely refer to action outside the law—extralegal but not necessarily illegal methods. It is the feeling of frustration, that no help can be expected from Congress, which puts a great deal of strength behind the so-called sit-down movement in the South and in some of the border States. It is this feeling of frustration, that nothing can be accomplished by legislation, which is strengthening the so-called Black Nationalist Forces, the headquarters of which are in my own city of Chicago, and which are commanding an increasing amount of support.

Therefore when Senators prevent the enactment of civil rights legislation by preventing cloture or limitation of debate, they are really playing into the hands of forces which could be headed off if we were to act more bravely.

Mr. JAVITS. Mr. President, will the Senator yield at that point?

Mr. DOUGLAS. I yield.

Mr. JAVITS. I am greatly interested in the Senator's analysis of the sociological phenomenon the Senator is discussing. I would appreciate his view of a situation where this problem got out of hand, either in a southern State or in a southern city or perhaps in New York or Chicago or in some other city with heavy population densities of different races. Would the Senator estimate what we would or would not be ready to do or how fast Senators would be ready to shut off debate in order to get us to do something before it was really too late, as contrasted with the seeming inability or unwillingness to see that movements like the ones the Senator has referred to have within them the very seeds of these dangers which the Senator has so properly and powerfully described?

Mr. DOUGLAS. Of course it is hard to predict, but in my judgment many of those who now wish to prevent the Senate from acting in the field of social justice would be very quick to urge that Federal force be used, if necessary, to protect the public against any violent action by the Black Nationalists, for example.

I wish to make it clear that the sit-downers are not for violence; they are in fact trying to adapt the tactics of Gandhi to American life, to make a nonviolent appeal to the conscience of the white members of the community, and they have had a certain degree of success.

How long they can maintain this attitude in the face of indifference by Congress is something that I am not certain about. I am not certain how long the Mohammedans in Algeria can keep up their policy of nonresistance, in a sense, in the face of attacks by European settlers through the OAS. It is quite apparent that in Algeria the OAS is striving to provoke retaliation, so that they can then use the French Army to shoot down Algerian nationalists who hitherto have refused to carry out reprisals.

There is a very bitter irony in the fact that Christianity is the religion of love. Mohammedanism, on the other hand, has never been known as emphasizing the principle of love. In theory it has been a much more militant religion than Christianity. Yet we have the spectacle in Algeria of those who espouse the Christian religion using murder and hate in order to deter Mohammedans from acting like Christians. This is one of the bitter ironies in this whole affair, and makes one wonder about the degree to which the religious teachings of Jesus have really penetrated those of us who espouse the doctrines of Christ and think that we believe in Him.

Let me say that I understand and appreciate the motives of the Senate leadership of my party in moving to lay this question aside. This was the one point on which I found myself in some disagreement with my esteemed colleagues on the other side of the aisle. I can understand, after having been beaten twice by the votes which I have mentioned, that they would say, "Oh, what is the use of keeping up the struggle any longer in view of the mood of the Senate, and in view of the pressing need to consider other vital legislation?"

There is in fact a great deal of vital legislation which we need to get under way. However, the people who are preventing us from getting it started are those who have carried on this long debate and who refuse to permit a limitation to a total of 100 hours of further debate.

They are the ones who have delayed the proceedings.

I have no criticism of the leadership for making its motion. Nevertheless, as an individual Senator, I shall vote against the motion to lay aside the pending business. It is really a motion to lay aside the question of civil rights. I shall vote against the motion because I believe the civil rights issue is one which we must settle. Speaking personally, I am ready to fight it out on this line if it takes all summer. The country should know that we who believe in civil rights are ready to stay here until we drop, if necessary, in order that the issues may be discussed and that the Senate may be compelled to make a decision, and not hide behind a filibuster.

WHAT THE DEBATE HAS MADE CLEAR

The debate has served a number of useful purposes. Every time civil rights issues are presented, every time a filibuster is ended successfully, the institution of the filibuster becomes more discredited in the public mind, if not on the floor of the Senate. To the degree that the public mind becomes educated and concerned, in the long, slow movement of time the practice of the filibuster becomes more and more unpopular. This is obviously a long, slow battle; not merely a battle, but a long, slow process of education. Although at times the results may be very discouraging, it is important that the fight be continued; and as we continue it, the facts of the situation will command increasing support.

In addition to all this, the debate has taught some other lessons. The action

of the majority leader in deciding not to have night sessions, in deciding that the Senate would not have around-the-clock sessions, was a virtual admission of a truth which was demonstrated in 1959 and 1960; namely, that under the present rules of the Senate it is not possible to wear out the filibusterers.

Many Senators used to think a change in rule XXII was not needed, because if *only the Senate* would insist on continuous debate, 24 hours a day, day after day, it would be possible ultimately to wear down the filibusterers and proceed to a vote. This view was clearly demonstrated to be wrong during the debate on the previous civil rights measure, which was considered 2 years ago.

Our southern friends organize themselves very efficiently. Of the 22 Senators from the 11 Southern States, apparently 18 are ready to take part in an extended filibuster. As one watches the way in which they work, it is apparent that they are divided into three battalions of six Senators each, and that each of the battalions takes responsibility for 1 day out of 3. Then, in turn, each battalion of six Senators is subdivided into three groups of two Senators each, each of whom speaks 4 hours on the floor, if an around-the-clock debate is carried on.

So let us call them company A, company B, and company C, in the first battalion. Company A, comprised of two Senators, will occupy the floor for 4 hours, one Senator speaking and the other Senator acting as point or guard or protection.

Then company A will disappear, and company B, composed of two other Senators, will appear upon the scene. There will be another speech for 4 hours, and the Senator speaking will have a protector.

Then company C will appear for 4 hours.

Then company A will begin again. This time the previous point or guard becomes the orator, and the previous orator becomes the guard. This procedure will follow, in turn, for company B and company C.

On the second day, the 2d battalion will appear, and D company, or "dog" company, as it is called in the Army, will appear. One Senator will speak for 4 hours, and another Senator will protect him.

Then company E will come upon the scene. Then company F, or "fox" company, will appear.

On the third day, the 3d battalion will appear. In the meantime, the 1st and 2d battalions are resting. So a Senator will have to speak for only 4 hours a day, every third day—which is not a heavy task for a Senator—and he will always be protected by an assistant, a lookout, a scout.

Then if the filibusterers want to tighten the screws on those of us from the North, they will call for quorums every 2 hours. All of us remember the previous debate on this issue, when quorums were called at 6 o'clock at night, 8 o'clock, 10 o'clock, midnight, 2 o'clock in the morning, 4 o'clock, 6 o'clock, 8 o'clock, 10 o'clock, noon, 2 o'clock in the afternoon, 4 o'clock, and 6 o'clock; and would then begin again around the clock.

In order to have a quorum present, 51 Senators must answer the quorum call. Our southern friends are under no compunction to answer a quorum call. By staying away, they throw the burden of getting 51 Senators to answer to the quorum upon the remaining Members of the Senate—some 80 Senators—and we know that the filibusterers have—what shall we call them?—cryptofilibusterers or secret associates, who also are under no appreciable compunction to come to the Chamber and answer to the quorum calls.

Mr. PASTORE. Mr. President, will the Senator from Illinois yield for a question?

Mr. DOUGLAS. I yield.

Mr. PASTORE. In effect, what the Senator from Illinois is saying is that unless cloture is applied a well-organized group of 18 Senators can very effectively prevent a vote under the rules of the Senate. There is no question about that, is there?

Mr. DOUGLAS. The Senator is correct. Even though the Senate meets 24 hours a day, day after day, the filibusterers wear us out; we do not wear them out.

Mr. PASTORE. That is correct.

Mr. DOUGLAS. That was demonstrated 2 years ago. I went for a week getting an average of 1½ hours of sleep a night. If civil rights Senators missed a single quorum call, they were needled for not taking their responsibility seriously.

Mr. PASTORE. Mr. President, will the Senator further yield?

Mr. DOUGLAS. I yield.

Mr. PASTORE. Actually, the two battalions which were not in action were sleeping in their own beds at night, while we were sleeping on cots.

Mr. DOUGLAS. That is correct—trying to sleep. And we suspected that there was a heavy weapons company lurking somewhere in the background, but we never could quite locate it.

Mr. JAVITS. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. JAVITS. It was in reserve—the ready reserve.

Mr. DOUGLAS. Yes.

Mr. JAVITS. Should not the story be completed by stating that although Senators are limited to two speeches on a pending proposal, there is nothing to stop a Senator from offering an amendment to the proposal before the Senate, when the two speeches for each of the same 18 troops will apply with respect to that amendment, and so on and on, ad infinitum?

Mr. DOUGLAS. The Senator is correct.

Mr. JAVITS. Mr. President, if the Senator from Illinois will yield further, let me say that the rule of germaneness does not apply in these situations, although I must say that modern filibusterers have found it entirely possible to discuss the subject at issue, and thus not get into the bad habit reputed to have been indulged in by Senators on past occasions, by reading recipes.

Mr. DOUGLAS. Yes. Of course all of us remember the newspaper accounts in regard to how the late Senator Huey Long, of Louisiana, used to read into the RECORD recipes for pot liquor, and then read from the telephone book. But I wish to say that the modern Senators from the South have very expert assistants who write speeches for them in which the subject at issue is discussed. In fact, it is extraordinary how much material they can spin out from a very small amount of substance.

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

Mr. DOUGLAS. I yield.

Mr. PASTORE. Will the Senator from Illinois agree that the 3d battalion group has a very expert commander in chief?

Mr. DOUGLAS. Yes, an extraordinarily able commander in chief—the senior Senator from Georgia [Mr. RUSSELL], probably the most skilled parliamentary leader in the Western World, in my opinion.

Mr. RUSSELL. Mr. President, I would that I might deserve the encomium paid me by the distinguished Senator from Illinois.

I have just walked on the floor of the Senate, and I do not know exactly what is now in progress here. But I can assure the Senator that if a counterfilibuster is now going on, we shall not file any cloture petition against it. We believe in full and free debate, and we shall stay with the Senator from Illinois and shall let him address himself to this matter; and if he can find the slightest merit in the proposed legislation, of course he can "spin it out." Furthermore, I assure the Senator from Illinois that it is evident that no one has any better staff than he—unless he, himself, has worked 24 hours a day in order to be able to bring in all the material he has presented.

Mr. DOUGLAS. Mr. President, I am really speaking without notes. I am merely describing the very able Senator's forces—the battalion organization, the company organization, and his tactics. All that we have not yet been able to locate is, as I have said, the heavy-weapons company; but we know it lies somewhere. We have not been able to determine the precise spot, but we know it is somewhere near; and, as I have said, we know that we are up against probably the greatest parliamentary tactician in the Western World. How fine it would have been if his talents had been devoted to more constructive measures—which, if he supported them with equal vigor, might have resulted in his becoming President of the United States.

Mr. RUSSELL. Mr. President, the time has long since past for me even to dream of that, if I ever had the capacity to dream of it.

I may say to the distinguished Senator from Illinois that our forces were thin, and we were small in numbers. I have heard of the Indians' arrangements, whereby all of them were chiefs; and it used to be said that one of the countries to the south of us had more generals than soldiers.

But by making generals of all our small forces, they performed, I think, a

rather remarkable feat, because when we were outnumbered five or six to one, they managed to exhaust or to convince their adversaries. Of course, some were beyond convincing; but they convinced those who had an open mind; and the others, they exhausted.

So I may say to the Senator from Illinois that he should not give up hope. Of course, if the circumstances become so desperate as to require them, we shall bring forth the heavy weapons.

Mr. DOUGLAS. Yes, and I am sure they are available.

Mr. RUSSELL. In this case it was the Constitution of the United States; behind that bulwark, we did not need any heavy artillery.

Mr. JAVITS. Mr. President, will the Senator from Illinois yield further?

Mr. DOUGLAS. I am glad to yield; and I hope the Senator from Georgia will not leave the Chamber.

Mr. RUSSELL. Oh, Mr. President, I was not about to leave the Chamber; I was about to sit down, because I thought perhaps I might learn something from the techniques the distinguished Senator from Illinois and the Senator from New York have introduced in the course of this delaying action; and because I keep my mind open, I am always willing to learn from the distinguished Senators.

Mr. DOUGLAS. Mr. President, this is not a delaying action; it is an appeal to the conscience of the country. At times there seems to be an amazing double standard here in the Senate as when those who have been talking for almost 3 weeks charge some of us with delaying tactics when we begin to speak for a few hours.

Mr. JAVITS. Mr. President, if I may proceed briefly on a more serious note, will the Senator from Illinois comment on the reasons for the present situation? In short, is it not true that the tactics which resulted in causing the Civil Rights Acts of both 1957 and 1960 to be insufficient are also employed now to defeat any other proposed legislation in this field, because those who opposed the previous legislation now say that we should use the 1957 and the 1960 acts to their full advantage, and that we can do with them everything we want to do. But is it not true that even that legislation demonstrates the difficulties of utilizing effectively such measures, when the existence of the wrongs which are so very apparent—as was found by the Civil Rights Commission—is attributed to the veto power of those who oppose such measures? I refer to the development of a situation in which those of us who advocate such measures either become exhausted or we have to take what we can get, and be satisfied with that.

Mr. DOUGLAS. It is true that the legislation which finally was passed in 1957 and 1960 has been relatively ineffective; and it was made ineffective by the threat that if it were any stronger, our southern friends would successfully filibuster those measures. Therefore, the filibuster not only is able to defeat proposed legislation, but also is able to water down proposed legislation.

As I have said, the action of the majority leader—and I know he is sincere in wanting to have this bill passed—in not having the Senate meet around the clock constituted an admission that a filibuster cannot be broken by holding continuous sessions; and that in practice, if that were tried, the three-battalion system means that the opponents of civil rights measures would always be fresh, although the advocates of civil rights measures would be worn out by incessant quorum calls.

So one argument against changing rule XXII—namely, that it is not necessary to change it—has, I think, been clearly disproved, both by our experience in 1960 and by the action of the majority leader in not holding continuous sessions of the Senate.

I think it therefore becomes apparent that the only way to enable a vote to be taken on these measures is to change rule XXII.

Mr. RUSSELL. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I am glad to yield.

Mr. RUSSELL. First, let me ask what the Senator from Illinois would have the Senate invoke cloture on. Does he think the Senate should be gagged by the votes of 40 percent of its Members?

Mr. DOUGLAS. No. If the Senator from Georgia will wait, I shall develop my point in this connection.

Mr. RUSSELL. Very well.

Mr. DOUGLAS. As will be recalled, the present rule requires the affirmative votes of two-thirds of the Senators present and voting, if debate is to be limited; and if cloture is thus invoked, debate thereafter is limited to 100 hours, with a maximum of 1 hour for each Senator who speaks. This rule was put into effect in 1917, following the filibuster against the bill to arm the merchant ships. That filibuster was carried out by a number of Senators.

However, in 1949 the rule was made even more stringent. At that time some of us tried to have the filibuster rule modified. However, our attempt backfired for, to our surprise, we found that it was then made even more difficult to invoke cloture by requiring a two-thirds vote of the total number of Senators.

The so-called great reform, which was put into effect a few years ago, amounted only to a return to the 1917 rule, which requires the affirmative votes of two-thirds of the Senators present and voting. Assuming that every Member of the Senate votes, that means that it is necessary to have 67 affirmative votes, and that 34 Members of the Senate can, by voting "nay," prevent the Senate from voting on the bill under consideration.

One always hesitates to analyze such votes, lest one be thought to be reflecting on one's colleagues. I want it clearly understood that I am not doing so.

WHY CLOTURE IS IMPOSSIBLE UNDER THE TWO-THIRDS RULE

The vote taken last week and the vote taken today indicate that for a considerable period of time, at least, the 22 Senators from the 11 Southern States will vote as one man against any proposal for limitation of debate.

There may be a few who may not actively join in the filibuster, themselves, but the memories of the war of 1861–65 are still vivid, and the mystic ties which bind the Senators from the 11 Southern States are still strong. So we start with 22 votes against cloture.

Now, it is well known that the Eastern Shore of Maryland and the southern portion of Delaware are, to all intents and purposes, southern territory. The Eastern Shore of Maryland has a great influence upon the choice of U.S. Senators, because Maryland, like Georgia, operates under the unit rule, and the Eastern Shore counties, though relatively unpopulated, have a disproportionate influence in the choice of a Senator. Therefore, in practice, the Eastern Shore of Maryland is overrepresented in the choice of its two Senators, and therefore, I think we can be certain that one of the Maryland Senators will always vote against cloture.

In a similar fashion, the rollcalls indicate that there is always one Delaware Senator, and sometimes there are two Delaware Senators, who will vote against cloture.

Then there are border States. I suppose that officially Kentucky would not be included amongst the 11 Southern States. As a matter of fact, the majority of the population of Kentucky was probably on the Union side in the Civil War, but one cannot find in Kentucky anyone who now admits that he had a Union grandfather or grandmother. They all say they had Confederate grandfathers or grandmothers. That fact caused me once to say that it is quite obvious that the Unionists—that is, in Kentucky—were sterile and were not able to reproduce their kind. So that while Kentucky may be counted as a Northern State, although the State and its people have a great emotional affinity with the South, very commonly—I do not say always—with a large Negro population in west Kentucky, Senators from that State will be found protecting the filibusterers as well.

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

Mr. DOUGLAS. I yield to the Senator from Georgia.

Mr. RUSSELL. The able and distingunished Senator is a well known educator. I am surprised he does not credit any of the change to which he refers to the vastly improved educational facilities in Kentucky over the last 50 years. This generation is much better educated.

Mr. DOUGLAS. Well, that is a complete non sequitur. [Laughter.]

Now let us take West Virginia. West Virginia used to be a Southern State. I think economically it is now a Northern State, and it is a northern State largely because the coal mines which used to be nonunion became unionized in the early 1930's, and adopted the wage scale of the competitive fields in the central part of the country, and therefore the economic interests of the coal miners were tied to the economic interests of the miners of Pennsylvania, Ohio, Indiana, and Illinois. But vestiges of southern sentiment still continue, and I think it is evident that at least one vote from West

Virginia can be obtained for the protection of the filibusterers.

Let me now move down into the Southwest, to Oklahoma, which regards itself as a Western State, as the musical operetta "Oklahoma," well testifies, because Kansas City, I think, according to that operetta, is the cultural center of a large portion of Oklahoma. Nevertheless, in the southern portion of Oklahoma there is quite an admixture of Louisianians and Texans who go to Oklahoma and make millions out of the oil industry.

We come now to the Santa Fe Trail. As people moved westward, they went by various routes. People from the Midwest traveled the Overland Route, which went west from Independence, Mo. That is how Independence was first celebrated, as the starting point for the Overland Route, until Harry Truman came along and gave it further fame by his residence there. It went through Wyoming, and then it branched, one route going into the Northwest, and the other continuing through Utah into northern California. But there was also the Santa Fe Trail which went westward into southern California, and it passed through New Mexico and Arizona. This was the route the southerners took as they went out to the Pacific coast. Just as some of the middle westerners and easterners dropped off on the Overland Route, so some of the southerners dropped off on the Santa Fe Route and formed the basis of the Anglo-Saxon population in New Mexico and Arizona.

This fact counts in part for the mysterious affinity of certain New Mexico and Arizona Senators for the protection of the filibuster.

Thus far I have dealt with my side of the aisle. Let me say that, on the whole, the Democrats, certainly last week, made a much better showing than our friends across the aisle, and that on the 43–53 vote on cloture 30 of the 43 were on this side of the aisle, and we split exactly evenly, 30–30. When we subtract the 22 southern votes on our side then our record was 30 votes for cloture and only 8 against. Our Republican friends voted 13 for and 23 against or almost 2 to 1 against.

Let me say that not only is it a delightful and inspiring experience to work with and to vote with the civil rights group on the Republican side of the aisle, but that we on this side of the aisle will continue to do so. But how does one explain the 23 votes on the other side of the aisle to protect the filibuster? If we had had their help, we would have mustered the necessary two-thirds. Only three of those votes came from the Southern and border States. What about the other 20?

This result came from what I have termed an unholy alliance—and I have drawn down upon my head a great deal of ire by using that adjective—between the conservative Republicans, primarily from the Middle West, and our southern friends. The middle western Republicans, with some exceptions, have the same economic beliefs as at least two-thirds of our southern friends. In economic matters they are very similar. They get along very well together on committees.

If the civil rights measures were ever brought to a vote, the middle western Republicans would have to vote for the civil rights measures, because public opinion back home is that way. However, it is easy for them to vote against cloture in order that the southern Democrats may kill a measure by interminable debate, and then the middle westerners can turn around and say, "The Democrats killed the measure."

Again I should like to quote the poem of Arthur Hugh Clough:

Thou shalt not kill.
But needs not strive officiously to keep alive.

How can rule XXII be changed?

Those are the realities in the Senate. I am frank to say that I see no way of changing this unless we can change rule XXII, and I see no way of changing rule XXII unless that is done at the beginning of a Congress, if we can get a ruling from the Presiding Officer comparable to the opinion which the Vice President made in 1957; namely, that the Senate has the constitutional right to so arrange its rules that a majority may ultimately decide, and if the Senate so wills, it has the constitutional right to change rule XXII at the beginning of a Congress.

I think that opinion of Vice President Nixon was correct. I did not vote for Vice President Nixon when he ran for the Presidency last fall. I did my best to elect John F. Kennedy. I would do my best to help elect Mr. Kennedy again if he were to run against Mr. Nixon, but I think Mr. Nixon gave an extremely good opinion, one that is sound constitutionally. We hope the present Vice President will agree with it when he is called upon to rule upon this question, as he will be at the opening of the new Congress next January 3.

This is not the conclusion of the battle. We shall return to it. When Congress opens we shall ask for a ruling. If the ruling is in our favor we shall vote to uphold the ruling. If the ruling is against us we shall try to reverse the ruling. We shall take the position that, while the subject is under discussion, the Senate is proceeding under Jefferson's Manual and the general principles of parliamentary law which permit the moving of the previous question, which is the affirmative form of the motion to table; namely, that it permits a legislative body to vote upon a matter without further debate.

I can imagine how the learned parliamentarians among our southern friends—and they have some of the ablest, and perhaps the most able, parliamentarians of the Senate—will be scurrying around passing on the question of moving the previous question.

WHY THE COURTS AND THE EXECUTIVE HAVE TO ACT

Those who stop Congress from acting, who prevent Congress from taking any affirmative action to protect the rights of citizens, cannot legitimately complain if, in the absence of such action, the executive and the courts move. I should like to see Congress deal with these issues. Because Congress has not dealt with these issues, the courts have been compelled to deal with them, which is an extremely clumsy method of proceeding.

This has also forced the executive to act.

As I said, in addition, it has forced people to move outside the Government, sometimes in the tradition of Ghandhi and sometimes in a direct use of principles of hate and violence, which if carried further can only work hardship and havoc upon this Nation.

I have come to certain tentative conclusions as a result of the proceedings of the Senate and in the country during the past 5 years. I think we have seen that the act of 1957 has been relatively ineffective and that the act of 1960 has been relatively ineffective.

The act of 1957 authorized the Department of Justice to intervene when Negroes were prevented from registering, and to seek by injunctive proceedings to provide them with that right. It has been very difficult to use that procedure effectively. The act of 1960 attempted to give the courts the power to act. I think the record shows that both of the laws have been relatively ineffective, that it is possible to tie up the legal proceedings for so long as to make the remedy ineffective.

What we have seen is how the massed economic, social, and physical power of white communities in the South prevent the poor, socially unclassed Negro population in the Deep South from voting, or from voting in any great numbers.

I am convinced that if the Negroes really had the free right to vote there would be many changes in their status. If they had the right to vote, the white politicians would want their votes, either in the primary or, if a two-party system develops, in the general elections, and those politicians would seek to get their votes. To do so there would be changes in police administration in the various southern communities, to provide more equal treatment of citizens. There would be improvements in the procedures of the magistrate's and police courts. More adequate schools would be built for the Negro population. Sewer and water lines would be extended into the Negro quarters. Streets would be paved and sidewalks would be built. More adequate health measures would be taken. A whole series of beneficial changes would be put into effect.

These have been the consequences when the Negroes have obtained the right to vote in northern cities, in border States, and in those sections of the South such as Atlanta and Memphis, where the Negroes have won the right to vote.

Nevertheless, the act of 1957 and the act of 1960 have been relatively ineffective. I have come to the conclusion that, unless there is a great change in the attitude of the white population of the South, if we wish to extend the right of franchise we shall have to use a more direct method. That direct method would be the appointment by the President of the United States of Federal registrars to register the qualified applicants for voting, and then throwing the protection of the United States around

the actual casting of the ballots. In substance, that was what our civil rights group tried to put in effect in 1960. We said that the method of judicial referees would prove to be ineffective. That has been proved correct. We advocated as an alternative presidential registrars. I predict that as time unfolds, the need for that alternative will be demonstrated. We shall either have to give up the effort to make it possible for American citizens of darker skins to vote, or move in the direction of presidential registrars. I hope that our southern friends will realize what lies ahead, and that they will so adapt their policies as to permit Negroes to exercise this most elemental right of citizenship.

Mr. President, I have about concluded. It is extraordinary to me how able men will spend hours and days discussing the proceedings of the Constitutional Convention of 1787 and make long arguments that it is unconstitutional for Congress to try to protect the right to vote, when before us we have the 15th amendment to the Constitution, which went into effect in February 1870, and therefore has been on the books for 92 years, and which reads as follows:

Section 1 states:

> 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—

Then section 2:

> The Congress shall have power to enforce this article by appropriate legislation.

There it is. The declaration of the right to vote is made in the Constitution, but it is left up to Congress to implement it. A majority of Congress would implement it if it had the opportunity, but it is prevented from voting by Senators who filibuster, who are protected by the two-thirds rule and by the cryptoallies of the filibuster.

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

Mr. DOUGLAS. I yield.

Mr. JAVITS. I have been associated with the Senator from Illinois in the kind of action represented by our present effort ever since I first came to this body. I know of no other activity in which I have engaged in which I have felt the sense of unity with a colleague that I have with the Senator from Illinois.

I have heard the Senator analyze the insufficiency of votes on my side of the aisle on the cloture motion. He has heard me state my rather strong criticism of the administration for its insufficiencies. I would appreciate the Senator's comment on the statement that those are the inner dynamics of the position which we espouse.

I appreciate the humor which is often involved on questions, as we saw it evolve a little while ago. But I think it would be a grave mistake if we should leave any other impression either with our colleagues or the country than one of a deep feeling that we are now dealing with the basic verities of the Constitution and the moral stance of our land. While we do not for a moment question the sincerity of those who are just as vigorously opposed to those positions as we are in favor of them, we would be less than true to ourselves in what we are doing if we did not affirm our deep conviction that the issue is one that weighs heavily upon the conscience of our Nation, prejudicing us materially in the forum of all mankind, and hurting us in winning the cold war. We must not for one moment indicate, except for the normal relaxations which occur when men debate events over a long period of time, anything other than the most intense conviction that the failure of the Senate to allow itself, by untying its hands, to pass urgently needed civil rights bills—whoever may be at fault, whether the Senators on my side of the aisle or the President of the United States and his administration—lends itself to acts which are deeply inimical to the future, the destiny, and the success of our country in the struggle for freedom, and in realizing the basic aspirations which caused our form of government to be founded.

Mr. DOUGLAS. I quite agree with my friend from New York, with whom I have had the honor to work. I introduced the comparative voting records here in the Senate merely because I thought the Senator from New York had been somewhat excessively critical of the administration. There are sins upon both sides of the aisle. We who espouse civil rights should not be too self-righteous ourselves on these questions. Our parties should compete for excellence.

Mr. JAVITS. Exactly.

Mr. DOUGLAS. In a sense, both parties are on trial. I only hope that a larger proportion of both may become actively concerned in this subject.

Mr. JAVITS. Mr. President, will the Senator yield for one further comment?

Mr. DOUGLAS. I am glad to yield.

Mr. JAVITS. Nothing has shattered our cooperation.

Mr. DOUGLAS. The Senator is correct.

Mr. JAVITS. So far as I am concerned, I am confident nothing will.

Mr. DOUGLAS. That is correct.

Mr. President, it is certainly constitutional for us to act on this question. I call attention to the fact that the U.S. Commission on Civil Rights, which was appointed by the President and confirmed by the Senate, and which is composed of very eminent citizens, including an eminent southern lawyer, Mr. Robert G. Storey, has made a finding of fact that in at least 100 southern counties in eight Southern States very great impediments are thrown in the way of Negroes registering and voting.

I think we can accept a fact we all know as men, namely, that the findings describe conditions not merely in the 100 counties, but in a much larger area in addition.

The measure under consideration is a most mild one; namely, a bill that would provide that graduation from the sixth grade would be presumed as evidence that one can read and write. Even the most violent critic of progressive education would hardly deny that completion of the sixth grade can be taken to satisfy the literacy test. That would not be the only means of satisfying the literacy test. A person who never attended school might be able to read. That would be satisfactory evidence. But we could not disqualify in the future high school graduates, bachelors of arts, masters of arts, and doctors of philosophy from voting merely because they were Negroes. The measure would merely cut off the tip of one of the tentacles of the octopus. Yet we are prevented from voting on the measure. In the long run the judgment of the country will be that it was a great mistake to defeat the motion for limitation of debate.

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

Mr. DOUGLAS. I am glad to yield.

Mr. CARROLL. The Senator from Colorado was in his own State at the time the present bill was made the pending business. I wish to offer a suggestion not only to the Senator from Illinois, but also to other Senators who are interested in the sort of proposed legislation now before the Senate.

I talked to groups of people and to individuals, and discussed this matter on radio and television. I must say that there is a great lack of information as to what the bill is all about. They understand the right-to-vote issue. My general impression was that they did not understand the literacy test situation, because in Colorado we have no literacy test. We have residence and age requirements. It was only by using a portion of the report of the Civil Rights Commission that I could bring to the attention of some of my own citizens what was happening in some of these counties. When this was brought to their attention, they very quickly responded.

My suggestion, therefore, is that in this interim period, it is a question of carrying the message to the people and telling the people what this is all about.

Furthermore, Kansas has certainly a great background in the War Between the States. Therefore I say this question should be carried to the people. What I am suggesting is a great educational campaign. If that were done many Senators from those States, I feel, would respond differently in their votes, if their people at home knew what the issue was about.

I do not know how we are to do it, but I should think that there are many ways in which it can be done.

The President has spoken on this matter on several occasions, and I think very effectively. However, there has not been a real drive made. I, too, after 5 years, have a feeling of frustration about these issues, about getting it to the public. With some modification, we passed a bill in 1957. We again passed a bill in 1960, which did not seem to be very effective.

Now we are coming here today with another bill. I am sorry to say that we took a psychological defeat when we got only 42 votes. We will come again next year and try to change rule XXII. We are not able to muster a constitutional majority, or even a bare majority. After all this fighting and after all these years of effort, as the Senator from Illinois has pointed out so brilliantly, and after 90

years, we are trying to give some purpose and direction to section 2 of the 15th amendment.

If we do not start winning some battles, I believe that more and more we will begin to lose our forces.

Under the able leadership of the Senator from Illinois, we will keep on trying. I merely make the suggestion that in my humble opinion, at least in my own area, there is not a great understanding of the issue and what we mean by literacy tests. I found no great expression of interest at home. The junior Senator from Colorado is not worried about this, because I am willing to debate it at home at any time. I believe I can explain it to my people. I believe I can justify my vote and justify my position.

Fortunately, on the other side of the aisle the senior Senator from Colorado views this issue in the same light. I just cannot believe that in the Rocky Mountain area and in the Great Plains area, if the issue is carried to the people, that they will not respond. The same thing is true in Colorado.

I make these observations to my friend from Illinois, who is always in the forefront of this fight. I do not know how we are going to carry on the educational program. I think it ought to be done. If it is done, we will come to this fight in the Senate with greater spirit, I hope, and, I sincerely hope, with more votes.

I thank the Senator.

Mr. DOUGLAS. I thank the Senator from Colorado. He has always been one of the steadfast fighters in this cause, with no political advantage being brought to him, because I do not believe it brings any to him. He is in the fight because of his deep conviction, which characterizes every act of his in the Senate.

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

Mr. DOUGLAS. I yield.

Mr. HOLLAND. I have been interested in the learned discussion of the Senator from Illinois, but must observe that he has confined himself up to this time exclusively to a discussion of Negroes who, he says, have been prevented from voting in certain States by the application of literacy tests in an unfair way.

Mr. DOUGLAS. That is the greatest evil. It is not the only evil, but it is the greatest evil.

Mr. HOLLAND. My own State has no literacy test, as the Senator knows, and has no poll tax test, and has registered Negro citizens in the number of over 183,000. I believe that I can therefore speak for a rather moderate State as a rather moderate Senator, because I had a part in abolishing the poll tax in my own State.

Mr. DOUGLAS. The Senator deserves a great deal of credit for that act.

Mr. HOLLAND. I thank the Senator. I am wondering why the Senator from Illinois has not recognized what is manifest from looking at the bill, namely, that it covers a great many white people, particularly white people who speak Spanish.

Mr. DOUGLAS. Yes.

Mr. HOLLAND. I note, for instance, that on page 2, beginning with line 11 in the bill, this is a finding of Congress, which supposedly would be cured by the legislative part of the bill:

> (e) Congress further finds that large numbers of American citizens who are also citizens of the several States are deprived of the right to vote by virtue of their birth and education in a part of the United States in which the Spanish language is commonly used; that these citizens are well qualified to exercise the franchise; that such information as is necessary for the intelligent exercise of the franchise is available through Spanish-language news sources; that lack of proficiency in the English language provides no reasonable basis for excluding these citizens from participating in the democratic process.

Did the Senator have any particular reason for not referring to the fact that some hundreds of thousands of U.S. citizens who are certainly not colored but who happen to speak Spanish, many of them coming from Puerto Rico and many from south Texas and some from New Mexico, and perhaps other States, are also included within the terms of the bill?

Mr. DOUGLAS. I am very glad that they are included in the terms of the bill, because, in practice, they, too, are denied the full right to vote in certain States. For example, in New York State, as the Senator knows, there exists a literacy test in the English language. It bars a considerable number of the Puerto Rican population in New York State from voting.

I am very proud of the fact that the Democratic Party in New York City and in New York State favors this section of the bill and wants to eliminate the disqualification which is now practiced against the Spanish-speaking citizens of New York City.

It is also true that while the language test is not imposed against those of Latin descent in Texas, New Mexico, and Arizona, in many of these States they are treated just as badly as Negroes and, indeed, in certain sections worse than the Negroes.

I wish to make it clear that we are striving to make it possible for all these groups to take part in the main stream of American life. I am very glad that the Senator from Florida has called attention to this fact. I am sure he did not intend to embarrass me; but if that was his intention, he has been unsuccessful, because I welcome this chance to make myself clear on this subject. I am certain that we who are commonly regarded in the Senate as the civil rights group feel exactly the same on this question as we do on the question of the rights of Negroes.

Mr. HOLLAND. Mr. President, will the Senator further yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. I knew that the Senator from Illinois would not in any way be embarrassed by the question. I felt quite certain that he was just as willing to have his remarks apply to the group of citizens I have mentioned. The point of my remarks, however, was to ask the distinguished Senator what part of the Constitution he depends upon in justifying this portion of the bill, because he has up to now relied—as I have understood his statement, and that understanding seemed to be echoed by the statement of the distinguished junior Senator from Colorado [Mr. CARROLL]—solely on the 15th amendment, especially upon the second section of that amendment, which gives to Congress the power to implement the first section of the amendment.

Will the Senator state for the record what part of the Constitution he relies upon to justify and sustain the provision of the bill relating to citizens who speak the Spanish language?

Mr. DOUGLAS. I had not developed my argument at full length. I do not rely exclusively upon the 15th amendment. But I should say that the denial or abridgment of the rights of American citizens who are of Puerto Rican descent because of a language difficulty certainly falls within the 15th amendment, because while the 15th amendment refers to race or color, language is another attribute of race in this connection. Those people are of the Spanish race and of Spanish descent, with some Negro admixture. So I think they would fall within the 15th amendment.

However, in the argument which I made last Thursday, I stated that we maintain also that there is constitutional justification for our action in the concluding clause of the first section of the 14th amendment, which reads:

> 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.

Then there is section 5, which is parallel to section 2 of the 15th amendment. It provides:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Only a few weeks ago, the Supreme Court itself held that the equal protection of the laws was denied if grossly disproportionate provisions governing representation prevailed. It was on this ground that the Tennessee case was decided, requiring alteration in legislative districts within the State of Tennessee. This decision has since been followed by a series of decisions both in U.S. circuit courts and U.S. district courts to the same effect. So I think it is established now by judicial opinion that the right to vote and, to a substantial degree, the right of representation in the legislative bodies are rights of citizenship which are constitutionally protected, and that State statutes—indeed, State constitutions—which violate these basic rights are unconstitutional and can be reversed.

Mr. HOLLAND. Mr. President, will the Senator further yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. I call the Senator's attention to the fact that the portion of the proposed statute from which I incorporated in the RECORD a few minutes ago makes no reference whatever to race. To the contrary, it simply provides "by

virtue of their birth and education in a part of the United States in which the Spanish language is commonly used."

It is well known to all of us that this group is not a race at all because it is composed of people who are partly of Spanish extraction, partly of French extraction, partly of Carib extraction, and partly of Negro extraction. No attempt at all is made in the wording of the law to bring these persons within the coverage of the 15th amendment. I call this fact to the Senator's attention because I do not believe he or anyone else could possibly bring this section of the law under the provisions of the 15th amendment.

I also call the Senator's attention to the fact that at the time the proposed act was drawn, the recent decision of the Supreme Court of the United States, to which he has just referred, had not been announced. I suspect only a very few Members of the Senate had any idea that the Supreme Court would ever go as far as it went in the reapportionment decision.

Mr. DOUGLAS. I believed they would, because I thought the Supreme Court was sensible.

Mr. HOLLAND. I simply ask the Senator from Illinois if he does not believe there is more justification for the claim that the provision we are talking about—the Spanish-language provision—is a blatant bid for the political support of certain minority groups, than there is, perhaps, for any other part of the bill.

Mr. DOUGLAS. The Senator from Florida has asked a question. My reply is "No." The purpose of the bill is to provide for members of minority groups, who are otherwise qualified, a greater protection of the right to vote, whether those persons be Negroes, or whether they speak the Spanish language or any other language, provided they have the qualifications.

It is very easy to make the charge: "Oh, but you are trying to appeal for popular support." I am tempted to retort with a tu quoque. I am confident that there are Senators who in their hearts believe as I do, but who know that in the present state of popular opinion among the white population of the South it would seal their political death warrant for them to vote or express themselves as their inner consciences would have them do. Let me say that I have never made any public accusation about these men. I think some of them are among the most useful Members of the Senate. However, I do not like to have these charges thrown at those of us from the North who are trying to establish these rights on a broad scale, as though we were influenced primarily by political considerations.

It so happens that I grew up in the most northerly of the New England States. In the small village in which I grew up, there was not a single Negro and not a single Catholic. There was only one Jew, who ran the fruit store. But there was a tradition in that community that the Civil War had been fought for great and noble purposes. There was a tradition in that community that the men who went out to join the Union Army did so for the sake of human freedom. We used to sing the "Battle Hymn of the Republic" with conviction:

In the beauty of the lilies Christ was born across the sea,
With a glory in His bosom that transfigures you and me:
As He died to make men holy, let us die to make men free, * * *.

Does the Senator from Florida think the North would have gone through the war if it had been merely a question of sovereignty, if it had been merely a question as to whether we were a united Nation, or a confederation? What gave the North purpose in the war was the belief that it was a war for human freedom. This was true of Illinois as of other Northern States.

So we who grew up in the North felt that we inherited that tradition.

I used to lament the fact that the great days seemed to be over; that the people who lived up to 1865 had had the unique distinction of defending those principles; and that this opportunity would never present itself again, because it had already been established. It was not until later that I discovered that the battle was not over; that there were still great wrongs to right.

And let me say that one of the great and inestimable privileges which has come to us is to have a part, however small, to play in the continuation of this struggle—to do it without bitterness or hate, and with great affection for our southern brethren, because fundamentally we are trying to free them, too. For we are trying to free them from the cruel and terrible burdens which the institution of slavery has cast upon their part of the country. Over and over again on the floor of the Senate I have said that no superior virtue is to be found among those who reside in the North. We were freed from slavery by the accidents of climate and geography.

Some of the most cruel captains of the slave ships were northerners. Some of the most cruel overseers on the southern plantations were northerners. But by the accidents of climate and geography, slavery could not survive in the North. However, this terrible institution was economically profitable in the South. The great men of the South, shortly after the Revolutionary War, hated slavery; and when one goes to the Jefferson Memorial, he sees inscribed on the wall there the words of Jefferson, that the race was fated to be free. Jefferson and his family were opposed to slavery; and until the invention of the cotton gin, with the result that slave labor became profitable on the cotton plantations in the South, it seemed that the antislavery movement, which was strong in Virginia, might conquer. But slavery and the breeding of slaves became profitable, and the war came, and it is not over yet, because the habits of mind which slavery inculcated linger on.

Mr. HOLLAND. Mr. President, will the Senator from Illinois yield again?

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

Mr. DOUGLAS. I am glad to yield.

Mr. HOLLAND. I call the attention of the Senator from Illinois to the fact that the Senators from the State of Iowa, which is directly across the river from Illinois, and the Senators from the adjoining States of South Dakota, Kansas, and Nebraska voted against the motion to invoke colture, as I recall. I wonder whether the Senator from Illinois will consider that fact when he is ascribing motives which cannot be considered very worthy to the Senators who represent the Southern States—although I do not admit at all that such motives should be ascribed to those Senators. But I wonder what the Senator from Illinois thinks of the fact that so many of the Senators from the States neighboring his own State—Senators who certainly have no political hatred to fear; Senators who certainly have only the conscience of themselves and of their constituents to consider—have, in such large numbers, taken exactly the same position as that taken by the southern Senators on these two cloture motion votes.

Mr. DOUGLAS. Let me say to my good friend, the Senator from Florida, that I have been very careful not to ascribe motives to individual Senators. But I believe it is quite apparent to the Senate—and, I believe, to the country—that there is a substantial identity of interest between a large section of the Republican Representatives and Senators from the Midwest and a large section of the southern Senators and Representatives, and that they constitute, in effect, a bipartisan alliance—and what I call an "unholy alliance." I do not criticize them; I merely recognize that to be a fact.

Mr. HOLLAND. Mr. President, if the Senator from Illinois will yield further, let me say that I believe he can see that there is at least some reason why some of us might be inclined to throw back at him the suggestion that we are proceeding from political motives.

Mr. DOUGLAS. That charge was originally made against me. I did not reply to it.

Mr. HOLLAND. No, Mr. President; a moment ago the Senator from Illinois said—as he will find by examining his recorded remarks—that he was sorry the Senators from the Southern States had to pursue a course which they thought would be popular with the majority of their constituents. I wish to call attention to the fact that not only is this not a political issue in my State, for Florida has certainly extended the right to vote to Negroes, in a very large degree——

Mr. DOUGLAS. Is that true in north Florida?

Mr. HOLLAND. There are 5 counties of the 67 counties in Florida—those 5 counties having approximately 1.2 percent of the entire population of the State—in which, because of the general attitude of the majority of the people there, Negroes either are not registering

to vote at all or are registering in very small percentages.

Mr. DOUGLAS. I am glad the Senator from Florida admits that.

Mr. HOLLAND. And some areas in that part of the State they are not registering to vote or are not voting at all. But the fact remains that no law is responsible for that situation, because Florida has no literacy test statute and has no poll tax statute; and the reports of the Civil Rights Commission indicate that no such cases were brought against the officials there; and the reports of the Department of Justice indicate that no such cases were brought against the officials there.

So I was about to say that I think there is at least a cause for a feeling on the part of some of us that political motivation does enter into this picture, when we find this issue brought in as it affects the situation of Puerto Ricans in the State of New York, although there could hardly be any constitutional defense for that situation, and when we note that those who fervently espouse this cause come, in almost all cases, from States in which there are large Negro populations—for instance, from New York, New Jersey, Pennsylvania, Ohio, Illinois, Missouri—and the Senator can continue this survey of such States if he wishes to.

So far as I am concerned, I believe that in the presentation of this bill there was the most complete and most blatant bid for minority political support that I have ever seen in the approximately 16 years that I have served in the U.S. Senate; and I believe that when one surveys the country, to ascertain the source of the support for this bill, that is very clearly shown to be the case.

The Senator from Illinois has not referred to the States I mentioned a moment ago or to other States—States such as Idaho, New Mexico, Arizona, Utah, or Nevada—whose Senators saw fit to cast their votes under the same convictions as those under which the Senators from the Southern States cast their votes. So I do not think it very generous of him to describe this entire matter as an effort by a very small minority of the Senate, when the fact is that a great many other Members of the Senate think there is a sound constitutional objection to this bill and, because they feel so, have voted their convictions and are continuing to vote their convictions.

In closing my comments on this point, I merely state that I am sorry that such a weak instrument was selected for the purpose of making an issue on this matter, because I have not seen an equally weak and equally indefensible and equally unconstitutional and equally clear bid for minority political support made at any time during all the 16 years of my service in the Senate.

Mr. DOUGLAS. Mr. President, before I yield to the Senator from Colorado, I would like to fill in some details about Florida. I read from the 1961 report of the U.S. Commission on Civil Rights, volume 1, at page 106:

> In two Florida counties no Negroes are registered to vote although they represent 15.2 percent and 11.9 percent respectively of the population.
>
> In four counties less than 10 percent of the voting age Negroes are registered. The Negro voting age population ranges between 24 percent and 51.1 percent of the total voting age population in these counties. In the two median counties Negroes constitute 27.3 percent and 32.1 percent of the voting age population.
>
> In seven counties from 10 to 24 percent of the voting age Negroes are registered. The Negro voting age population ranges between 7.7 percent and 52.2 percent of the total voting age population in these counties * * *.

There are other figures but these are enough.

This report indicates that in a considerable number of Florida counties the Negroes are either prevented or greatly restricted in their right to vote. These counties are largely, of course, in the northern belt, which, incidentally, has a disproportionate influence in the Florida Legislature, because the figures I have seen indicate that approximately 12 percent of the population of Florida, located primarily in the northern counties, controls the majority of the members of the Florida Legislature. Florida has not redistricted in many, many years.

On the question of motives, may I say that if we could ever bring these measures to a vote, most of the Senators from the Midwestern States mentioned would vote with us, but in effect they protect our southern friends by refusing to vote for limitation of debate.

Mr. HOLLAND. Mr. President, will the Senator yield further? The Senator has referred to my State. I think I should be permitted to reply.

Mr. DOUGLAS. Yes.

Mr. HOLLAND. The Senator from Illinois referred to the fact that some 12 percent of the people of Florida, living in the northern part of the State, control one or both houses of the legislature——

Mr. DOUGLAS. Is that not true?

Mr. HOLLAND. I do not have the figures before me.

Mr. DOUGLAS. Is that not substantially true?

Mr. HOLLAND. I would say it is not substantially true, but it is true that a very real minority of the people of the State live in that area of the State.

Mr. DOUGLAS. And control the majority of the members of the State legislature.

Mr. HOLLAND. That was true when the Senator from Florida was a State senator. The Senator from Florida comes from away down the peninsula, and not only did he not hesitate to take the position that the poll tax should be abolished, but he was supported by a large number of house and senate members of the State legislature; and we took that position 25 years ago.

Mr. DOUGLAS. I have always been appreciative of such efforts. Would that the Senator would continue in the course of virtue which he started years ago.

Mr. HOLLAND. The Senator from Florida has tried to continue in a course which he thought was virtuous, and which he still thinks is—that is, of providing a climate under which this problem can be solved, not at once, but gradually. For 25 years we have had conditions getting better and better every year. There has been no compulsion. There has been no prosecution by Federal authorities. There has been no prosecution recommended by the Civil Rights Commission. There has been very little difficulty in a handful of counties having 2 or 3 percent of the population of our State.

The Senator from Florida thinks his distinguished friend, learned as he is, has all through this effort in this important field labored under a great delusion which is that this problem can be solved by legislation and court decrees, and the like, when nothing could be further from the truth.

Legislation may lay a predicate by which citizenship is invited and promoted and encouraged to solve the problem, but we have been working at it rather hard for 25 years, to the point where there are 183,000-plus of our Negro citizens registered and voting, constituting about half of our Negro population of voting age.

We do not expect these problems to be solved overnight. We do not expect these problems to be solved by compulsion. If we had tried to apply compulsion as soon as we had knocked out the poll tax, we would not have made such progress as we have made. We have made more progress than any other Southern State, as the Senator knows. We have done it under a progressive program, and not under compulsion of a gun aimed at somebody's head from the Washington level—just as we knocked out the lynching problem, the greatest one we have had in this field, by reason of our fighting for a more sound situation than that of frequent lynchings.

The Senator from Illinois thinks that merely passing a law, merely giving the court certain authority, merely giving the Department of Justice a certain mandate, is going to rush this thing to the conclusion which he desires so dearly. He could not be more wrong, because that is not the way progress is made in this field, which depends on good will, understanding, and mutual respect between the races, which exists in very large measure in the larger portions of our State.

Mr. DOUGLAS. I am glad for all the progress which has been made in Florida, which certainly is not as great as the Senator in his self-congratulatory fashion states; but we are grateful for the progress that has been made. We would like to extend it to other Southern States as well. The Senator takes proper pride in the reduction in the number of lynchings——

Mr. HOLLAND. The elimination of lynching in our State.

Mr. DOUGLAS. Well, the virtual elimination—not complete, but a virtual elimination. The Senator knows that a large part of this progress has been made because of the determined effort of the North and the threat of a Federal Anti-Lynching Act, which compelled many people in the South to put down lynching, lest its continuance bring about Federal action. Similarly, the improvement in the amounts appropriated for the education of Negroes has been in part

brought about by the threat of desegregation. So that the pressure which the public opinion of the North has exercised through Congress has been a factor in the reformation of the South.

We are glad to see all these things happen, but if it had not been for this pressure the liberal forces in the South would have been at a very great disadvantage. We want to strengthen those liberal forces. We know that a large proportion of the people of the South are dissatisfied with the injustices practiced on Negroes. We know that individually they would like to see something done, but they feel they cannot act or talk against the predominant stream of the doctrine of complete white supremacy. For to go against that stream would mean they would be socially ostracized, economically discriminated against, and cut off from the stream of life of their fellows.

The great virtue of legislation is that it would throw the weight of the law against practices which people in their hearts admit to be wrong, but which they do not have the heroic courage to defy.

The desegregation decision of the U.S. Supreme Court has made it possible for many southerners to say, "We do not approve of the decision of the Court, but it is now the law of the land and, since it is the law, we believe in obeying the law."

In other words, we set a standard so that certain people are able to put into effect high principles on grounds of expediency and yet retain their status in the community. The community will very frequently punish idealists if it is suspected that they believe in the principles which they espouse, but if a man says, "I do not believe in this principle, but it is the law and it is expedient for us to conform," he will be accepted by the community. This is sardonic, but commonly done.

Legislation of the type we are discussing makes it possible for the liberal opinion in the South to function, while it maintains its respectability by denying that it believes in the principles which it supports. Therefore, these men are able to blame the situation upon the Supreme Court, upon Earl Warren and upon the other Justices. If they could also blame it upon the Senator from New York, the Senator from New Jersey and the Senator from Illinois, this would bail them out, so far as public opinion is concerned.

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

Mr. DOUGLAS. The Senator from Colorado has been trying for a long time to get me to yield. I have been delayed by the Senator from Florida, but now I am glad to yield to the Senator from Colorado.

Mr. CARROLL. I understand the situation. I should like to have the Senator from Florida hear these remarks, because I do not think we should let the charge that has been made go unanswered.

Did the Senator from Illinois have anything to do with drafting the report of the U.S. Commission on Civil Rights?

Mr. DOUGLAS. Not in the slightest.

Mr. CARROLL. If we are concerned about predicates, the report made by the Commission on Civil Rights is a predicate for the proposed legislation. This report was made by men who were selected by the President, and whose nominations were confirmed by the Senate.

As a member of the Subcommittee on Constitutional Rights of the Committee on the Judiciary. I had no original ideas concerning a literacy test bill. I am sure the Senator from Illinois had no such idea until the report of this Commission was filed with the President and with the Congress.

Mr. DOUGLAS. The Senator is correct.

Mr. CARROLL. As a result of the report made by the Commission, the bill came to the Congress. I suspect that the Senators from New York, the Senators from Michigan, the Senators from Illinois, and the Senators from Pennsylvania had no idea what the proposed legislation would be before it came to this body.

Mr. DOUGLAS. The Senator is correct. I would have drafted a much more vigorous bill.

Mr. CARROLL. Though I have no opportunity to vote on the amendment, I am opposed to all literacy tests. I think a residence requirement and an age requirement are adequate.

Why do I say that? I say it because I think that when a person reaches the age of 21 years, all other things being equal, his native intelligence and his experience qualify him to vote. We obtain wisdom from native intelligence and experience. That is how we make decisions.

Frankly, I do not particularly care for the standard of a sixth grade education, but I recognize its source. In the report of the Commission the reason why the sixth grade requirement was chosen is stated.

I wish to make the record clear. This is no sinister plot on the part of these gentlemen who come from great and populous areas.

There is no political "hay" for me in Colorado with respect to this vote and this debate. This issue involves one of the principles about which some of us feel deeply. We have watched the situation through the years. We think progress has been entirely too slow.

I wish the other States in the Deep South had done as well in this field as Florida has done. Florida has made great advances. Perhaps certain counties there are backward in this regard, but perhaps it could be said that certain counties in my own State are backward in other respects.

I wish to make a few remarks with respect to the Spanish language provision of the bill. I said in 1957, I said in 1960, and I repeat now, that in my State there are citizens of Spanish descent who come from Texas or New Mexico. They have the right to vote. The pending proposal would not help those people. They have always had to fight for themselves, because certain forces are trying to squeeze them out. That is not done by virtue of a literacy test, but by economic boycott practices.

In my opinion, as we say in the field of law, the Senator from Illinois has laid a foundation for his discussion today. This is not merely because of a literacy test bill or the report on voting rights by the U.S. Commission on Civil Rights.

As a result of a series of decisions of the courts over a long period of time, progress has been slow. Congress passed laws both in 1957 and 1960.

We have been knocked down in this fight, but the change is inevitable. It will come. As the able Senator from Illinois has said, if the pending proposal is not passed, another bill will be passed.

This is one of the reasons why I asked permission to interrupt the able Senator from Illinois. I do not cast any reflection upon the Senators from Kansas or Iowa, or any other Senator from the Great Plains area.

What we need in this field is further education. Most of the people in my area do not understand what is happening to American citizens. When I point out to them the situation in certain counties in Southern States and tell the people that of 4,000 persons only 5 are voting it is very difficult for them to believe. I tell the people in my State about a three-man decision of a Federal court involving 40,000 Americans living in one parish, 26,000 whites and 14,000 blacks. To use the language of the court's finding, not in 30 years was one black permitted to register. When my people at home hear that, they are ready to fight.

In my opinion this is what we must tell the people of this Nation.

In the State of Colorado, percentagewise, there are not a great many people in the group called nonwhite. However, I am also surprised that not many of those people show great interest in the issue. They have not been informed. As I say, we need an educational program.

The motivation of Senators is not some sinister plot for a political purpose, directed by a few people. The U.S. Commission on Civil Rights has branches all over America. It is our creation. It is our creature. It has reported to the President and it has reported to us. I hope we shall pay some attention to it in the very near future.

I thank the Senator from Illinois for yielding to me.

Mr. DOUGLAS. I thank the Senator from Colorado.

Mr. President, I yield the floor.

PRESIDENTIAL DOMINATION OF PUBLICITY

Mr. MILLER. Mr. President, inasmuch as Senators have been talking about virtue and minority rights, I think it only fair and proper to bring to the attention of the Senate two articles which were recently published. The first entitled "Kennedy's Dominance of News Eyed," was written by the distinguished columnist James Reston and published in the Des Moines Register of May 10. The second, entitled "President: Policy Versus Personality," was written by the distinguished columnist David Lawrence and was published in the Washington Evening Star of the same date.

As a member of the minority group in the U.S. Senate I must say that I have been increasingly concerned about the balance of publicity being given to issues. I believe the reason for the concern has been pointed up by these two excellent articles. Mr. Lawrence and Mr. Reston point out that because of the great amount of publicity given *to the President*, far more than has ever heretofore been the case, when the President speaks out on an issue the press, radio and television media publish his position on the issue throughout the length and breadth of the land.

But when the opposite side of the issue is expressed—quite often by one of us on the minority side of the aisle of the Senate—it receives minute coverage. As a result, there is danger that the American public may obtain a one-sided view of the issues. I think it is highly significant when a comparatively independent columnist such as Mr. Reston concludes by saying:

It is not a situation that promises to maintain a political balance of power in the United States.

I do not know what the answer will be. I prefer to leave that to the members of the press. But I trust that all members of the press will read the articles of Mr. Reston and Mr. Lawrence very carefully. I ask unanimous consent that they be printed at this point in the RECORD.

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

[From the Des Moines Register, May 10, 1962]

KENNEDYS' DOMINANCE OF NEWS EYED

(By James Reston)

LOS ANGELES, CALIF.—The increasing power of nationwide mass communications is obviously working to the political advantage of the Kennedys. Not only is the President dominating the political news on national television, but his only competition in the national magazines seems to be his wife, Jacqueline.

On top of all this, the advent of a nationally circulated daily and weekly press is clearly adding to this trend. The Wall Street Journal is already publishing 5 days a week on the Pacific coast and circulating the National Observer on Sunday. The New York Times will start publishing 6 days a week in Los Angeles in the autumn, and this is already having a visible effect on the Pacific coast daily press.

They are increasing their coverage of national and international news. They are adding more nationally syndicated columns, most of them originating in Washington, and all this gives the President an even wider audience.

This is something new in American political life. Franklin Roosevelt had radio and the will and ability to use it effectively. But he didn't have television. Harry Truman and Dwight Eisenhower had both radio and television but used them sparingly.

President Kennedy, however, is exploiting all media.

SERIOUS PROBLEM FOR REPUBLICANS

This conscious policy of dominating the news is apparent enough in Washington, but it is even more striking out here—especially in the absence of a popular national figure in the political opposition.

Former President Eisenhower has receded into the well-earned and agreeable shadows of retirement. Rockefeller is still a remote regional figure at this distance, and even former Vice President Richard Nixon, showing off his new house to the press, seemed less of a national figure than he did when he came to within 100,000 votes of the Presidency a little over a year ago.

This is a serious problem for the Republican Party. It is being overwhelmed in the field of publicity, which is the battleground of presidential politics. The Democrats have passed power from the men born in the 19th century to the new generation born in the 20th, and the GOP has not. Also, the Republicans have to deal not only with an articulate young President in the White House but with the whole Kennedy clan.

NOT SINCE TEDDY

Not since the days of Teddy Roosevelt and his Princess Alice has there been anything like it, and the Teddy Roosevelts didn't have instant communication with the whole continent. But now the Kennedys are getting more publicity than the Prime Minister and the Queen of England combined.

Some of this publicity is, of course, adverse, particularly in the national business and financial papers, and especially since the steel price controversy. But the mass circulation magazines are treating the Kennedys like a royal family, and overwhelming the voice of the smaller critical journals.

It is true, of course, that the President has usually dominated the news in all generations. What he says and does commands the front pages, even if he does not open the White House and its staff to the press and TV reporters, but there is a new dimension now.

THERE IS A DANGER

As the daily newspaper goes national, many of the large city newspapers that used to concentrate on local news have to move into the world to meet their competition. And Kennedy, being an astute politician, is exploiting the trend.

As this trend continues the dangers are obvious. The opposition can continue to express its feelings on the floor of the Congress, probably in the presence of a handful of Members and spectators, but the President has an audience of millions any day he likes. It is not a situation that promises to maintain a political balance of power in the United States.

[From the Washington Star, May 10, 1962]

PRESIDENT: POLICY VERSUS PERSONALITY—CRITICISM OF ACTIONS CALLED IMPORTANT AND UNCONNECTED WITH PERSONAL VIEWS

(By David Lawrence)

Who are the real friends of President Kennedy? Are they the people who resent criticism of his policies and want it suppressed, or are they the critics who point out errors while there is still time for the President to correct them before he faces an election in which the voters render their verdict?

Letters from a small minority of readers sometimes indicate a closed mind—an unwillingness to examine criticism they dislike and a tendency to consider it as somehow personally unfriendly to the official who is criticized.

It so happens that this correspondent, for example, has always regarded John F. Kennedy as a man of engaging personality. But the liking that a newspaper writer has for a President should have nothing to do with the serious business of pointing out errors in public policy. The responsibility of a writer is very much the same as the responsibility of a person who holds office. The people are not interested in one's personal preferences but in the truth about governmental actions and policies. Public officials pay far more heed to criticism that comes from conscientious critics than they do to the plaudits that come from sycophantic friends and worshiping supporters. The other day, an editorial writer of the Wall Street Journal wrote:

"The idea seems to be if you 'like' the man who is President you should support his policies, and that if you disagree with his policies, then it must be that you 'dislike' him. This is not an uncommon attitude. It is shared, in fact, by a good many politicians themselves, who can't avoid the human reaction that any criticism of their ideas is somehow a personal attack. . . .

"If our personal views on Mr. Kennedy are of the slightest interest to anybody, we find him personally very likable and have considerable respect for him. But that is no reason for us to applaud his actions in the steel-price affair, in which we think he was badly mistaken—any more than a different view of Mr. Kennedy personally would have been cause for not applauding his decision to resume nuclear tests, in which we think he did the only wise thing for the country. Policy and not personality is the measure."

Democracy can function best when the electorate is adequately informed. These are days when highly effective use is made of television, radio and the press to present the administration's side on public questions. But what of the "other side"?

Thus, for instance, at yesterday's press conference on television and radio, the reporters didn't take up the following statement by the President concerning the withholding tax now being proposed on interest and dividends. He said the charges being made against the bill were "not true." He then added:

"The only ones affected will be those individuals who are not now paying the taxes they owe on this income, either through neglect or for some other reason."

But Mr. Kennedy evidently hasn't himself read the statement appearing in the newspapers the other day quoting the Commissioner of Internal Revenue as saying it is estimated that more than $200 million will be "over-withheld," and that these taxpayers would have to apply for quarterly refunds. The President said not a word about the loss of interest to the taxpayer on the amounts the Government takes away from him this way for at least a quarter of a year. Nor did Mr. Kennedy mention the plight of the taxpayer who wouldn't be permitted to file a claim for exemption in advance, as he would owe a certain part of the amount withheld but not all of it. He would be compelled to wait for the return of his money.

How, therefore, can the voters get the whole story on controversial issues? Criticism was never more important to the administration itself and to the country than it is today. Voters are in the last analysis, fairminded. They want to know the real impact of national and international policies on their own lives and on the future of their children. It may be popular for a President to cry out against a rise in prices, but governmental interference can bring on a recession if it causes the economic system to become stagnant and the profit system to disintegrate.

Recollection of the breakdown in 1929, which was due to a failure of the national economy to adjust to the consequences of World War I, may have become dimmed in the minds of many people who think the law of supply and demand can be brushed aside and the Government can solve everything. But memories of the 1930's tell us that, despite an excessive amount of governmental intervention and the use of public appropriations of the "make work" variety, unemployment figures didn't materially diminish till the outbreak of World War II. Criticism, especially on economic issues, was never more important than it is today, as week after week the stock market reflects a growing fear of and lack of confidence in the

administration's attitude toward business. More criticism rather than less is needed to restore that confidence.

TRIBUTE TO POLICEMEN AND POLICE OFFICERS

Mr. MILLER. Mr. President, I wish to call attention to the fact that this is Police Week and that yesterday was Peace Officers Memorial Day.

So much attention is being given nowadays to things that happen on the international scene and to crimes on the domestic scene that the general public seldom is made aware of the role these unsung public servants play in keeping the United States a strong and law-abiding country. Dedicated and largely underpaid, our policemen and peace officers risk their lives every day in enforcing our laws and rendering numerous helping hands far beyond the call of duty.

Also, I believe we should give some recognition to those who share the burden of law enforcement with them—their wives and families. Indeed, the job of a policeman and peace officer is one of the most difficult on a family of any job I know.

Finally, let us not overlook the women who also serve as peace and law enforcement officers. They have done an outstanding service and have maintained the highest standards of bravery and devotion to duty.

Our law enforcement officers have established a great tradition in this country. They merit our praise and our salute—not just today but every day.

DANGER IN MEDICARE PROPOSAL

Mr. MILLER. Mr. President, a recent editorial in the Fairfield, Iowa, Daily Ledger merits the attention of the Congress.

The editorial well points out the worthlessness of the rally to be held at Madison Square Garden in New York City on May 20, which President Kennedy is to address in support of the King-Anderson medicare bill.

The editorial also well points out the danger this program has for the entire social security program, and that if it is enacted we may well look forward to an eventual payroll tax of 20 percent and an increase in the tax base from $4,800 to $9,000.

It is well recognized, Mr. President, that some type of program is needed to protect not only our senior citizens but our younger citizens as well from economic ruin following a catastrophic illness or accident. Moreover, it is recognized that some type of program is needed to enable our senior citizens, who are in need, to meet medical care bills without having to deplete their life savings or place a mortgage on their homes. But this does not automatically lead one to the King-Anderson bill, the implementation of which could eventually wreck our social security system.

When President Kennedy appears at Madison Square Garden, I hope that he will make it clear to all in attendance that the King-Anderson bill does not cover doctor bills and that it would extend benefits to people who are millionaires as well as to those who are poor and in need, thus diluting the benefits of the needy and increasing the tax cost for everyone. If he does this, the Garden will witness another knockout—this time of the King-Anderson bill.

I ask unanimous consent that the editorial previously referred to be printed in the RECORD.

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

YOU CAN JOIN A RALLY BY SITTING QUIETLY IN YOUR OWN HOME

Something to look forward to is the big show which the proponents of the administration's medical-aid bill, known as the King-Anderson bill, will stage on May 20.

President Kennedy will address a mass rally at Madison Square Garden in New York where he will speak to some 20,000 over-65 folks.

He will be presented with 50,000 letters pointing out medical care financial hardship cases as well as petitions containing hundreds of thousands of names demanding enactment of the bill. It will be a rally in the best un-American tradition—assemble a multitude and whip it up to a fine frenzy.

Few will ask, and those who think they can get something for nothing won't care, what it will cost. In fact they will believe it won't cost anything because the Government is going to pay the bill.

Just what will it cost? Nobody knows the upper limits. But any sixth-grader can figure out what it will cost to begin with. But not many sixth-graders have figured it out. Nor have their parents. So, we'll give the figures.

The bill proposes to increase social security taxes by one-fourth of 1 percent to employees and employers and to increase the tax base from $4,800 to $5,200 annually.

That one-quarter of 1 percent of $4,800 amounts to $12 for both the employer and the employed. To extend the taxable income to $5,200 will increase the additional $400 by 3⅜ percent. That amounts to $13.50 for both the employee and the employer.

The total additional taxes (to begin with) will be $51.

The social security bill now provides for a progressive increase in rates until they reach 9¼ percent in 1968 (half to each the employer and the employed). That will bring the total taxes up to $444 on every employed person earning as much as $4,800. Add the $51 proposed in the King-Anderson bill and the figure reaches $495.

How much further might it go? Before we give you one man's answer to that question let's look at where it started. Until January 1, 1950, the maximum social security tax was $60. It is now $300. In 1968 it will be $444 under present provisions of the law.

Now for one man's answer to our question. He is one of the planners who would have a voice in administering the fund. He appeared before a Senate committee on March 23, 1961. He said "I foresee a payroll tax of 20 percent and an increase in the tax base to $9,000."

If he is a good guesser (and his guess is backed by the wish to make it so) the maximum tax would be $1,800 a year.

Social security taxes are now 400 percent greater than in 1949. By 1968 they will be 640 percent greater even if medical care is not provided under social security. One of the architects of the superstate thinks they might become as much as 2,900 percent greater than in 1949.

There is still time to get to New York on May 20 and join the crowd to whoop it up for free medical care. If you can't get there you can still participate. Just sit quietly. Don't write your Congressman. He will then know that that New York rally is the voice of the people.

INCREASE IN PRESIDENTIAL POWER

Mr. MILLER. Mr. President, last Thursday, President Eisenhower articulated the concern which all thinking Americans have been feeling over the course the executive branch of our Government has been taking. He declared forthrightly that the continuous efforts of President Kennedy to increase his powers constitute a threat to the liberty of all Americans.

This is a strong warning to be coming from a former President who has no axes to grind except those which will keep our Nation strong and will preserve the American way of life. He well knows that the strength of our Federal system has been the preservation of the balance of powers between the executive, legislative, and judicial branches of Government; and that concentration of too much power in the Executive will distort this balance and bring about the fall of what we have known as the American way of life.

This is not to say that President Kennedy is deliberately seeking to destroy our Government. His intentions are not being questioned. But there is a strong feeling—and it is supported by evidence—that the President and his advisers are falling into the error of believing that the end justifies the means—a philosophy that has been alien to our way of life. It is a philosophy based on expediency. It may work, but that does not justify its use.

In the May 12 issue of the Washington Evening Star is an article by the able columnist, Gould Lincoln, entitled "The Power Grab Issue," which discusses President Eisenhower's press conference. I ask unanimous consent that the article be printed in the RECORD.

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

THE POWER-GRAB ISSUE

(By Gould Lincoln)

Former President Eisenhower—who remains a spokesman for millions of Americans, and by no means only Republicans—threw the book at President John F. Kennedy and his demands for increased Executive power at a press conference Thursday. There was no name calling; no "give 'em hell" technique. But his summary of these demands, his declaration that this gradual swelling of a tremendous Federal bureaucracy is the kind of thing that might ultimately destroy self-reliant citizenship and freedom in this country was effective. His statement was made after more than 3 hours of discussion of governmental affairs with the Republican leaders of Congress. This was his first press conference in the National Capital since he left the White House in January 1961.

The former President obviously is willing to take this issue of bigger and bigger Federal Government and less and less reliance on State and local government—and finally on the individual citizen—to the country in the coming campaign. He strongly urged the election of a Republican Congress as a safeguard against grabs for power. It is just as obvious that President Kennedy and his administration are quite ready to dramatize

this issue of greater power for the Federal Government. Indeed, the President has already done so. And since that is the case, it is likely to go into the fight for political control of Congress which is soon to get underway.

FIVE DEMANDS FOR POWER

General Eisenhower listed five demands for additional Executive power which President Kennedy has made of Congress. They include authority to modify Federal income taxes whenever the President decides it is in the interest of the country's economy. This means lower the taxes, no matter whether the Federal Government has to borrow additional billions to carry on. Also included was authority, in the hands of the President, to finance large-scale public works programs by diversion of funds dedicated by Congress to other purposes; authority for the Federal Government to take over a whole host of State and local responsibilities, including authority for the establishment of a Department of Urban Affairs; authority to regiment all agriculture to an even greater extent than ever attempted before; finally, authority to dilute the independence of the Federal Reserve Board by Presidential appointment of its Chairman. This is to be accomplished by making the term of office of the Chairman coincide with that of a President.

Some of these demands for additional authority have already been attacked by the Republican leaders of the Senate and the House—Senator DIRKSEN of Illinois and Representative HALLECK of Indiana. On one the administration has suffered defeat (at least for the time being)—the creation of an Urban Affairs Department, which Mr. Kennedy sought to accomplish through an Executive order. The House vetoed his order by a significant majority. The other demands are running into strong opposition, and if any legislation is enacted regarding them, it is likely to be considerably modified.

The relations between the former President and President Kennedy since the latter took office have been friendly. Mr. Kennedy has sought General Eisenhower's opinion as well as information on a number of important matters. Whether this open attack on the Kennedy domestic policies will change the atmosphere remains to be seen. General Eisenhower indicated he was strongly opposed, also, to the Kennedy administration's insistence upon increasingly heavy Federal spending on all fronts.

Mr. MILLER. Mr. President, in the May 6 issue of the Des Moines Register is an article by the distinguished Washington correspondent for the Register, Mr. Richard Wilson, entitled "Expansion of Presidential Authority," which relates to this subject, and I ask unanimous consent that it also be printed in the RECORD.

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

EXPANSION OF PRESIDENTIAL AUTHORITY

(By Richard Wilson)

WASHINGTON, D.C.—Now that we are well into the Kennedy administration the basic domestic issue emerges more clearly. It involves an assertion of Presidential leadership in many areas of domestic life, and the use of methods of doing so, which are resisted by very large segments of the population.

On the numerous questions involved it can be sensed that there is a close division of opinion in the country, as there was in the presidential election. This tends to moderate what otherwise might be a more rapid movement toward a much stronger Presidency than can exist under present limitations.

For example, it can only be concluded on balance that President Kennedy's approach to new concepts of labor-management relationships is moderate, at least, for a Democratic President, because it implies important restraints upon labor as well as industry, and a careful and respectful regard for the operation of the profit system.

A Democratic President is under many pressures to adopt a somewhat different tone. It is not suggested here that Democrats do not like profits; it is only suggested that a Democratic President is under more pressure than a Republican to orient himself to economic concepts favored by organized labor.

PRESIDENTIAL AUTHORITY

Kennedy's moderation, under all the circumstances, is reflected in the recent report of his Labor-Management Committee. This Committee, representing big labor, big industry and the public, carefully avoided the extremities of Government intervention in the collective-bargaining process. It rejected also price control, and the most invidious of all remedies for labor strife, compulsory arbitration, even in the big industries affecting the public safety and welfare.

What it did recommend was an extension of Presidential authority, but still subject to restraint by the courts. This new authority would give the President, before judicial action, the power to declare an 80-day cooling-off period between parties to a labor dispute which endangered the national health or safety.

This function now resides in the courts under the Taft-Hartley Act. But the President's action would be subject to judicial review at the instance of any affected party.

During the cooling-off period, the President could, and undoubtedly would, suggest to the contesting parties the terms of a settlement that would protect the national interest. If the strike was not ended in the 80-day period of Presidential intervention, the President would be authorized to ask Congress for special action.

This proposal would thus recognize in law, and not merely in practice, the President's responsibility to guide both labor and management toward a settlement on terms deemed to serve the public interest at the time.

It cannot be questioned that this is a very large order. Henry Ford II, who was a member of the labor-management-public panel, could not see how it promoted the stated aim of free collective bargaining.

The new proposal fits into a context even larger than labor-management relations, that stated at the beginning on the basic issue of the assertion of Presidential leadership in many areas.

NOTEWORTHY INSTANCES

It needs to be considered also that President Kennedy or those associated with him have proposed an expansion of Presidential authority in other fields. There are three noteworthy instances:

Kennedy has himself proposed to Congress that he be given authority, without historic congressional authorization, to lower income taxes, within a stated range, in times of economic emergency.

He has asked also for authority to expand public works expenditures in such times of emergency without specific congressional authorization.

Finally, the President has asked for the broadest Executive authority to lower tariffs across the board. A corollary revision of law would place the President in a stronger position to influence the national economic policies of the Federal Reserve Board. The rotation of positions on this Board would be changed so that a President would be able to appoint a Chairman instead of being in the position of having to accept an already existing Chairman from another administration.

In each separate case it may be hard to argue against the expansion of Presidential authority. What is called for when such authority is expanded is a high degree of public confidence and trust in the Presidential Office.

It may be the presence or lack of such trust that causes the division in the country today.

So far as labor and management are concerned, the desired atmosphere of confidence and trust in the White House may not be forthcoming until the President has dramatically applied to big labor the sanctions he applied to big steel.

Mr. MILLER. Mr. President, in conclusion, I think it well to point out that a number of candidates for Congress this fall have announced that they are going to run as 100 percent for the program of President Kennedy. Perhaps they think this is a popular thing to do, but it might be well for them to reflect that they should really aspire to become Members of an independent branch of the Federal Government and to serve there as custodians of the power which that branch should retain if our American way of life is to be preserved.

FREEDOM ACADEMY

Mr. MILLER. Mr. President, in the May 10 issue of the Sioux City, Iowa, Journal there appeared an editorial entitled "Time To Approve MUNDT's Freedom Academy." I happen to have the privilege of being cosponsor of the bill to establish a Freedom Academy. I believe that the editorial merits the attention of Members of Congress who feel very strongly that there is something lacking in the Federal system so far as concerns turning out people who are well enough informed to take the offensive in the cold war struggle with the Communist world. I ask unanimous consent that the editorial be printed at this point in the RECORD.

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

TIME TO APPROVE MUNDT'S FREEDOM ACADEMY

At this stage of the cold war, how does the United States stack up against its major adversary, the Soviet Union? Most Americans agree at this point that the U.S. military position probably is more powerful than that of Russia. We have the nuclear hardware and other defensive weapons needed to meet any aggression our potential hot war enemy might throw at us. This the Soviet Union knows—that the United States could retaliate with such devastating force that the U.S.S.R.'s very existence would be in jeopardy.

Something of an atomic stalemate now exists. Both sides have respect for the other's power. But still the cold war goes on, fought not on major military battlegrounds but instead on the realm of an ideological struggle between the Communist and non-Communist world.

Unfortunately, the United States in this respect does not measure up well in a comparison with the Soviet political warfare system. Throughout the globe we are being outmaneuvered frequently by the well-oiled Soviet ideological machine, largely because this type of operation traditionally has not been practiced in our free society. But it has been developed to a fine, needle-sharp point by the Communists who find it

a convenient way to win territory without the use of nuclear missiles or massed troops.

The time has come when our Government must get into the act, to more adequately sell the U.S. point of view to the world. This it could do under provisions of a bill advocated for some time by Senator KARL MUNDT, of South Dakota, and endorsed by a group of U.S. Senators from both parties—Senators representing both the conservative and liberal viewpoints. This legislation would establish a Freedom Academy to train Government personnel and private citizens in cold war strategy. It would be a counterpart of the Russian political warfare schools already in existence. As Senator MUNDT puts it:

"In the theater of the cold war, we still operate with far too many amateurs who have the desire to win but who completely lack the needed training and background with which to succeed. While we are training military people for the hot war that we are not fighting, we are failing to train people to operate in the cold war conflict in which we are presently engaged."

This view is shared by other Senators who cosponsor the measure. They include Senator PAUL DOUGLAS, of Illinois, Democrat, who originally signed the bill with Senator MUNDT, a Republican; Senators CLIFFORD CASE, a Republican, of New Jersey; THOMAS DODD, Democrat, Connecticut; GEORGE SMATHERS, Democrat, Florida; BARRY GOLDWATER, Republican, Arizona; WILLIAM PROXMIRE, Democrat, Wisconsin; HIRAM FONG, Republican, Hawaii; JOHN MARSHALL BUTLER, Republican, Maryland; BOURKE HICKENLOOPER, Republican, Iowa; JACK R. MILLER, Republican, Iowa; and KENNETH KEATING, Republican, New York.

That list of Senators is indicative, we are confident, of the nonpartisan support the Freedom Academy should, and undoubtedly will, receive in Congress. A recent Gallup poll report showed that 69 percent of the persons interviewed favored the Freedom Academy idea, 14 percent opposed, and 17 percent were of no opinion. From those results, Congress should be convinced of the wide public support for the Freedom Academy.

In a joint statement the other day, Senators MUNDT and DOUGLAS said: "It is our sincere hope that the Senate Foreign Relations Committee will schedule, at the earliest possible date, hearings on S. 822 so that this vital, needed measure can be given the full study and review required by the committee. We are confident that once these hearings are held, additional support will be given to this proposal and the membership of the Senate will desire speedy enactment of S. 822."

With those sentiments we agree. It is time to establish a Freedom Academy.

STEEL PRICE INCREASE

Mr. MILLER. Mr. President, an increase in steel prices would unquestionably have been reflected in an increase in costs of farm machinery, adding to the cost-price squeeze of our farmers.

Accordingly, it requires considerable objectivity and statesmanship for the farm journal to deplore the way in which the steel price increase was prevented. Expedient farm editors would ordinarily be tempted to breathe a sigh of relief and dismiss the affairs as a case of where the end result justified the means.

Not so with the Iowa Farm Bureau spokesman. The lead editorial in the May 5 issue, entitled "Everybody Loses in Power Politics," is a reproduction of an article by the executive secretary of the Massachusetts Farm Bureau, which points out the dangerous implications for farmers and all American citizens existing in naked political power.

I ask unanimous consent that the editorial be printed in the RECORD.

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

EVERYBODY LOSES IN POWER POLITICS

(By Carleton I. Pickett)

Political ruthlessness was demonstrated the other day in the matter of steel prices. Whether it was necessary or not will be argued from now on until we come to a day when we no longer dare to argue out loud. The point is big steel lost, the administration lost, and you and I lost.

Big steel lost the right to make economic decisions at the management level and bowed to the power of government to harass, probe, and cause economic loss through the withdrawal of contracts.

The administration lost the political advantage of any claim to holding the inflation line by persuasion. It lost too the confidence of thoughtful men and women who have been rudely awakened to the fact that it isn't such a very great step from constitutional executives to dictators.

You and I lost because for a long, long time we will wonder just how safe it is to fight to preserve our liberty against big government.

The farmer has watched the passing event with considerable interest and understanding. Threatened with all the power of government if he does not accept a Federal farm program that was conceived in a belief in Government management and born in coercion, the farmer still finds himself fighting all the power of the administration in order to preserve to himself and his sons the right of management.

Every propaganda source available has been exploited to drive through the Congress a farm bill that cannot possibly perform what it promises. Not in my lifetime has so much time, travel, use of tax money, men, speeches, and what comes very close to threats been employed to defeat the farmer.

Can any citizen or group of citizens successfully disagree with Government on a policy?

The issue is not one to run from and the farmer isn't running. He may just get his ears beat off because this is tough politics, it is frightening politics, it is a fight that admits of no compromise.

The public is not yet fully aware of the dangers of becoming tranquilized by political doubletalk. The issue is whether the Congress will abdicate or not. The indications aren't very heartening. You can be made to look upon big steel as profiteers, gougers, enemies of the public welfare, by our own Government propagandizing the people. Believe it if you wish. But take one good, clear look at naked political power, while you still can.

The intellectuals, the ultraliberals, the sobbing social welfare advocates may all combine to give aid and comfort to programs and policies which require massive power pressures and mighty propaganda. Let the sorry results rest upon their heads but you—you and I lost the fight over steel prices the other day. How many more fights can we afford to lose.

Can we lose the farm fight to Freeman, and will the public sit by and let us lose? Can we sacrifice the American farmer on a modern cross of iron?

WAGE INCREASES

Mr. MILLER. Mr. President, there is a great deal of confusion in the minds of the people over the policy of the President with respect to wage increases.

In his speech before the United Auto Workers convention at Atlantic City, the President called for limiting wage increases to productivity gains.

He did not point out that in some industries wage increases have lagged behind productivity gains more than in others, and that in order for the workers to receive a fair share it might, in a given instance, be fair for a wage increase to exceed the amount of productivity gain over a certain period of time.

Walter Reuther, the president of the UAW, was quick to make it plain that he did not agree with the President's point of view. It is possible that Mr. Reuther's members should receive wage increases in excess of productivity gains over a certain period of time as a matter of fairness in relationship to other industries. And it is possible that they should not. This is something to be left to the bargaining table.

But so much attention has been focused on the outer limits of wage increases that one is liable to overlook the interest of the general public and of management in productivity gains. Heretofore, both of these areas have shared productivity gains with labor, as a general rule. Management has made more profits. The general public has shared through Federal income taxes paid on these additional profits or through price decreases. And labor has received increased wages or fringe benefits.

The matter of increased productivity in its relation to wages, profits, taxes, and prices has finally received the national attention it should long ago have received. But it is for the collective bargaining process primarily to work out the relationship of these factors in given situations—taking into consideration the forces of both domestic and foreign competition. It is for the Congress to establish the guidelines, if these should be established to insure protection of the national interest. And it is for the President to execute—not establish—these guidelines. Let us not forget that.

In the May 11 issue of the Wall Street Journal there is an excellent article by Mr. Frederick Taylor on this subject which points out very clearly the deep differences between the President's policy and that of Mr. Reuther—differences which some people are trying, for political purposes, to sweep under the rug but which cannot be ignored. I ask unanimous consent that this article be printed in the RECORD.

Also, in the May 8 issue of the Sioux City Journal is an excellent article by the economist, Sylvia Porter, which explains the guideposts which the executive branch of the Government has taken upon itself to establish in the wage-price area and also discloses the great flexibility which exists in these guideposts—a flexibility which, as I have indicated before, will provide for considerable controversy which should be settled at the bargaining table. I ask unanimous consent that Miss Porter's article be printed in the RECORD.

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

[From the Wall Street Journal]

WAGES AND POLITICS

(By Frederick Taylor)

ATLANTIC CITY, N.J.—President Kennedy says that "no financial sleight of hand can raise real wages and profits faster than productivity without defeating their own purpose through inflation." And he calls for limiting wage boosts to productivity gains.

Walter P. Reuther, president of the United Auto Workers Union, says that "wages and salaries at least in the immediate future must increase faster than our normal potential for increasing productivity." And he calls for "catchup" pay boosts for workers in the aircraft and missile industry.

If you think this reflects a sharp difference of opinion then you are mistaken—that is, if you follow the reasoning of Mr. Reuther and his top lieutenants. It is a reasoning that apparently permits the union on the one hand to exempt itself from Mr. Kennedy's "guidelines" for labor bargaining but on the other hand to proclaim its solid support of the President's policy.

This verbal tap-dancing occurred at the UAW's annual convention, which ended here yesterday, and it may be worth recounting in some detail because of the implication that while labor strove mightily to elect Mr. Kennedy, it won't necessarily feel itself bound by his wage policy if it wants more than the President says it should have. Moreover, it appears that the impression of harmony with the administration is judged by the union to be more important than harmony itself.

It all began a week ago when Mr. Reuther held a press conference the day before the convention began. In that session he emphasized that he believes workers in the aircraft and missile industry have lagged "way behind the parade" as far as wage increases are concerned. In a companion report, Mr. Reuther complained that since 1960 major employers in other leading industries increased workers' take-home wages from 19 to 23 cents an hour but that in the aerospace industry the increases were only 11 to 14 cents an hour. So he proposed "catchup" raises to bring aerospace wage rates up to date with other major industries.

CONFER BY TELEPHONE

Two days later reporters discovered in another section of Mr. Reuther's report to the convention that he was demanding that wages and salaries rise faster than productivity. He argued that real wages have been lagging behind productivity and that this has been a major factor in the stagnation of the economy.

The stories which appeared Monday morning promptly stirred up members of the President's Council of Economic Advisers who called newspapers to get more detail on what the labor leaders' report said. By Monday afternoon, Mr. Reuther and the President were on the telephone. At 10:30 p.m. Monday, Mr. Reuther issued a 2-page statement which said that the "UAW policy on collective bargaining is in conformity with and supports the efforts of the President to achieve a stable price structure."

Mr. Reuther was able to issue such a remarkable "solidarity" statement in light of his demand that wage increases should outstrip productivity by citing selected portions of the 1962 report of the Council of Economic Advisers.

The first says: "Productivity is a guide rather than a rule for appraising wage and price behavior for several reasons. First, there are a number of problems involved in measuring productivity change, a number of alternative measures are available. Second, there is nothing immutable in fact or in justice about the distribution of the total product between labor and nonlabor incomes" (labor income in the economists' lexicon is wages and salaries; nonlabor income is profits, interest and the like).

The second statement says that "the proportions in which labor and nonlabor incomes share the product of industry have not been immutable throughout American history nor can they be expected to stand forever where they are today. It is desirable that labor and management should bargain explicitly about the distribution of the income of particular firms or industries."

These two statements, the union leaders insist, permit Mr. Reuther to call for wage increases bigger than productivity raises and yet remain in harmony with the President.

But the same report also says that the general guide for noninflationary wage behavior is that the rate of increase in wage rates (including fringe benefits) in each industry be equal to the trend rate of overall productivity increase.

OUTER LIMITS OF PROGRESS

And Mr. Kennedy in his speech to the UAW convention Tuesday, in which he very firmly ordered labor to exercise restraint in its bargaining demands, at one point eschewed the subleties by flatly stating, "It is a simple, inescapable economic truth that increases in productivity in output per man-hour may set the outer limits of our economic progress." He then made the remark that no financial sleight of hand can boost wages and profits faster than productivity without causing inflation.

And how did the UAW accept these Presidential statements which seemed to reject Mr. Reuther's thesis? Perhaps not surprisingly, as an affirmation of its position, by pointing out a particular Kennedy remark: "While individual adjustments may have to be made to fit the previous patterns in individual industries, in general a wage policy which seeks its gains out of the fruits of technology instead of the pockets of the consumers is the one basic approach that can help every segment of the economy."

This, says one union official, means it's okay to go after bigger pay raises from industries that "are below pattern" and he leaves the strong impression that the union will be the judge of which industries in which this is so.

That people only listen to what they want to hear was vividly illustrated the day after Mr. Kennedy spoke to the convention. A delegate demanded a resolution condemning the press coverage of the President's speech, saying he didn't hear Mr. Kennedy say anything about wage restraints.

Mr. Reuther responded that 98 percent of the publishers in the country had been against Franklin D. Roosevelt, Harry Truman, and are against John Kennedy and not to pay any attention.

But the question remains, Will Mr. Reuther pay attention to Mr. Kennedy when he talks about wage restraints?

[From the Sioux City Journal]

GAVE WARNING TO BIG STEEL

(By Sylvia Porter)

Since the White House crackdown on steel, fears that Washington is moving toward peacetime control of prices and wages have mounted alarmingly. There is now real danger that the fears themselves are damaging business confidence. The extreme accusations that President Kennedy is prepared to dictate price-wage trends and that we have taken a giant step toward state socialism are enough to frighten any believer in the U.S. system of private enterprise.

Here are background facts—and I mean facts—to help set the record straight in your mind:

1. The White House's reaction to the steel industry's across-the-board price hike at this time was foreshadowed back in January when the President presented to Congress his Economic Report together with the annual report of his Council of Economic Advisers. In that report on pages 185–190, the Council of Economic Advisers laid down what it called Guideposts for Noninflationary Wage and Price Behavior. If Big Steel's directors had bothered to read those six pages, surely they would have thought a bit more about the timing and method of their price move.

2. Thoughtful observers have realized the significance of these guideposts from the start. In a speech before the American Bankers Association in February, Undersecretary of the Treasury Robert V. Roosa called them to the attention of the Nation's bankers, declared they represent "the most promising advance yet made in this country toward assisting (without controlling or regulating) the processes of collective bargaining." Roosa, a world-respected authority on monetary affairs, emphasized that with their acceptance, the United States will "have passed a most crucial milestone on the road" toward prosperity at home and lasting equilibrium in our financial accounts abroad.

3. The guideposts reject outright "controls in peacetime over the outcomes of wage negotiations and over individual price decisions" as "neither desirable in the American tradition nor practical" in our type of economy. "Final price decisions lie—and should continue to lie—in the hands of individual firms," the Council of Economic Advisers said flatly. The only qualification is that "decisions on wages and prices recognize the national interests in the results"—hardly an inflammatory doctrine this late in the 20th century.

4. Here are the guideposts:

The rate of wage increase, including fringe benefits, should not exceed the overall rate of increase in productivity in our country—meaning the wages should not rise faster than the rise in output per man-hour or, put even more simply, in industry's efficiency. Productivity has been climbing about 3 percent a year so wages should not climb more rapidly than 3 percent a year.

The rate of price increase or decrease should be geared to productivity too. For instance, in an industry in which efficiency is rising 6 percent a year while wages are rising 3 percent and which thus is enjoying declining unit labor costs, this would suggest price cuts. In an industry in which efficiency is increasing more slowly than wages, this would suggest price hikes. In an industry in which the two rates are equal, this would suggest price stability.

5. There is great flexibility within these general guideposts, of course. As an illustration, wage boosts would exceed the general guide rate in industries where there is heavy unemployment. Price increases would be bigger than the guide rate in industries where the profit level is low, price decreases would be in order in industries operating at a very high profit level.

There is no implication of controls or dictation or rigidity in these principles and they—not the scare rumors floating around the country—are the basis of administration policy on restraint of inflationary price-wage rises. The steel wage settlement was well within the guideposts but the steel price hike would have smashed this fundamental formula for prosperity before it even had a chance to work.

Get the Council of Economic Advisers' report presented to Congress January 20, at least read pages 185–190. There you'll find the heart of this matter.

MEDICAL RESEARCH

Mr. MILLER. Mr. President, in the May 6 issue of the Des Moines Register a recent speech by the distinguished senior Senator from Alabama [Mr. HILL], on the subject of medical research, is reproduced.

Senator HILL makes a plea for more Federal appropriations for medical research, even at the cost of a reduction in our foreign aid program, and states that there is no program in our government today which returns richer dividends than does medical research. I believe that we would agree on the value of medical research to the health and better living of our people. But this evaluation should be leavened with the realization that there has been too much waste and duplication of effort in our medical research programs. This was one of the issues that underlay the amendments by the distinguished Senator from Connecticut [Mr. BUSH] to the HEW appropriations bill in the last session, amendments which sought to cut back the appropriations for medical research to what President Kennedy had requested and which were wisely based on the disclosures that not only have there been widespread duplications of research but waste as well. Unfortunately, there were so many members of the Congress who were so enamored with the benefits from medical research that they could not see the wisdom of these amendments.

In the April 5 issue of the Washington Daily News there appeared a timely and important article by the thorough columnist, Mr. John Cramer, entitled "How the Public Got Bilked on PHS Research," which cites some of the examples of waste and abuse which have occurred in our medical research program. Senator HILL's speech should be read in the light of these revelations.

I ask unanimous consent that Mr. Cramer's article and the reprint of Senator HILL's speech be printed in the RECORD.

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

HOW THE PUBLIC GOT BILKED ON PHS "RESEARCH"

(By John Cramer)

The U.S. Public Health Service has many strange ways of wasting the hundreds of millions of Federal tax dollars entrusted to it for research against major diseases.

And one of the strangest—a classic example of Government funds frittered away by don't-give-a-damn mismanagement—emerges in a report newly released by the House Inter-Governmental Relations Subcommittee headed by Representative L. H. FOUNTAIN, Democrat, of North Carolina.

The report tells—

How National Institutes of Health, principal research arm of PHS, in 1959 used Federal funds in the form of an $86,000 "research grant" to set up and finance a private, profit-making corporation which was supposed to study accident-inducing characteristics of motor vehicles.

How NIH later gave the corporation an additional $333,000 in grants—partly for the original study and partly for others such as relating driver education to accident-avoiding behavior * * * and visual fixation without recognition.

How NIH then allowed the corporation to overcharge the Government in dozens of different ways—some of them almost unbelievable—for its alleged research services.

The NIH-created corporation is PSR (for Public Service Research, Inc.) of Stamford, Conn.

The Fountain committee report on PSR's strange, still-continuing, and highly profitable relationship with NIH was prepared by the committee staff with the assistance of General Accounting Office auditors.

All told, NIH has contributetd $419,000 in research grants to PSR, roughly 85 percent of the firm's total revenues. Included was a total of $171,000 for the vehicle-safety research, and $154,000 for the driver-education study.

Here, according to the committee report are some of the ways in which NIH let PSR abuse its "research grants" and grossly overcharge the Government:

Dr. Herbert H. Jacobs, director of research for PSR and its former president, has been an NIH consultant on accident prevention since June 1959, roughly 2 months after PSR was created. As a consultant, he draws $50 per day plus travel expenses.

On "nine separate occasions," when called for consultations, he not only drew his $50-plus fee, but also charged NIH for his PSR salary, with 15 percent added for "overhead."

The only equipment PSR purchased for itself was a $340 used car, and a $125 filing cabinet. NIH provided most of the rest at a cost of $11,373. Another Federal grant provided an extra $4,397 for equipment.

The NIH grants allowed PSR to add a flat 15 percent for "overhead" to all direct (research) costs. Thus, it was to PSR's great advantage to throw as many expense items as possible into the direct-cost category. The more it could charge to direct costs, the more it could make in profit out of the 15 percent "overhead." Among other things, it even charged toilet paper as a direct (research) cost.

Prior to July 1, 1960, NIH gave PSR title to $7,500 in equipment, mostly office supplies, which PSR had purchased with NIH funds. PSR charged NIH 15 percent ($1,125) "overhead" on the equipment NIH had purchased. Then it turned around and claimed a depreciation allowance of $2,576 on the equipment on its Federal tax returns.

NIH retained title to an additional $3,900 of equipment it purchased for PSR after July 1, 1960. PSR charged 15 percent "overhead" on this purchase, too, and thus received $585 "for acquiring the equipment for the Government."

Public Health Service, parent agency of NIH, also got involved in an equipment deal with PSR. As part of a 3-month research contract with PSR, starting in December 1960, it bought (but retained title to) more than $5,000 in office equipment for PSR. In February 1962, PHS agreed to sell the equipment (allegedly used only a few months) to PSR for a third of its original cost. Example: Oscilloscopes costing $625 were sold for an average of about $200 each.

PSR bought a $1,075 calculator in October 1960, and a $715 electric typewriter in January 1961, and charged them to an NIH grant due to expire on January 31, 1961.

PSR's first two grants from NIH included $7,853 for the purchase of office equipment. It wound up charging NIH for an additional $1,300 of equipment not originally requested. Included were carpets, curtains, venetian blinds, pictures, desk trays, etc.

Although one grant included $2,500 for instruments and devices, PSR purchased only one $34 item, which, according to the PSR president, never was used.

From July 1959, through December 31, 1961, PSR paid its officers $67,800. Of this total, it charged $58,200 as direct costs to NIH grants, $3,200 to other Government projects, and only $1,100 (1.5 percent) to "overhead."

PSR charged NIH $3,628 for the expense of hiring three employees. That amount was an employment agency fee paid to the firm of Clark, Channell, Inc. This firm is partly owned by Dunlap and Associates, Inc., of Stamford. PSR itself is a subsidiary of the Dunlap company. The $3,628 was improperly billed as a direct (research) cost.

Expense of hiring one of the employees was charged to an NIH research project on which the employee never worked.

Expenses of hiring two other employees were charged to two NIH research grants. However, they also worked on other projects. The committee report said they apparently were hired to fill general staffing requirements rather than for any specific NIH project.

During its first 9 months of operation, PSR charged only 11 hours of its total salary costs to overhead. All other salary payments were charged to direct (research) costs.

For 2 years, PSR charged none of its rental costs to overhead. However, it charged as direct (nonoverhead) costs such items as $140 for cleaning its premises.

Despite an NIH policy prohibiting the use of grant funds for purchase of books for general staff use, PSR charged two NIH grants for general reference material, and newspaper subscriptions. It also charged prohibited entertainment expenses, including $137 for lunches and dinners.

Such items as toilet tissue, light bulbs, paint and a paint roller, and paper towels also were charged to NIH grants as direct costs of research.

Said the Fountain committee:

"NIH policies and management procedures provide little or no assurance that practices similar to those followed by PSR in the use of grant funds are not widely prevalent."

[From the Des Moines Register, May 6, 1962]

MEDICAL RESEARCH AND FEDERAL AID

(From a recent speech by Senator LISTER HILL of Alabama to a joint meeting of Alabama surgeons and general practitioners.)

As the son of a doctor, the nephew of a doctor, the brother-in-law of two doctors, and the first cousin of five doctors, and, as one who bears the great and honored name of Joseph Lister, I have been privileged to witness at close hand and to be challenged by the battle for the health of our people.

Some 30 years ago, Dr. Thomas Chalmers da Costa of Philadelphia estimated that at that time there were more operations performed in the hospitals in 2 weeks than were performed in a whole year at the turn of this century. The late Dr. Charles H. Mayo declared that abdominal surgery did not really start until 1891.

Of course, we know that in 1809 Ephraim McDowell performed successfully an ovariotomy upon Mrs. Crawford in Kentucky and that a few years later in the wild woods of Tennessee Dr. McDowell repeated the operation with Andrew Jackson as his assistant. And a little later on Dr. McDowell cut stones out of the bladder of President Polk when the President was a boy.

HE CHANGED SURGERY

It was in 1876 that Joseph Lister visited Philadelphia and Samuel D. Gross, the Nestor of American surgery, exclaimed after Lister's lecture at Jefferson Medical College, "Crazy, by Heaven, carbolic and crazy." Lister never did an abdominal operation in his life although, as has been well said of him, he changed surgery from a near massacre to a healing art.

I am reminded that about the turn of the century the late Dr. Wyatt Heflin, my father's friend and mine, who had been all night with a tedious labor case, and who as the morning light broke, saw the old doctor of

the Highlands and asked him if he would stay with the patient until he could get his obstetrical forceps.

To which the old doctor answered "You don't need them; quill her."

Dr. Heflin said, "You do it."

The husband was sent to the backyard for a goose quill and a piece of Old Red Plug tobacco. The tobacco was pulverized and the quill loaded. Then the old doctor said to the patient, "Shut your eyes and throw your head back, Honey," and the old doctor blew the Red Plug up the left nostril. Dr. Heflin caught the baby just as the cord snapped as it was going over the foot of the bed.

The physician of half a century ago could only bring to his patients the ammunition which the limited knowledge of that time placed in his trusty black bag.

RELENTLESS ENEMY

At the turn of this century in America, man's most relentless enemy—disease—ravaged our fair, young country. The two biggest killers, pneumonia and tuberculosis, exacted a frightful toll. Diphtheria, typhoid fever, scarlet fever, yellow fever, and dysentery were rampant. Because these diseases were beyond the control of the doctors of yesteryear, we were losing 1 in every 10 babies before they were a year old.

It is no exaggeration to say that, at the beginning of the 20th century, uncontrolled disease menaced the very future of our beloved country. The average American died in his mid-forties—in the very prime of his life. Think of what a tremendous loss this was to a nation which had just begun its tranformation into a major industrial power.

Over the last half century. due to the miracles of medical research and the increased skills, we have extended the average length of life 21 years—from 49 in 1900 to the present Biblical 3 score and 10. It has been authoritatively estimated that 23 million American lives have been saved by the advances of medical research since 1900.

Again authoritative testimony, which our Senate Appropriations Committee has received from some of America's most distinguished doctors and scientists, points up the fact that these Americans saved by the wonders of medical research over the last 15 years today pay much more each year in taxes to the Federal Government than the Federal Government invests yearly in medical research for the benefit of all.

There is no program in our Government today which returns richer dividends than does medical research. It is medical research which lengthens productive life, reduces disability, cuts down our public assistance rolls and adds workers to our productive economy.

In 1902, on a kitchen table in a shack in Alabama by the flickering light of 2 kerosene lamps my father, Dr. Luther L. Hill, performed the first successful suture of the human heart in America.

The years since then have brought forth nothing short of miraculous improvements in heart surgery. Since 1939, when Dr. Robert E. Gross repaired the first congenital heart defect to yield to surgery, one surgical miracle has followed another.

Although we rightfully celebrate these advances, we have no grounds for complacency. Last year, heart disease killed more than 900,000 Americans. It is the leading cause of death in this country.

Cancer, that ancient enemy of mankind, has doubled its mortality over the last generation. In our Senate hearings, we have been informed that the incidence of six major types of cancer is increasing at an alarming rate.

For the fiscal year starting July 1, the administration proposes $780 million for all of the vast medical research, training, and disease control programs by the National Institutes of Health. By way of comparison, the administration proposes $4.8 billion for foreign aid for the coming year.

Would it not be wiser and more in the national interest to increase our medical research expenditures and activities by transferring some of the considerable expenditures for foreign aid over to the preservation of life and health in this country?

In addition to an accelerated medical research program, I think we would all agree that the responsibility is ours to find the way to give all people the opportunity for adequate hospital and medical care.

As we well know, highly qualified specialty boards now certify doctors in more than 20 disciplines within the broad spectrum of modern medicine.

We have also seen a parallel growth in our hosptial system. During the past 15 years alone, under the aegis of the Hill-Burton program, we have built thousands of new hospitals and public health centers throughout the country, the majority of them in rural areas which had no such facilities prior to this program.

SOCIALIZED MEDICINE

We have also witnessed the remarkable growth of voluntary health insurance. Just 25 years ago, only a few million people had hospitalization insurance. Today about 136 million—roughly 75 percent—have hospital coverage. Additional millions are now covered for surgical and major medical expenses, both in the hospital and outside of it.

I am unalterably opposed to socialized medicine. The doctor is ever the central figure in the drama of medical care. All else is to assist the doctor to do his best. If the doctor is to do his best, he must remain free and uncontrolled; only as the doctor finds the inspiration and enjoys the right of individual action that freedom gives—to explore, to inqure, to discover, to serve in his own way—only then can he give his best, only then can we continue the marvelous progress of American medicine.

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

Mr. MILLER. I am glad to yield to the Senator.

Mr. HILL. The article by Mr. CRAMER to which the Senator from Iowa has referred cites as its main basis the instance of the National Institutes of Health making a grant to a private profitmaking organization known as the PSR Co. Undoubtedly that company took unfair advantage of the Government with respect to that particular research grant.

Since that grant, the National Institutes of Health have changed the previous procedure for research carried on by profitmaking organizations. No more grants of this kind will be made. Any work carried on by a private, profitmaking organization will be carried on only under contract in which all the terms and obligations and requirements are specifically written out.

The testimony before our committee shows that less than one-third of 1 percent of NIH funds which went for research went through any kind of grant to a profitmaking organization. No more will any of those be made.

I would say to my distinguished friend that after the Cramer article was published on April 5, there appeared before the Subcommittee on Appropriations, on April 16, Dr. Alson E. Braley, professor and head of the department of ophthalmology at the State University of Iowa Medical School, and presently a member of the National Advisory Neurological Diseases and Blindness Council.

I am sure the Senator from Iowa will agree with me that the University of Iowa Medical School is a splendid school, and that certainly Dr. Braley enjoys the reputation of being one of the outstanding ophthalmologists and outstanding experts in this field or ophthalmology and blindness. I shall not take the Senator's time to read all of the doctor's statement, but I do wish to read this part of it:

I wish to recommend the continued expansion of the vision research and training programs of the National Institute of Neurological Diseases and Blindness.

Great progress has been made during the past decade in understanding the causes, prevention, and treatment of many of the disorders of vision. To a very large extent, these advances have come through research made possible by this committee.

When he speaks of the committee, of course he speaks of the committee as an agent of the Senate, because all committees are agents of the Congress.

We are all deeply grateful for this progress and are optimistic about future research developments. Nevertheless, we recognize the immensity of the problem remaining. Presently, there are approximately 400,000 legally blind persons in the United States and almost 2 million more who are partially disabled from disorders of vision. The care of these persons costs the Nation over a billion dollars each year, and the cost in lost productivity has been estimated at more than $3 billion. This, of course, does not begin to reflect the heartache and disappointment of the disabled people and their families.

As I have said, Dr. Braley is a dedicated man who has given much of his life and much of his services to this cause of medical research. If Mr. Cramer and others who write articles could come to the subcommittee and hear the testimony and learn the great story of medical research, they might write a different kind of article, and perhaps Mr. Cramer would have a change of heart. He would certainly take a different view of medical research, what its effect is, and what it does, and what it has done, and the needs of its compulsion.

Mr. MILLER. I thank the Senator from Alabama. In addition to agreeing wholeheartedly with what he has said about the University of Iowa Medical School and the distinguished head of ophthalmology department, I think Mr. Cramer's article probably can be helpful in averting the danger that we do not become so enthusiastic about the opportunity and the successes of medical research that we fall into the terror of permitting unnecessary duplications of effort and a certain amount of waste.

I well remember that about a year ago the distinguished senior Senator from Minnesota [Mr. HUMPHREY] appeared before the Committee on Rules and Administration, of which I was then a member, and furnished the committee with a report listing thousands of medical research projects. Would the Senator from Alabama agree that at present there is not an adequate cataloging system to identify, bring together, and coordinate all the various medical research

projects in the Federal Government structure.

Mr. HILL. I have talked to Dr. Weisner, who is the President's adviser, and, we might say, in some sense, perhaps, coordinator of the whole research. He is working now, together with a committee of which I believe he is the chairman, on the proposal to do all possible to try to coordinate all the types of research which are now being conducted under the auspices of the Federal Government, whether the research be under direction of the National Institutes of Health, the National Science Foundation, the Atomic Energy Commission, the Army, Navy, or Air Force; or some other agency of the Government.

The project known as medlars, under the aegis of the National Library of Medicine, is now being undertaken for the very purpose of doing what the Senator from Iowa has suggested. The purpose of the project is to try to coordinate in the best possible way the research now being conducted in all the different agencies of the Government.

Research does not lend itself to cataloging exactly as a mathematical proposition. We are told that before Thomas A. Edison developed the incandescent light, he conducted a thousand different experiments. I believe he first used copper wire. Today, tungsten is used instead of copper, so an improvement has been made upon Edison's original invention. Medical research does not lend itself to cataloging as a mathematical proposition, with a yardstick or a slide rule.

Mr. MILLER. The Senator from Iowa does not wish or intend to be unreasonable. I am reassured to learn that a project is now underway to provide for the coordination of the various projects. However, I am familiar enough with certain types of research to know how easy it is to permit a vast amount of duplication to occur, and how difficult it has been in many cases down through the years to obtain proper coordination between the various agencies and branches of the Federal Government, not to mention the various institutions in the field which are under contract to do research for the Government, so as to avoid duplication.

I hope that there will be a little more vigilance than there has been heretofore, because I feel quite certain the Senator from Alabama does not wish to have unnecessary waste or duplication occur in this type of work. That was the only point I was making in this discourse, which induced the Senator's remarks.

Mr. HILL. I thank the Senator from Iowa for yielding to me. I thoroughly agree with him that we certainly want no waste; we want no duplication. So far as medical and biological research are concerned, that work is almost entirely confined to the National Institutes of Health. However, the Atomic Energy Commission, in some research which it is conducting in the nuclear energy field, might well consider the effects of nuclear energy on the human body; or might consider the results if nuclear energy were handled in one way or some other way. But basically, biological and medical research is carried on in the National Institutes of Health.

I shall not trespass longer on the Senator's time, but I wish I had the time to read from the statement of Dr. Braley concerning what has been accomplished by research in the field of blindness in the last few years. Speaking of blindness, I emphasize what Dr. Braley has so well said concerning the need for the continuing expansion of this research.

There are many other fields for medical research. For instance, during every 2 minutes that the distinguished Senator from Iowa has held the floor this afternoon, a man, woman, or child in the United States of America has died a tortured, agonizing death from cancer. More people die in the United States from heart and vascular diseases than from all other diseases combined.

More than half of all the hospital beds in the United States today are occupied by persons who are suffering from some form of mental illness.

Furthermore, some 12 million persons are suffering from arthritis. Some of them are bedridden. Many of them are in a nonproductive category because they can no longer work and no longer produce; they are burdens upon themselves or upon their families or upon the taxpayers.

Dr. Braley, in closing his testimony before our committee declared on April 16:

> You would be absolutely amazed at the good that has been done in ophthalmology through the NIH program.

I thank the Senator from Iowa.

Mr. MILLER. I add one further comment to the statement of the able Senator from Alabama. I think it worthwhile to point out, since he has referred to the University of Iowa Medical School, that the State of Iowa has for a number of years had an outstanding program for the rehabilitation of the blind. I can think of no more worthwhile undertaking than that. It is a program along the lines to which the Senator from Alabama has been referring.

PROPOSED TARIFF LEGISLATION

Mr. MILLER. Mr. President, the lead editorial, entitled "Should Iowa Solons Back Trade Proposal," published in the May 1 issue of the Waterloo, Iowa, Courier, might well be read by other editorial writers who have been so quick to support the President's trade proposal without taking the trouble to make a study in depth of the problem.

The editorial points out some of the genuine objections of Iowa Members of Congress in years past to expand presidential powers and reduce tariffs, instead of making the superficial criticism that those Members were opposed to free trade. It wisely reveals that the average U.S. tariff is now only 11 percent, whereas in Japan and Austria it is 19 percent, in Great Britain 17 percent, in Canada 16 percent, and in the Common Market countries 14 percent.

Most important, from Iowa's standpoint, it warns, as I warned several weeks ago, that the Common Market has adopted a completely protectionist policy in regard to agricultural commodities which have been exported from Iowa, and that the administration's "free trade" campaign is taking place in the face of slamming the door to their major export market upon American farmers.

I stated to the Senate that I will support some tariff reduction legislation, but at the same time I want reasonable assurance that the export market for our agricultural commodities in the Common Market nations will be continued. This reasonable assurance cannot be obtained by blindly supporting the trade agreement legislation proposed by the President.

In this connection, the May 10 issue of the Wall Street Journal contains an excellent article entitled "House Panel Smothers New Bids To Cut Tariff Powers Kennedy Asked." The article reports on the efforts made by the Republican members of the House Committee on Ways and Means to amend the trade agreement bill to bar the President from lowering tariffs on product manufactured within the Common Market if the Common Market follows through with its plans to establish variable import levies on American farm products. It is noteworthy that the administration, which makes so many fine speeches about its concern for our farmers, opposes this amendment, claiming that it would prevent any negotiations between the United States and the Common Market. This reason for opposition is merely gratuitous. In fact, the opposition tends to create the suspicion that the implementation of the President's trade agreement proposal would be weighted in favor of giving U.S. industrial products more access to the growing consumer market in Western Europe. This suspicion is strengthened by the efforts made by the administration to impose marketing quotas and acreage controls on our farmers, for it is easy to perceive that a failure to make a powerful effort to preserve and, indeed, to increase our agricultural exports to Western Europe will aggravate the farm commodity surplus situation.

The record written on the trade agreement proposal will be highly indicative of the depth of the concern which this administration professes for the future of the farmers of America.

Mr. President, I ask unanimous consent that the editorial and article to which I have referred be printed in the RECORD.

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

[From the Waterloo (Iowa) Courier, May 1, 1962]

SHOULD IOWA SOLONS BACK TRADE PROPOSAL?

If an American housewife can buy a West German butcher knife at a lower price than an American-made knife of the same quality, she benefits. But if her husband loses his job in a knife factory because of this foreign competition, she loses.

A study by Congressional Quarterly of the voting records of U.S. Senators and Representatives since 1948 on tariff reduction issues shows a tendency by most Iowa Republican Members of Congress (with the exception of Representative FRED SCHWENGEL of the First District) to vote against a more liberal trade policy. While the issues were

different in the different votes and while party policy may have been a factor, it cannot be said that most Iowa Republicans have been in the forefront of the campaign for eliminating tariffs.

This viewpoint, we think, results primarily from three considerations: (1) They oppose the tendency in this field, as in others for Congress to surrender its lawmaking functions to the President; (2) they fear that unrestricted competition with countries with a much lower wage scale would hurt the American standard of living; and (3) they feel that American bargaining power in trade negotiations has not been used aggressively enough in behalf of the American farmer and American food processor.

Certainly all Iowans must recognize that exports are a significant part of the Iowa economy. The State in fiscal 1961 exported some $207 million of agricultural products. About 25 percent of the soybeans and 15 percent of the corn produced by American farmers are exported annually. Among processed foods, about 16 percent of the pork, 13 percent of the condensed milk, and 10 percent of the margarine are exported. About 9 percent of the agricultural machinery, 15 percent of the pumps and compressors, and 28 percent of the construction machinery produced in this country are exported.

Any Iowa legislator obviously would favor any program which offered hope of improving the volume of such exports. But there is another side to the story. After many years of so-called reciprocal tariff negotiation, the average American tariff on manufactured goods is now 11 percent, that in Japan and Austria is 19 percent, that in Great Britain 17 percent, that in Canada is 16 percent and that in the Common Market countries 14 percent. President Kennedy recently negotiated a 20-percent reduction in tariffs on automobiles with the Common Market; but this left the American tariff on cars at 6.5 percent while the Common Market tariff will be 21 percent. Is this reciprocity?

Now the President wants authority to negotiate tariff reductions by 50 percent and to eliminate entirely the tariffs on those groups of goods where this country and the Common Market together account for over 80 percent of world trade. Many Congressmen will oppose this program simply on the grounds that Congress should not make this vast delegation of power. For, as the recent steel price controversy demonstrates, Presidential powers can be grossly misused.

Moreover, the Common Market has decided to adopt a complete protectionist policy in regard to those agricultural products which can be produced in Europe. Thus the administration campaigns for vast tariff-cutting powers under the slogan of free trade at a time when the door to their major export market is being slammed in the face of American farmers.

These are some of the reasons why there is not unanimous support among Iowa legislators for the administration's trade proposals.

[From the Wall Street Journal, May 10, 1962]

HOUSE PANEL SMOTHERS NEW BIDS TO CUT TARIFF POWERS KENNEDY ASKED

WASHINGTON.—The House Ways and Means Committee continued to smother Republican efforts to reduce the scope of additional tariff-cutting powers requested by President Kennedy, but the specter of one restrictive amendment backed by the bipartisan farm bloc still hovered over the administration's freer trade bill.

With the committee making decisions at a snail's pace, the Democratic majority easily disposed of efforts by Representative BYRNES, Republican, of Wisconsin, and other GOP committee members to restrict the President's proposed new authority to eliminate tariffs altogether on many industrial products.

However, the GOP efforts weren't given much chance of committee approval anyway. The real test for the administration continues to be an amendment drafted by the American Farm Bureau Federation and introduced by Representative HARRISON, Democrat, of Virginia, which would bar the President from lowering tariffs on products manufactured within the European Common Market if the Common Market carries through its plans for establishing variable import levies on American farm products.

Actually, the Harrison amendment wasn't discussed formally during a day-long session of the committee behind closed doors yesterday. But behind the scenes, White House aids were trying to work out some compromise that would satisfy both the farm bloc and the administration. It was learned that all such compromise efforts so far have been rejected by Farm Bureau spokesmen.

WHY ADMINISTRATION OPPOSES AMENDMENT

The administration contends that the Harrison amendment would prevent any negotiations between the United States and the Comon Market—currently comprising France, West Germany, Italy, Belgium, the Netherlands, and Luxembourg—and thus makes the entire trade bill meaningless. The trade bill, which would give the President substantially greater tariff-reducing authority than is contained in the 28-year-old Reciprocal Trade Agreements Act expiring June 30, was drafted primarily to give American industrial products access to the growing consumer market in Western Europe through a lowering or elimination of tariff barriers.

One possible compromise substitute for the Harrison amendment talked about by administration sources would empower but not require the President not only to forgo further U.S. tariff cuts but also cancel past reductions if the Common Market imposes its proposed variable import levies on American farm products. These levies would be made flexible so that the prices of U.S. farm products—primarily wheat, rice, feed grains, poultry and fruit—in Western Europe always would be higher than the subsidized price of the commodities produced by Common Market farmers.

Both Representative HARRISON and the Farm Bureau have turned down any such compromise. Moreover, the Farm Bureau contends that the administration is exaggerating the impact of its amendment, saying the Common Market could get around it merely by promising to establish at some future date a fixed tariff on farm commodities instead of variable levies.

FARM BLOC'S POWER RESPECTED

The still potent power of the farm bloc in the House is the major reason for the care with which the administration and Committee Chairman MILLS, Democrat, of Arkansas, are trying to find some substitute for the Harrison amendment that would save face for everybody Representative HARRISON predicts flatly that, unless the farm bloc is satisfied, the House will vote to send the trade bill back to Ways and Means with instructions to include some form of his amendment.

While these off-stage negotiations were in progress, the committee was rejecting, by party line votes, Republican efforts to limit a central provision of the bill. This provision would empower the President to reduce tariffs as much as he wants or even eliminate them on categories of products in which the United States and the Common Market jointly account for at least 80 percent of world trade. This power would be in addition to the bill's general grant of authority to reduce tariffs as much as 53 percent over 5 years.

The first rejected amendment submitted by Mr. Byrnes, top Republican spokesman on tax and tariff matters in the House, would have permitted elimination of U.S. tariffs on a specific category only if the Common Market also eliminated its external tariff on this same category. The administration opposed this amendment on grounds that it would lead to inflexibility for U.S. negotiators and prevent trade agreements in which the Common Market would reduce tariffs more than the United States did on one category and the United States would reduce tariffs more than the Common Market did on another.

A second amendment by Mr. BYRNES would have permitted tariff reductions of more than 50 percent only on those categories in which the United States by itself accounted for one-fourth of world exports. Here again, the administration argued this would tie the hands of U.S. negotiators.

Still another Byrnes amendment turned down by the committee would have restricted the President's power to eliminate tariffs on tropical products such as cocoa, coffee and bananas—a provision intended to help the underdeveloped Latin American and African nations. The administration's bill would withhold this authority from the President if the tropical products were produced in "significant quantities" in the United States. The Byrnes amendment would have withheld the power of eliminating the tariff on a tropical product if another product competitive with it were produced in significant quantities in the States.

The trade bill would for the first time authorize the President to reduce tariffs on whole categories of items instead of on the present item-by-item basis, and the committee informally approved an amendment yesterday that would give the Tariff Commission the power to determine just what commodities would be included in each category.

U.N. LISTING AT ISSUE

The administration's bill would have used the Standard International Trade Classification prepared by the United Nations as the basis for the categories. But Representative MILLS and other friends of the administration's trade bill, viewing the politically controversial U.N. as an unnecessary burden for the trade bill to carry, demanded that any reference to the world organization be stricken from the bill. Actually the Tariff Commission itself, in outlining categories, probably would use the U.N. document, so the change adopted by the committee is more apparent than real.

The committee also accepted a relatively minor change proposed by Representative ULLMAN, Democrat, of Oregon, that would restrict the power of the President to cut tariffs by more than 50 percent on any category of agricultural commodities in which the United States and the Common Market account for at least 80 percent of world trade. The Ullman amendment would bar any such tariff cuts unless it was shown in advance that such action actually would increase U.S. exports of the commodity.

One category of agricultural commodities in which the United States and the Common Market jointly are dominant suppliers would be sugar confectionery and other sugar preparations. But most categories of commodities falling under the dominant supplier section of the bill are industrial rather than agricultural.

OPPOSITION TO PROPOSED WITHHOLDING OF INCOME TAXES ON DIVIDENDS AND INTEREST

Mr. MILLER. Mr. President, in the current controversy over President Kennedy's proposal to withhold taxes on dividends and interest, I note that the

President has been critical of some opponents of this proposed legislation for spreading rumors that this is a new kind of tax, over and above the present income tax.

Let me say, Mr. President, that I have received several thousand letters in opposition to this proposal of President Kennedy's, and not one has been based on any misunderstanding that this is a proposed new tax. Let it be made clear that banks and savings and loan institutions in Iowa have not been trying to mislead the voters.

In this connection, I ask unanimous consent to have printed in the RECORD two timely editorials. One, entitled "Withholding on Truth?" appeared in the May 12 issue of the Washington Evening Star; and the other, entitled "America the Gullible," appeared in the May 11 issue of the Wall Street Journal.

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

[From the Washington Evening Star, May 12, 1962]

WITHHOLDING ON TRUTH?

President Kennedy has engaged in another exercise in intemperate scolding of a segment of American business in his news conference attack on opponents of his plans for a withholding tax on dividends and interest. Treating the Nation's banks and savings and loan associations as "whipping boys" in this instance, he has accused them of carrying on an untruthful campaign against the controversial legislative proposal.

Specifically, Mr. Kennedy said that these institutions "have led many people to believe" that this is a new tax or a tax increase, that it would take money unjustly from honest taxpayers, that it would create a mountain of redtape and cost more than it returned, and that it would harm the elderly, widows, orphans and others of low income. It is true that the overwhelming majority of the institutions so excoriated by the President are opposed to the withholding plan. Their spokesmen have testified against it on Capitol Hill, and they have made their views known to Congress through other channels. However, Mr. Kennedy did not produce any evidence to support his charge that this opposition has included a campaign of public misrepresentation and falsehood—and it is doubtful if the institutions, or their trade associations, are so stupid or so irresponsible as to depend upon deceit in seeking support for their position.

As Mr. Kennedy said, this is not a new tax or an increased tax. It is, however, a new way of collecting it, and it could do some of the very things that the President says it will not do. It would, in some cases at least, take money unjustly from honest taxpayers—until they recapture it through applications for a refund. It would also create a mountain of redtape, not only for the institutions that would be charged with the job of taxcollecting for the Government, but also for the Government itself. And it could harm the low-income people—most apt to include the minors, the aged and the least informed—by forcing them to choose between two redtape alternatives, namely, filing for exemption or filing for refunds. Indeed, the so-called safeguards which the administration accepted belatedly during House consideration of the legislation added considerably to the redtape aspects—and it is the complexity and uncompensated cost of this paperwork that account primarily for the opposition of the banks and savings associations.

None of these institutions is supporting the principle of tax evasion, of course, and some of their spokesmen have advocated a plan similar to one proposed by Senator JAVITS, Republican, of New York, that information returns be filed by the dividend and interest payers and that copies accompany the returns of individuals. If any tax is due, it would then be collectible—when due, not before. With the Internal Revenue Service installing new electronic checking systems, this seems like a fine field for their effective operation.

[From the Wall Street Journal, May 11, 1962]

AMERICA THE GULLIBLE?

President Kennedy has now seen fit to criticize the Nation's financial institutions for deliberately misleading the public about his tax-withholding plan for dividend and interest income. One implication seems plain enough: Scores of millions of Americans must be pretty gullible if they are so easily misled.

We do not agree with any such estimate of the American people, any more than we believe that most of them are eager for the enactment of the compulsory social security plan for medical care of the aged, or for various other proposals for extending the authority of the Central Government.

To begin with withholding, the President told his news conference that banks and savings and loan associations have led many people to believe the dividend-interest plan is a new tax or a tax increase; the White House and congressional mail shows that, he said. We think there is far more to the matter than any confusion about the plan's precise requirements.

What has been brought out, in Congress and elsewhere, is that this proposal would obviously constitute a new provision of the tax law, and one with some plainly undesirable effects. Notably it would deprive owners of stocks and savings accounts of a portion of their income that they would otherwise receive throughout the year and pay taxes on when taxes are due. For not a few this would mean deprivation of income when income is needed to live on.

Almost anybody can see that, and it is, we think, what really accounts for the deep opposition to the plan throughout the country.

For one estimate of that opposition, there is a new survey conducted by the American Press, a trade magazine in the small newspaper field. We realize that newspapers also don't rate highly in Mr. Kennedy's book; "I'm reading more and enjoying it less," he quipped to his newspaper audience. Still, editors of weeklies and hometown dailies are about as close to the public pulse as you can get.

Of more than 400 such editors so far responding to the survey from all over the country, 66 percent are against the proposed withholding-tax scheme. One of them put it this way: "I'm against more withholding tax. Eventually they'll be mortgaging the unborn to foot our defaulted bills."

As for other parts of the administration program, here are a couple of additional results of this survey of grassroots editors: 84 percent strongly oppose any form of Government-sponsored medical or hospital aid to the aged; 74 percent are against the creation of a Cabinet-level Department of Urban Affairs (Congress didn't think much of that one either); the majority oppose Federal aid to education—81 percent against the specific proposal for Federal assistance on classroom construction and teacher salaries.

Now we certainly won't argue that such a poll proves anything conclusive. However, taken together with numerous other probings and the findings of Congressmen themselves, it indicates at the least that President Kennedy's personal popularity is still not rubbing off on his domestic program. Nor is there any good reason to expect it would.

People are still intensely wrapped up in their communities, whether inside big cities, in suburbia, or in small towns. They are still spending a great deal of time, effort, and money to build their local schools and hospitals. Along comes the Federal Government offering what? To take more of their money to give them back less. And through it all, whether medical care or tax withholding, runs the ugly thread of more compulsion.

No one objects to the President's plugging his withholding plan or any other plan. We just doubt that the American people, after all these years, are as unsophisticated about the advertisements for Federal planning as the planners seem to think.

A VOICE FOR MILITARY SPACE?

Mr. MILLER. Mr. President, in the May issue of the Air Force magazine there appears a timely article, by Mr. Claude Wiltze, senior editor, entitled "A Voice for Military Space."

The editorial points out that the House and Senate committees which have been established to consider problems and legislation relating to space are concerned primarily with nonmilitary matters.

Our scientific and military leaders have made it abundantly clear that space dominated by a hostile power would have serious consequences for the national defense and security of this country. Accordingly, it is imperative that our resources be directed toward long-range military capabilities in space in addition to nonmilitary developments.

Mr. Wiltze raises the question of whether there should be a joint House and Senate Committee on Space, similar to the Joint Atomic Energy Committee, or whether the House and Senate Armed Services Committees should be geared into space problems more than they now are.

I believe that this editorial merits serious consideration, and I ask unanimous consent that it be printed in the RECORD.

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

A VOICE FOR MILITARY SPACE

(By Claude Witze)

It is a matter of record that in recent years Congress has been consistently more farsighted in assessing many military requirements than has the executive branch of the Government. The most striking examples of this are in the area of weaponry, where the legislators have pressed hard for improvements in everything from the infantry rifle to the Polaris system, manned bombers, and military airlift. Because of the way the space age sneaked up on us, the Congress, it now is clear, organized its committee effort following a pattern in which insufficient attention was paid to the military requirement.

The House of Representatives has a Committee on Science and Astronautics and the Senate has a comparable group on Aeronautical and Space Sciences. Quite properly these groups are concerned with the effort of the National Aeronautics and Space Administration, to the almost complete exclusion of military considerations. The House Committee on Armed Services and the Senate Armed Services Committee hear testimony from Defense Department and military witnesses. A

proper part of this touches on the menace in space and what we should be doing, but the space-oriented testimony at this point in time tends to be submerged in discussions of more current weapon systems, personnel policies, the intricacies of procurement, and the generally wide range of topics that fall under the jurisdiction of these committees. The Armed Services groups have subcommittees to give special attention to some subjects. These include intelligence, the national stockpile, the NATO forces, conflicts of interest, real estate, housing, and the utilization of shipyards. In neither House does the Armed Services Committee have a subcommittee on military space. The result, inevitably, is that Congress, which itself wrote into the National Space Act of 1958 a demand that proper weight be given to the military potential, is focusing its attention on the peaceful program, at least from the important point of view of committee activity.

Some signs of this weakness have been called to the attention of the legislators. In March, to cite one weighty example, a subcommittee of the House Committee on Science and Aeronautics, assigned to study the NASA manned spaceflight program, heard from two industry witnesses with scientific competence. They were Dr. George L. Haller, a vice president of General Electric Co., and Dr. William O. Baker, vice president for research of Bell Telephone Laboratories. Both emphasized that Russia's peaceful applications of space technology are not a threat to this country. But, Dr. Haller said, the implications to our military survival "are almost obvious." Dr. Baker added that while international prestige is the classic explanation of why we have a space program (under NASA), "we can't forget the force factor, the naked power," and the capability of being able to do things in space that other nations cannot do. He said the Soviets are doing some things we are neglecting and that these have military applications. "This," he declared, "is the saddening, annoying, but literal fact at the moment."

The witnesses were in close agreement that we cannot afford to have space dominated by a hostile power. To this, Dr. Baker added the observation that technical knowledge about space in the United States is outpacing our planning and programing, particularly when it comes to using space technology for security or national defense purposes. He cited the requirement for facile and certain recovery of manned satellites on land and sea. And the necessity for a manned vehicle that can make an easy transition from suborbital to orbital rendezvous. Possibly more important is the knowledge needed to survive if an orbiting vehicle is under attack. To those who say there is no justified requirement for these things in any 1962 program, Dr. Baker points to the fact that he was working on ablative materials in the 1948–51 period, when it had not been suggested that their application would be on nose cones and capsules. Yet, if his laboratory had not done this work, when there was no stated requirement, the entire missile program and development of recoverable satellites would have suffered. Our resources today, the witness said, "must include immediate research-and-development efforts directed toward the long-term acquisition of military capabilities * * * supplementary to and not in duplication of * * * the civilian space effort." Dr. Baker added that our national policy does not define the affirmative role of the military in space, but rather limits the military role. He pointed out, for example, that NASA has no interest in protecting Apollo from hostile action in space, an interest that would be paramount if the military probabilities were considered. He said the present NASA-Defense Department liaison has a good pattern, but so far there have been no orders given that will ensure proper attention to military needs.

None of this fell on deaf ears, and it is not our intent to so imply. But it did fall on the ears of a committee that is, quite naturally, primarily concerned with the civilian space program. It fell on the ears of a committee in which some members have consistently expressed serious concern about neglect of the military space program and duplication of military capabilities by the civilian program. But even these men, members of the House Committee on Science and Astronautics, face conflicts of interest, jurisdiction, and effectiveness if they pursue too determinedly a line of questioning that is centered on military topics. There is an eminent scientist of our acquaintance who believes that one day peace will be ensured on earth and that space will be given over to war. None of the existing committees on Capitol Hill are empowered or prepared to consider that possibility.

It may be that the ideal solution would be a joint House and Senate committee, similar to the one that has handled our atomic energy program. Certainly, if this is not possible, the House and Senate Armed Services Committees should prepare to give special attention to the military requirement in space with subcommittees devoted entirely to that subject. It would be in complete accord with their standing record for farsightedness in matters concerned with national security.

INCREASE IN THE NUMBER OF POOR

Mr. MILLER. Mr. President, in the May 8 issue of the Des Moines Register appears a thought-provoking article, by Mr. Rudolph Flesch, entitled "Gap Growing Between Rich and Poor." In the article Mr. Flesch discusses a new book authored by Dr. Gabriel Kolko, noted Harvard historian.

It appears that one of Dr. Kolko's findings is that there is now the same gap between the rich and the poor that there was in 1910; and he concludes that in the future the poor are likely to increase in number.

This statement may come as a shock to many people; but when one realizes that increases in wages and salaries during the last 15 or 20 years have in numerous instances only kept pace with inflation, with Uncle Sam picking up some of the difference due to increased income taxes, the situation is understandable.

Some of our lower income citizens may like the jingle of more money in their pockets, and may think they are better off; but when their wives go to the stores to buy food, clothing, and other necessities, the reduced purchasing power of that money makes it difficult for them to make ends meet.

This is another of the many reasons why Members of Congress should see to it that the value of our money is not further diluted by continued deficit spending and increases in the national debt ceiling. When inflation takes over, it is the poor who are hit the hardest.

I ask unanimous consent that Mr. Flesch's article be printed in the RECORD.

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

GAP GROWING BETWEEN RICH AND POOR

(By Rudolf Flesch)

The rich are getting richer and the poor are getting poorer. That's the upshot of a disturbing new book by a Harvard historian, "Wealth and Power in America," by Gabriel Kolko (Praeger).

Dr. Kolko is a scientist who likes to find out things for himself. All around him, economists and sociologists have been saying for years that Utopia is just around the corner, poverty is disappearing and just about everybody is now part of the middle class, living in affluence in the suburbs.

Not so, says Kolko. Taking a sharp look at the same statistics that have been used by his colleagues, he comes to different conclusions. There's the same gap between the rich and the poor as there was in 1910 and chances are things are going to get worse instead of better, he concludes.

LOW-INCOME FAMILIES

There are more older people around now who drag the income level down. Then there are more households headed by women, whose earning power is less than that of men. There are larger families among Negroes who are handicapped in their progress because of their race. There's a shift toward white-collar jobs whose salary level is sinking year by year.

On the other hand, the wealth of the wealthy is becoming less and less visible. Once they used to have sumptuous mansions in Fifth avenue, and made a big splash throwing their money around in full view. Now their expensive houses are hidden in the hills of exurbia and they prefer less tangible luxuries like Ivy League educations for their sons and daughters, superb medical care, long and frequent vacations abroad and superabundant retirement schemes. Aided by excellent legal talent, they've found a thousand ways around the graduated income tax.

DEMOCRACY UNFINISHED

In short, says Kolko, the unfinished business of our democracy is just as unfinished as ever. We haven't even begun to make it easier for working-class boys and girls to make their way into the middle class; the great job of making Thomas Jefferson's dream come true is still ahead of us.

In a way, Kolko's book has the same shock value as the first Russian sputnik 5 years ago. Then we learned that we can't take it for granted that the United States will always be ahead in the scientific race. We learned—or at least began to learn—that any continuing success needs work, or we'll soon fall behind the rest of mankind.

TOO MUCH FOR GRANTED

Somehow we've also taken for granted that we'll always be ahead of the rest of the world in our progress toward democracy—that the forces that made the children and grandchildren of poor European immigrants into high-income, middle-class Americans would keep on working forever.

The time has come for us to wake up and see our country as it really is.

"The poor remain," says Kolko, "and will likely increase in number in the near future. The predominantly prosperous middle-class society is only an image in the minds of isolated academicians."

PROPOSED LEWIS AND CLARK WILDLIFE AND RECREATIONAL TRAILWAY

Mr. MILLER. Mr. President, there was published in the Des Moines Tribune of April 9 an article entitled "Lewis-Clark Plan Called Great Idea." The article refers to the plan which the late "Ding" Darling, a noted conservationist and cartoonist, envisioned for development of the Missouri River along the path followed by the great explorers, Lewis and Clark. I ask unanimous consent that the 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:

LEWIS-CLARK PLAN CALLED GREAT IDEA

WASHINGTON, D.C.—The proposed Lewis and Clark Wildlife and Recreational Trailway, an idea conceived by the late Jay N. "Ding" Darling, has been described by enthusiastic supporters here "as the greatest single outdoor idea since the creation of Yellowstone Park."

Under the plan envisioned by the cartoonist-conservationist, the shorelines of the great rivers that Lewis and Clark followed (1803–6) from St. Louis to the Pacific Ocean would be preserved, along with small adjoining recreational and wildlife areas for future generations.

Sherry R. Fisher, of Des Moines, a member of the Iowa Conservation Commission, who presented the proposal here, said he was "overwhelmed with the enthusiastic response it received both from officials and the Nation's leading conservationists."

Fisher is one of several of the late Mr. Darling's friends attempting to implement his ideas.

WILDLIFE AVENUE

There are voluminous notes, letters and other papers that Mr. Darling had accumulated on the Lewis and Clark plan. Many were laboriously handwritten only a few days before his death. These will be assembled in a brief as a basis for planning, Fisher said.

One of Mr. Darling's ideas was that preserved water courses would become "an avenue for wildlife."

The Missouri River is the route of a great wild waterfowl migration. Each spring sees almost the entire continental population of blue and snow geese concentrated in great flocks as they move up the river, bound for their Arctic nesting grounds.

To one friend, Mr. Darling wrote: "The whole story of the possibilities of a Lewis and Clark National Parkway, extending from St. Louis to Oregon, would take a lot of study and publicity, but it seems a practical monument to a very worthy expedition which has never been given ample credit.

"President Jefferson probably made the best real estate bargain [Louisiana Purchase] of anybody in America and when one thinks of what the Mississippi River traffic turned out to be, and the gold that we took out of California, and the prairielands and mountains in between, the $15 million paid for the whole works was a bargain."

NEED

Interior Secretary Stewart Udall told Fisher the proposal was exactly the kind intended under the recent report by the Outdoor Recreation Resources Review Commission. The plan, he said, would fit into those of the newly established Outdoor Recreation Bureau, headed by Edward C. Crafts, formerly of the Forest Service.

"This mid-continent section is one of our most important areas and its need for outdoor recreational facilities is greater than most other sections of the Nation," Udall said.

Fisher said he would obtain the cooperation of the various State conservation departments in making preliminary plans so that their choice areas and Lewis and Clark historical points of interest could be preserved.

He said some discussions already had been conducted with the Nebraska Conservation Department and that Mel Steen, its director, "is very high on the idea of this recreational memorial."

Fisher said it is most important to obtain grassroots support for the proposal to get fast action on a Federal level.

"Eight or ten years from now will be too late," he said.

DESTRUCTION OF THE FREE ECONOMY BY EXCESSIVE GOVERNMENT REGULATION

Mr. MILLER. Mr. President, in the Wall Street Journal of May 14, the lead editorial, entitled "The Winds of Competition," merits the attention of all who read the CONGRESSIONAL RECORD. The editorial points out that excessive Government regulation or influence can only destroy our free enterprise system, by artificially affecting the market, and that the market area of competition is what has built up and preserved our type of economy. I ask unanimous consent that the editorial be printed in the RECORD.

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

THE WINDS OF COMPETITION

The forces of the market, the Government would have us believe, must be eyed with increasing suspicion. They can no longer be trusted to act as they once did, keeping supply in balance with demand, channeling resources into their most productive uses.

In the steel case, for example, President Kennedy made it clear he believed that "a tiny handful" of executives were so powerful that they alone could shrug off market forces and push up prices not only in the steel industry but throughout the economy. And supposedly the only way the public can be protected from such people, in steel or in other industries, is for the Government to intervene in the market more and more.

Well, a lot of things have happened since the steel "explosion," and some of them add up to still more evidence that the Government is underrating the potency of market forces. All around the country, it seems, the winds of competition are blowing briskly. Some executives, now and then, may wonder a bit about all that power the President seems to think they have.

Take the fir plywood industry, where supply recently has been running ahead of demand. The major companies in the industry are certainly big, and their actions strongly influence trends in their business. So are they shrugging off this supply-demand imbalance, which most of them regard as temporary? No indeed. Three times in the past month they've cut prices, trying to stimulate sales.

There are plenty of other recent examples of the vigor of competition. In the shoe industry, some of the biggest firms are finding it hard to keep pace with aggressive, smaller rivals. Big metropolitan newspapers are pushing hard for circulation in the suburbs only to find, as one official says, "It's a real struggle to sell newspapers, because community newspapers are multiplying like rabbits."

In the steel industry itself there's fresh evidence that competition is still strong, whatever Mr. Kennedy may think. Joseph T. Ryerson & Sons, a big steel warehousing firm, says it has cut prices on cold rolled sheet, a major steel product, "to meet the market" being set by competitors. Price shading also is reported on other steel items. At the least this raises anew the question whether the market by itself might not have demolished United States Steel's price-boost attempt, with no help from Mr. Kennedy. It's certain the steel industry is no stranger to competitive warfare; mills long have competed not only with other mills' prices but with other industries' products, such as plastics, glass and cement.

Now, it's one thing to say that the Government should be alert to monopoly dangers. With this we agree, and Federal agencies have been active in this area since the days of Theodore Roosevelt. But it's clear the Government now envisages something quite different from that.

Steelmakers or companies in other industries may no longer be allowed to set their own price in freedom. Whenever a private price decision conflicts with the President's view of the "national interest," the private decision is to be overridden by whatever means Mr. Kennedy can muster. This adds up to administered prices, however much the administration may deny it. And that is the very sin the administration attributes to big companies.

If the Government in peacetime can dictate price-setting, the most crucial of all business decisions, what is to prevent it from poking into other matters, such as regulation of supply? In fact, what is to prevent the Government from getting into a much bigger version of the same kind of mess it is now in on the farm?

Excessive Government regulation can only destroy the free economy. If prices are to be artificially set in Washington, supply and demand will be chronically out of balance and the Nation's resources will be continually wasted. And we cannot see how anyone can argue that the Government can increase competition by suppressing it.

IMPORTANCE OF ATOMIC CIVILIAN POWER PROGRAM

Mr. AIKEN. Mr. President, very soon the Joint Committee on Atomic Energy will begin hearings on the authorization bill for the fiscal year 1963 for the Atomic Energy Commission.

Each year, as we know, the Joint Committee reviews proposed authorization legislation for the appropriation of funds for the construction of capital facilities and sums necessary to carry out cooperative programs for the development and construction of atomic-power reactors.

There is nothing unusual in the Joint Committee's review of the AEC authorization; this is considered routine committee business.

What is most unusual, however, is that this year the Joint Committee had neither a Senate bill nor a House bill before it, until today.

Over 4 months of this session of the Congress have elapsed, and no bill containing the proposed fiscal year 1963 AEC authorization had been introduced in either House—this, despite the fact that the AEC Chairman in January 1962 submitted to the Joint Committee the administration's approved proposed bill.

Finally, Mr. President, on May 14, today, the Atomic Energy Commission submitted a revised bill, with only a few changes from its January program.

One may justifiably inquire as to why the administration's earlier bill was not introduced?

Why have the administration's recommendations for the AEC authorization bill not been submitted to the scrutiny of Members of Congress and the public before this time?

To have seen the original proposal of the administration for the AEC authorization bill is to understand and to sympathize with the reluctance on the part of my democratic colleagues on the Joint Committee to introduce it.

It is easy to understand why none wished to be associated with it.

For years the Joint Committee has been noted for its strong support of the civilian cooperative power program.

During the Republican administration, my Democratic colleagues were quite vocal in criticizing what they claimed to be inadequate support for civilian nuclear power.

Some of them, therefore, must have been a little embarrassed during the first year of the Kennedy administration when the AEC authorization bill for fiscal year 1962 only had $12 million for the cooperative effort with private and public electric power utilities to advance the development of nuclear energy.

Their embarrassment of last year must have turned to mortification when this year's proposed legislation included no money whatsoever for the power demonstration program.

Let us compare last year's $12 million and this year's "no money" proposal of the Kennedy administration with the last 4 years under the Republican administration.

The level of support for the power demonstration program as contained in past AEC authorization bills was as follows:

Fiscal year:	
1958	$149,915,000
1959	25,198,000
1960	45,500,000
1961	45,000,000

Compare those figures with last year's $12 million and this year's "no money," and you can understand why my Democratic colleagues are embarrassed to the extent they have refused to introduce their administration's fiscal year 1963 AEC authorization bill until it was modified.

My Democratic colleagues are fair-minded men. They are anxious to see the atomic energy power program go ahead.

While they recognize that sometimes in the heat of a political campaign promises are made that may not be kept, they cannot forget the claims made for atomic energy in the Democratic platform adopted at the national convention on July 12, 1960.

They well remember the promise of their party to "continue the development of the various promising experimental and prototype atomic powerplants which show promise, and provide increasing support for longer range projects at the frontiers of atomic energy application."

Yes, they promised to continue developments begun under the Republican administration and to provide greater support for longer range projects in the frontiers of atomic energy.

Unfortunately, the present administration seems to have difficulty in finding the frontiers.

Its increasing support of the power demonstration program meant a drop from $45 million for the fiscal year 1961—the last authorization under the Republican administration—to $12 million last year, and no money whatsoever in this year's proposed authorization.

Is there any wonder that up to now the Democratic members of the Joint Committee have failed to introduce the administration's proposed legislation?

It is unfortunate that the administration decided earlier this year to abandon its support of the nuclear cooperative power program at a time when we are close to gaining the goal we have been seeking these many years.

During hearings before the Joint Committee on Atomic Energy on the development, growth, and state of the atomic energy industry in March 1962, the committee was informed how near we are to the attainment of economic nuclear power in two regions of the United States where conventional fuel is very expensive. One of these areas is New England.

Mr. William Webster, who is president of the Yankee Atomic Electric Co., testified concerning his company's experience with nuclear power.

His company, which includes a group of New England utilities, in cooperation with Westinghouse, has constructed a nuclear plant under the Government's cooperative nuclear power program, in Rowe, Mass, and has been operating the plant since November of 1960.

Here is what Mr. Webster had to say about the foreseeable potential of nuclear power in the high cost conventional fuel area of New England in response to a question from my colleague, Senator PASTORE.

I quote from the report of the hearings:

> Senator PASTORE. Does the group [Yankee Atomic Power Co.] have any future plans with regard to another plant?
>
> Mr. WEBSTER. Well, this group is quite pleased, shall I say, with their Yankee experience. They recognize that a very much larger plant offers a better opportunity to be competitive than one the Yankee size or only slightly larger. They are looking forward to putting a plant of this sort on the lines, probably on a joint basis of some sort, let us say, in 1967, at the very worst 1968, but I expect it could even go critical before 1967. That would simply be an economic and routine addition to our power supply in New England.

The Yankee Atomic Power group has with this first plant and first loading of nuclear fuel generated power at a cost of something less than 10 mills per kilowatt-hour.

This is very close to the cost of power in the New England area from conventional sources, which is about 8 or 9 mills per kilowatt-hour.

It was the conviction of those that testified that the cost of atomic power can be brought down to less than that from conventional sources if we follow through on the last phases of our development work.

The New England area is most interested in the development of nuclear power.

The construction of the Niagara and the St. Lawrence projects has been most helpful in the development of low-cost electric power.

However, development of hydropower potentials in this area is virtually completed.

The New England area in the near future has no other alternative but to return to high-cost conventional fuels unless some other source of power is developed.

The Power Authority of the State of New York has been interested in helping develop low cost atomic power, but has been prevented from doing so by lack of favorable State legislation.

In a report dated March 16, 1961, Mr. Robert Moses, chairman of the Power Authority of the State of New York, submitted to the New York Governor the reasons why the New York power authority ought to be permitted to participate with the Federal Government in the development of nuclear powerplants.

Mr. Moses again reiterated the advice that was set forth in the authority's 1960 nuclear report:

> Let there be no mistake about it. The control of atomic energy will, before long, be the greatest domestic policy question before the American people, because those who control fission and fusion will be the masters of population growth and location, industry, trade, commerce, and life itself. This is too great a control to be exercised otherwise than on the theory that it is affected with a major public purpose not to be left exclusively to private profit enterprise.

Mr. Moses was particularly interested in the construction of a very large atomic powerplant which would be integrated with the authority's system.

It is interesting to note that Mr. Moses' views were borne out in the recent Joint Committee hearings, which indicated a definite trend toward larger conventional and nuclear plants supplying large interconnected power grids through higher voltage transmission lines.

The substance of the testimony of all of the experts who testified at the Joint Committee hearings in March 1962 was that the era of economic nuclear power is definitely in view, and all that was required to attain it was a continuation of our concerted development and demonstration efforts for a few more years.

The goal of economically competitive nuclear energy can be attained in the next few years only if a sustained Government and industrial development effort is maintained in this field.

Some of our atomic equipment companies are finding it difficult to stay in business because of the lack of new starts, even though the future looks promising.

It was unfortunate that the present administration proposed to retreat from this New Frontier just as the critical point when the benefits of our efforts are in sight.

The cooperative atomic power program between the Atomic Energy Commission and industry is a critical factor in our efforts to attain competitive civilian nuclear power.

This program fostered the development and construction of nuclear powerplants from which sound technical data and operating experience can be obtained to advance the program.

This effort also provided the support required to build up the vital industrial complex to manufacture nuclear powerplants.

The distress which will result in this new industry by the haitus which will be caused by the slowdown of the program originally proposed by the present administration, I am sure, is obvious to all of us.

The trends in this new industry can be seen from the following tabulation of atomic powerplant design starts for the past few years:

Year:	Designs started
1953	1
1954	3
1955	2
1956	3
1957	2
1958	5
1959	4
1960	1
1961	1
1962	1
1963 (proposed)	0

Twenty-one atomic powerplants were started under the Eisenhower administration, and another was authorized. Under the Kennedy administration, only two have been started, one of which was authorized under the Eisenhower administration. The other one is outside the Government program, anyway; that is the one at Bodega Bay, Calif.

Mr. President, is it not fitting to ask why the Kennedy administration undertook to bring to a standstill the power demonstration program of the AEC just at a time when the production of competitive-cost nuclear power seems to be within our grasp.

Why is it that instead of giving continued encouragement to this program, as pledged in the Democratic platform of 1960, the administration attempted to put a roadblock in the way?

I am sure that this reactionary position of the executive branch does not represent the thinking of my Democratic colleagues in the Congress. I hope that they may be able to persuade the administration not to seek an authorization for merely a token appropriation for the atomic power program and not to cancel any such program which the Congress may authorize and make appropriations for.

I trust that with bipartisan leadership from the Joint Committee on Atomic Energy we can get the atomic power program moving forward again.

THE BILLIE SOL ESTES CASE

Mr. WILLIAMS of Delaware. Mr. President, for the past several weeks I have been urging a full congressional investigation of the manner in which Mr. Billie Sol Estes, of Texas, was able to obtain such favorable consideration from the Department of Agriculture. The rapidfire events of the past few days give indication that when the full facts have all been disclosed this will be a major scandal.

However, today I call attention to a circumstance of this case which disturbs me even more than anything heretofore disclosed; and that is, the manner in which Miss Mary Kimbrough Jones, former secretary to Mr. N. Battle Hales, a Department of Agriculture official, was apparently railroaded to a mental institution apparently for no reason other than that she knew too much. She has since been determined to be mentally sound, but that does not alter the situation. Nor does it change the fact that she was committed to a mental institution without the Agriculture Department doctor making any attempt to consult her personal doctor or her family; nor was any effort made to consult other medical authorities before her commitment.

This girl was placed in an institution and in the position of having to prove her sanity. The Department claims that this case was handled within the law, but if that is true then we need a correction of our existing laws.

For the past several days we have heard the administration loudly proclaiming its great interest in protecting the civil liberties of the individual citizen without regard to his race, creed, or nationality.

This is a violation of the civil rights of a citizen—a Government employee—which is far more serious than the denial of the right to vote.

The right to vote is important and must be protected, but railroading an employee to a mental institution for nothing other than refusing to cooperate in covering up corruption of a Department is of a far more serious nature.

Apparently it began when her boss, Mr. N. Battle Hales, an official in the Department of Agriculture, submitted to his superiors an adverse report on the manner in which the Department of Agriculture was dealing with Billie Sol Estes. Suggestions had been made that there were circumstances in the Estes case which warranted its referral to the Department of Justice. Instead, Mr. Hales, on April 19, was intensively questioned by the FBI.

The following day, April 20, when Mr. Hales returned to his office he found a guard at the door, and he was barred from entering. He was told that he had been relieved of his previous duties and transferred to another job involving the Department's food stockpiling activities in connection with the civil defense programs. He was allowed to take his personal effects from his office but was told that his files must remain. Allegedly the combinations on his files were all changed to make sure that he did not have access to any of the information which had been compiled during his examination of the Estes case.

After Mr. Hales had been removed from his office and sidetracked to an insignificant position his secretary was placed under suspicion, and the harassment began.

Now, what crime was committed by Miss Mary Kimbrough Jones, the secretary to Mr. Hales before his transfer?

Apparently she remained too loyal to her former boss and tried to protect his files from being pigeonholed or destroyed, with the result that she became very unpopular with other Department officials.

Allegedly she was ordered from the office, and when she objected she was bodily removed and detained in an adjoining office.

Dr. Lee K. Buchanan, the Chief of the Health Division of the Agriculture Personnel Office, was called in, and without any effort to consult with Miss Jones' personal physician concerning commitment to a mental institution he arbitrarily ordered this lady carried to a mental institution.

I understand that Dr. Buchanan claims that he had advised Miss Jones' doctor that he was sending her to a hospital; but even if he had done so, there is a vast difference between discussing sending a girl to a hospital and discussing sending her to a mental institution.

I am advised that Miss Jones has a long record of service with the Government, during which time she has been given high efficiency ratings. She was considered an excellent employee until the recent developments.

I have talked not only with the doctor but with Miss Jones' brother. Both said that they nor any member of the family was contacted concerning her commitment until after the lady had been committed to the institution.

She was detained there several days or until such time as she could prove her sanity. After detaining Miss Jones several days the District Mental Health Commission, which included two staff psychiatrists from the hospital, held a brief hearing and then ruled that Miss Jones was mentally sound and ordered her discharged.

But this discharge came only after she had been confined several days in the mental ward of the hospital.

I have talked with Miss Jones' personal physician, and he denied that he had been consulted concerning her committment to a mental institution prior to the Department's actions. Her doctor further stated that as her personal physician he had never detected anything which would raise any question as to Miss Jones' sanity. In fact, he had seen Miss Jones in his office only the day before her commitment, and while she was extremely nervous—which was understandable in view of the circumstances—he said no question was raised concerning her sanity.

I emphasize that in reviewing the case I found no basis whatever for any questions having been raised so far as Miss Jones is concerned.

By what right did Dr. Buchanan, an employee of the Department of Agriculture, order this lady carried to a mental institution without first having her examined by her personal physician or by some other doctors? This girl was placed in the embarrassing position of being committed first and then having to prove her sanity before she could get out.

Have we reached the point where employees who displease their superiors can be arbitrarily committed to a mental institution where they must remain until such time as they can prove their sanity? Why have we not heard of some of the liberals of this administration coming to the protection of this girl?

If such arbitrary procedure is allowed to go unchallenged then the civil rights of every employee of the U.S. Government are in jeopardy.

During the past several days much has been said in the Senate about the need for defending the rights of every American to cast his ballot, but here is an instance where a civil liberty has been taken away from an American citizen which goes far beyond the denial of a

vote. Yet the Attorney General of the United States, who boasts of his great interest in protecting the civil liberties of every American citizen, remains strangely silent. Why?

The irony of this is that this drastic action was taken against Miss Jones during National Secretaries' Week, a week which was set aside for the employers of America to recognize the efficient service and loyalty of their secretaries.

I most respectfully suggest that the Attorney General of the United States, who thus far has displayed an appalling lack of interest in the whole Estes case but who professes such a high regard for civil rights, examine this case from two angles:

First, did Mr. Lee K. Buchanan, a doctor in the Department of Agriculture, have the legal right to send Miss Jones to a mental institution without consulting either Miss Jones' personal physician or any other outside physician and to order her confined until such time as she could prove her own sanity?

Second, if under the existing law Dr. Buchanan or any other official of the U.S. Government does have such dictatorial power then I am asking for the Attorney General's recommendation as to how the law should be amended to prohibit any other American citizen from ever again being subjected to the indignities of such a high-handed procedure without first having an opportunity to consult his or her family, lawyer, and physician.

Mr. President, if there had been any doubt about the need for a full-scale investigation of the Estes case that doubt is now removed.

I conclude my remarks by saying once again that after a careful examination of this case I find no basis whatever for raising any question as to this girl's sanity. I do not for one moment question that perhaps she might have been delirious and hysterical. I would have been, too, if I had been told that I was to be arbitrarily taken or shanghied from an office and sent to a mental institution without being given an opportunity to call a member of my family or to consult my doctor. I think this is one of the most glaring cases of the violation of the rights of an individual that I have ever seen.

YOUTH CONSERVATION CORPS

Mr. MOSS. Mr. President, now that the Senate is turning its attention to other pending legislation, I trust we can move on the bill to establish a Youth Conservation Corps (S. 404).

The Senate passed this measure in the last Congress by a substantial vote, but it died in the House. This session a YCC bill combined with a youth public service program, has been reported by both the House and the Senate Labor Committees, and is pending on the calendar in both bodies. If the bills can be brought to the floor at an early date, there is a good chance we can arrive at a compromise version between their differing provisions, and the 87th Congress can be known as the Congress which reactivated this most important program to conserve our great natural resources and the even more valuable human resource that is our youth.

The Salt Lake Tribune, one of the West's most influential newspapers, recently carried an editorial entitled "Youth's Vast Wasteland," which makes a very persuasive case for passage of the YCC bill. Soon our millions of teenagers will be out of school for the summer, and although some of them will find jobs and other constructive pursuits, for many it will be 3 months of what the Tribune terms "demoralizing idleness." Both the Nation and the youth themselves would profit greatly by a program which would take these young people out into our forests and our parks and our wildlife refuges to conserve and improve them. And our communities would profit from the public service phases of the program as the editorial also points out.

I ask unanimous consent that the Tribune editorial be printed at this point in the CONGRESSIONAL RECORD.

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

YOUTH'S VAST WASTELAND

With schools recessing in about a month, most parents and welfare leaders in urban communities face the summer with foreboding and worry.

Regardless of their efforts to find work, many thousands of teenagers will spend most of the summer in demoralizing idleness.

True, there will be limited recreation programs to help direct youthful excess energy into proper channels; some high school age boys will be able to get jobs and some may take special courses, but most face 3 months of sterile inactivity, or worse. The modern household is so nearly automated that it offers few chores, especially for boys.

Mary Conway Kohler, a former juvenile court judge and now chairman of the National Committee on Employment of Youth, recently summed up the problem this way:

"As we once wasted natural gas and forests and topsoil, today we waste our most valuable natural resource—the productive power of young brains and muscles, the creative power of young imaginations and emotions. We waste them because we neither keep them in school nor give them jobs."

The vacation period will bring renewed pressure on Congress to act on the proposed Youth Conservation Corps but by that time the lawmakers will be preoccupied with a drive for adjournment, and for various reasons the program annually meets a wall of opposition.

The House Committee on Education and Labor has reported favorably on H.R. 10682, the Youth Employment Opportunities Act of 1962, recommended by President Kennedy, but the Rules Committee is an impressive obstacle. The Senate version (S. 404) was reported favorably last fall but no action has been taken since.

Under the House bill, the corps enrollment would not exceed 12,000 a year for the first 3 years.

The corps would be open to young men between 16 and 22, with one-third of the strength reserved for participation by State and local governments which would be expected to pay half the cost of programs in which they participated.

The pilot program would make hardly a dent in youth unemployment. But it would be a start.

There is a huge backlog of needed conservation work on forests, parks, and wildlife refuges. Moreover, libraries, schools, and other institutions would benefit from the community public service employment phase of the program.

How serious will the youth unemployment and delinquency problem have to become before remedial action, such as is offered in the Youth Conservation Corps is taken?

THE ROLE OF EDUCATION AND THE EDUCATED MAN IN AMERICA AND THE WORLD TODAY

Mr. MOSS. Mr. President, it is a source of constant pride to me that our distinguished U.S. Commissioner of Education, Dr. Sterling M. McMurrin, comes from my State of Utah, and was formerly associated with my own alma mater, the University of Utah.

However, it is with more than pride in one's own that I read and listen to Dr. McMurrin's realistic and eloquent discussions on the role of education and the educated man in America and the world today. Recently Dr. McMurrin engaged in such a discussion before the Conference on the Ideals of American Freedom and the International Dimensions of Education at the HEW auditorium in Washington, D.C. entitled "Education for Freedom in a Free Society," Dr. McMurrin proceeded from a discussion of our sense of obligation to knowledge and reason, to the issue of freedom itself, and then to the role of the scholar as a critic of society, concluding that it is one of the great tasks of those in academic life to stand firm for the preservation of intellectual freedom.

Dr. McMurrin holds that the continuing crisis in which the Nation now finds itself "is a crisis of the liberal ideal out of which our values have come." Then he states:

> Today, as never before, we must cultivate the broadest human sympathies and a genuine identification with whole mankind. Our past local and national isolations are gone and the provincial attitudes that arose from those isolations are doomed to die. The instruments of education must be employed to more adequately prepare us for the new world-mindedness that must replace those attitudes.

I ask unanimous consent to place in the RECORD the full text of Dr. McMurrin's remarkable address.

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

EDUCATION FOR FREEDOM IN A FREE SOCIETY

(Revised address by Sterling M. McMurrin, U.S. Commissioner of Education)

When we ask the question of the responsibility of our schools in the matter of freedom, we confront a primary task of education, for quite certainly among the purposes of education none is more basic than the understanding, appreciation, criticism, and perpetuation of the culture, and among the defining properties of our culture, none is more central than freedom and none is more pertinent to the large issues that now occupy us. The problem is not whether education has responsibilities here, but rather what they are and how they can effectively be mounted. The ideal of freedom pervades the whole structure of our personal and corporate life and it falls therefore upon all the institutions of our society, singly and collectively, to protect and cultivate it and to keep it a viable quality of our culture. The specific task of education must be identified

within the context of the primary function of education, which is the achievement and dissemination of knowledge, the cultivation of the intellect, and induction into the uses of reason.

Our people have a firm tradition of respect for reason and for what reason entails—knowledge, evidence, and a careful assessment of the pros and cons of every issue. This is not to say that we have always behaved with reasonableness in the past or to guarantee that we shall avoid irrational attitudes and conduct in the future. It is to say that our civic passions are quite commonly responsive to the persuasions of evidence and that we have built into our habits of thought and action those deterrents and inhibitions that in part account for the stability of a people whose public life is a scene more of discussion, deliberation, and effective compromise than of emotional extremes and arbitrary decision.

That we have such extremes is all too evident. And they do not all belong to the past, for some are with us now. We can look in many directions and see evidences of irrational behavior of all kinds, in public and in private life. In some instances the matter at hand is trivial, or at least of no general concern. In others something very real and very precious may be at issue. Often there is at least a loss of the composure and self-possession that are among the chief adornments of a mature society, a loss of the serenity and self-respect that are the ground of the dignity of a civilized nation.

The commitment of our public life to reasonableness is of long standing and runs very deep. It perhaps is not unrelated to the fact that the large events of the founding of the Republic belonged to the American enlightenment, and that some of the founders were among the best specimens of that age that produced specimens of a very high order, who believed that tyranny was the product of superstition and ignorance, that freedom was the fruit of knowledge and reason. But far beyond that, the roots of our tradition were in the classical doctrine that man is the rational animal, and that his ultimate good lies in the cultivation of his reason, a doctrine that has had a long and illustrious history. It was the foundation of the Greek conception of the virtuous life and the good society, and the basis of the stoic philosophy that gave structure to Roman law and order. It was Christianized as the basic tenet that the rationality of man is the image of God. And it became the chief ground for modern science and for the foundation of modern humanism with its liberal doctrine of man and its optimistic conception of human history.

Now among all the modifications of recent decades in the intellectual, moral, and spiritual life of the Western World, none has been more radical or far reaching, and none more ominous in its prospect, than the decline of this belief in the rationality of man and the loss of the faith in his sure determination of his future. That this decline, which has affected secular and religious thought alike, and has touched the political life of nations and the personal life of individuals with doubts, fears, and anxieties of every description and dimension, has not cast its blight upon us in the same degree as on some others is due in part to the fact that until now, at least, we have not suffered the frustrations, defeats, and tragedies that they have known.

But the threats of irrationalism hang heavily and precariously over us and the events of recent years are an ominous warning that even here the force of reason can fail and men can be moved more by emotion and passion than by knowledge and wisdom.

Yet where we are guilty of such behavior, and suffer the losses that it entails, it is within the context of a general commitment to reasonableness that sooner or later recalls us to our senses, restores our balance and judgment, and leaves us embarrassed, chastened, and perhaps a little wiser. It is this precious commitment to reason, which is central to so much that is of intrinsic worth not only in our intellectual pursuits but as a quality of our moral and spiritual life, and upon which so much depends in our practical affairs, that is entrusted to our schools. Whether they effectively cultivate respect for reason, not simply in some but in all of their students, instilling in them a passion for knowledge and for the quest for knowledge, and affecting thereby the whole character of our society, will decide their success or failure in the management of this inheritance.

Such a thing as our sense of obligation to knowledge and reason is quite properly seen as an inheritance, for it is something that cannot be created or established in a day. It is not something that can at will be put on or taken off, or be imposed artificially on others, or be legislated into or out of existence. It has evolved through the centuries with the culture, is transmitted by it from generation to generation, and is indeed not simply a part of the culture but an essential quality of its very nature. If under pressures of whatever kind of people were to abandon their basic trust in knowledge and reason, the culture in which we move and flourish, which is in our thought and action, and which at once determines and is determined by us, would be at its end. The future, whatever else it might be, would be a different world for us from what we now know and have known.

Now in this matter we have no reason to believe that our schools will not in the future prove worthy of their task. They came into being as the chief bearers of the intellectual life of our society and there is no other institution to assume the burden of their responsibilities. But our faith in the capacity of our schools to insure the future stability of our society by guaranteeing that our decisions and actions will be determined by a calm and thoughtful reliance upon knowledge and a careful examination of causes and consequences is, after all, in part a faith in our own willingness to continually examine and critically appraise our educational program at every level. It is a recognition that we have the capacity to define the basic problems that confront us at any particular time and to see clearly their relevance to the proper activity of the schools. Whether it is seen on the domestic or world front, contemporary history is moving at an accelerated pace and in the future those problems may be expected to appear in great number. In the years ahead the schoolmen, like the wicked, will have no rest.

When we turn to the issue of freedom itself, which is so intricately involved with the question of reasonableness, the picture is subtle and complex. Freedom was not begun in a day. Its history is long, with ups and downs and devious paths. Freedom is something that is won, or achieved, that is lived through, or that is always about to be born. It is not something that is simply planned, or decided upon. It must come into being through the life struggles of a people. Clearly it cannot just be borrowed, adopted, or adapted.

But there is not just one freedom. There are many. And it is not freedom in the abstract that should concern us here, but the concrete and particular freedoms that are or should be real and viable in the processes of our society and the lives of our people—freedom to think and freedom to speak; freedom to write and to read; freedom from want, from fear, from pain; from ignorance, conformity, custom, boredom and superstition; freedom from the oppression of both majorities and minorities; freedom from the crushing weight of the state; freedom from the tyranny of the past and from every form of tyranny that can rule the mind and heart and soul of man; freedom to be in the full sense a person whose personality is individual, in whom uniqueness is encouraged and independence is real. All of these and many more are elements in what we mean by freedom, and certainly these and many more are at issue when we ask the basic questions about political, economic, and intellectual freedom. There is much more for those who dig deeply and ask the question of the freedom of the will, with its scientific, metaphysical, theological, and moral implications. And there are matters of large practical import in the issue of the freedom of history—or better, freedom from history, freedom from the inexorable determinations of a purposeless fate, or from the unyielding logic of the blind mechanical forces of nature.

Now if there is anything that lies at the very heart of freedom as we know it, however vaguely and imperfectly, as an ideal of our culture, and freedom as we want to cultivate and protect it, the freedom that is so precious to us, it is the person taken as an individual. Clearly, the individual is at the very center of the meaning of freedom for us. His aims and purposes and his acceptance of responsibility are integral to freedom as a living experience. Any serious discussion of freedom and of the ways to enhance and preserve it must come to grips with the fact of the individual and the moral ideal of a society that is structure to that fact.

Here again is something that was not achieved a day, a century, or even a millennium. The individualism that is central to so many of our judgments of value, and is so commonly the foundation of our institutions, that seems so solid and entrenched, and yet at times is in precarious balance, is the product of a long and adventurous history, from at least Jeremiah and Ezekiel, who among our cultural ancestors first proclaimed unequivocally the moral responsibility of every person, to William James, who more vigorously than any other insisted upon the ultimate reality of the individual against the claims of the absolute.

No discussion of the American ideal of freedom and the American ideal of individualism can ignore the history of the impact of 19th century Hagelian absolutism on much European social and political theory and its eventual failure in our own country. Hegelian logic, metaphysics, and historical dialectic were imported into this country after the Civil War, but they did not take. Nor did the Hegelianism that appeared in a more academic garb around the turn of the century. It now appears that American thought and practice are and have been so inextricably involved with the particular and the individual that any world view or political or moral system that does not grant full and independent reality and the highest value to the individual will eventually be successfully resisted by the American mind. That this resistance is associated with our empirical, nominalistic, and pragmatic propensities and our suspicion of speculative metaphysics or the methodology of extreme rationalism is beside the point. The fact is that absolutistic philosophy has always had and continues to have a rough time in this country, and where Hegelianism with its ontological subordination of the particular to the absolute, and its political subordination of the individual to the State became the chief theoretical ground for Fascist, Nazi, and Communist totalitarianism, in American politics it went unnoticed and in American metaphysics it was forced to yield to the claims of the individual.

There is no American philosophy, and we may hope that there never will be, for the concept of a single intellectual system which pretends to the finished truth is contrary to our most cherished and basic intellectual

ideal, that the quest for knowledge should be various and open and unending. But there clearly is what may be called a dominant spirit and temper in American thought, unquestionably deriving in part from and in turn influencing American practice that informs the character of both metaphysics and ethics and transforms whatever else it may touch—a radical individualism that insists that reality resides ultimately in the individual as such and that the good, however else it may be described, is definable ultimately only in terms of the individual.

This individualism, which is so entirely consonant with the principles and practices normative for a democratic society, must be the keystone to assess our institutions or judge our social arrangements, as it must be the keystone of any attempt at any interpretation of contemporary history that will give meaning to the events in our past and present. It is only on the firm ground of such individualism with all of its pluralistic implications, both theoretical and practical, that we can take our stand against the monolithic structure of the totalitarian states. It is only here that we can justify our way of life and our kind of institutions against theirs. And it is only here that we can look for increased strength for our Nation and new vitality for our culture.

There is a sense in which the task of the American school is expressed in the task of the American scholar. And his task must always be defined first by the disinterested pursuit of knowledge. To not stand firm against whatever would compromise the integrity of his search for truth would be to dishonor himself and to fail in a high and sacred obligation. Yet the scholar's concern is properly with the uses and abuses of knowledge, as well as with its achievement and dissemination, and with the state and character of his society and culture. His disinterestedness is his stubborn refusal to suppress the facts, to subject theory to policy, or to otherwise yield to the pressures of those who would restrain him in his pursuit of truth or would convert his abilities and efforts to unworthy purpose. It is not a denial of his obligation to serve those practical ends that are fully consonant with free inquiry and that may even be its essential condition.

Certainly one of the greatest of cultural tragedies was the sterility of German learning that removed the scholarly enterprise of that nation from a genuine critical involvement with the affairs of the society and state and thereby contributed importantly to the possibility of the tyranny that was to destroy the very foundations of intellectual life. Whatever pressures may be brought upon him, the scholar must forever refuse to forfeit his role as a critic of his society, just as he must never fail to faithfully describe and represent it.

But criticism in itself is not sufficient. The meaning of education relates to the total life of the individual, and its aims are directed especially and primarily to the cultivation of his intellectual capacities. But the individual cannot in fact be abstracted from his society in either the determination or pursuit of his values, and the full purpose of education involves the strengthening and the perpetuation of the culture. The American scholar and the American school must now fully assess their responsibilities, both general and specific, and measure their resources against the large problems that are now faced by every individual and that confront our society. Our Nation is in deadly peril and the world of our values is torn internally and threatened from without. Nothing less than our full commitment and determined effort will bring to them the strength that may mean the difference between their life and death.

In the pursuit of these large tasks we face many problems. Not the least of these lies in our general carelessness in the support of the basic branches of learning. Our large involvement in technological education is understandable, but even the progress of our technology is endangered by our too small investment in theoretical science, and our academic neglect of the humane studies and the fine arts can have a seriously damaging effect upon our culture. One of the major deficiencies in our national effort to meet the challenges before us is the almost complete failure of the American people to recognize that the strength of a nation lies in its art and music and literature, and in its philosophical sophistication and the quality of its social sciences, just as much as in its physics and chemistry or its electrical engineering.

When we raise the question of the survival of our Nation it is a question in proximate range of statesmanship and machinery. But when we speak of the decline or rise of our culture and the strength of the Nation for the long haul ahead, it is a question of the full cultivation of our spiritual, artistic, moral, and intellectual resources. Those who suppose that great music or great poetry or a knowledge of classical literature are not essential to not only the quality but even the survival of a nation and its culture are quite unaware of the lessons of the past.

Today we are confronted by internal forces that are already injuring the spirit and morale of our people. We have known for a long time that petty demagogs and tyrants can achieve some following in this country. But this time they are raising their heads in a shrewd and calculating manner that deceives large numbers of the unsuspecting and even promises to endanger intellectual freedom in the name of national security. Such efforts must be resisted with great strength, for the loss of that freedom would entail the loss of most everything that is precious in the foundations of our society. Those who contribute to the destruction of freedom, whatever their purposes or intentions, assume for themselves an ominous responsibility. It is now one of the great tasks of those in academic life to stand firm for the preservation of intellectual freedom and to demonstrate by their own integrity, wisdom, sense of responsibility, and commitment to high purpose that the salvation of our Nation does not require the destruction of its own highest values.

To put it briefly, the large and continuing crisis in which we now find ourselves as a Nation and as individuals is a crisis in the liberal ideal out of which our basic values have come, and which is quite certainly at once the genius of and the finest product of western culture—the recognition of the ultimate worth of the individual person, the valuing of knowledge for its own sake as well as for its uses, the faith that human reason is the most reliable instrument for solving human problems, and the commitment to the well-being of the individual as our noblest end. Today as never before we must cultivate the broadest human sympathies and a genuine identification with the whole of mankind. Our past local and national isolations are gone and the provincial attitudes that arose from those isolations are doomed to die. The instruments of education must be employed to more adequately prepare us for the new world-mindedness that must replace those attitudes.

It is a basic assumption of democracy that there is a coincidence of the good of the individual with the good of society, that the pursuit of the good of the individual will in some way contribute to the quality, stability, and strength of the society taken as a total entity. It is now our task to justify that faith and by serving the high principles of a free society build a future whose course is determined by those who are true lovers of freedom and for whom the worth and dignity of the individual is the proper foundation of social policy and social action.

We must refuse to believe that the historic possibilities of our culture have been laid before us. We must refuse to believe that the future is closed. We must refuse to believe, as the Marxists insist, that the course of history is determined and that the decline of our culture is inevitable. By the quality of our educational effort and by the force of our commitment and our determination we must justify a new confidence in our power to affect the future.

We must cultivate in our people such a sense of high vocation and high purpose, and so adequately equip them with knowledge, good will, and courage, that they will not be frustrated or daunted by the monumental tasks that lie before us. Whether we like it or not—our enemy is deadly serious, his power is immense, and he is playing for keeps. Nothing less will do for us now than a new intellectual, moral, and spiritual vitality that will overwhelm the demonic forces of regimentation that are arrayed against us and establish the autonomy of freedom over the otherwise meaningless and destructive course of human history. Above all else, our commitment to the individual and his freedom must prevail. For those who have known the meaning of freedom, life on any other terms would not be worth the living.

PEACE OFFICERS' MEMORIAL DAY

Mr. MOSS. Mr. President, we are today celebrating Peace Officers Memorial Day, and all this week we will be celebrating Police Week. The purpose of the day and week is to pause briefly to pay tribute to the many brave peace officers who have been killed or disabled in line of duty. The day was established last year on June 21, when President Kennedy signed Senate Joint Resolution 65—Public Law 87-54—so this is the first of the annual celebrations which I hope will become an established and cherished custom.

I am pleased to have this opportunity to pay homage personally to the Nation's Federal, State and municipal peace officers who have given their lives to preserve order. As a former county attorney, no one knows better than I how great their contribution has been. Their exploits become headlines in the local press for a few days—and sometimes they stretch out across the Nation—but because what they have said and done usually directly benefits only the people of a single community, or, on some occasions, of a county or a State, their exploits fade from national consciousness. This is not right.

We have long had a special day dedicated to the men who gave their lives to keep a nation or a world from being divided, and we have another day in which we remember the contributions of all of those who served in the cause of freedom, and especially of those disabled in that cause, but because their exploits affected and protected us all, they tend to overshadow those equally heroic actions of local peace officers who kept local order. We owe these men an equally great debt of gratitude. I am glad to be able to participate in this first day dedicated to them.

I would like at this time to have printed in the RECORD a list of members of the National Advisory Committee of the Peace Officers Memorial Association which was sent to me by Mr. Charles

Sussman, of Philadelphia, one of the most effective and ardent supporters of the legislation establishing the day.

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

NATIONAL PEACE OFFICERS' MEMORIAL DAY ASSOCIATION

(Dedicated to promoting Peace Officers' Memorial Day and Police Week in the United States in compliance with Public Law 87-54 and the promotion and preservation of Americanism and the American way of life.)

NATIONAL ADVISORY COMMITTEE

Hon. Archie Gubbrud, Governor, State of South Dakota.

J. M. Bannister, captain, chairman, legislative committee, Louisiana Conference of Police Associations.

Daniel S. C. Liu, chief, Honolulu Police Department.

Howard R. Eide, president, Iowa Association of Chiefs of Police and Peace Officers, Inc.

Donald E. Smith, chief, Pekin, Ill., Police Department.

Gordon Gibson, sergeant, Flina, Mich., Police Department.

Joseph H. Guilfoile, superintendent, Waterbury, Conn., Police Department.

C. L. Shuptrine, chief, Houston, Tex., Police Department.

R. T. Runyan, chief, Corpus Christi, Tex., Police Department.

Hilton Geer, major, Oklahoma City, Okla., Police Department.

Clinton E. Riggs, administrative chief, Tulsa, Okla., Police Department.

George A. Stephens, chief, Mecklenburg County Police Department, Charlotte, N. C.

Norman J. O'Hara, sergeant, secretary-treasurer, Heart of America Law Enforcement Organization, Kansas City, Mo., Police Department.

William J. Burns, chief, Galveston, Tex., Police Department.

J. Walter Olson, chief, Fargo, N. Dak., Police Department.

George W. Scholer, chief, Columbus, Ohio., Police Department.

Norman Bowers, chief, Fall River, Mass., Police Department.

Eugene F. Golden, chief, Elmira, N.Y., Police Department.

H. Bailey Carroll, director, the Texas State Historical Association, Austin, Tex.

Ira E. Scott, chief, Kingsville, Tex., Police Department.

John Paladino, chief, Jamestown, N.Y., Police Department.

Jesse J. Walling, chief, New Castle, Del., Police Department.

Norman Young, chief, Pine Bluff, Ark., Police Department.

Stanley G. Haukedahl, chief, Kenosha, Wis., Police Department.

Charles V. Main, chief, Frederick, Md., Police Department.

Joseph I. Giarrusso, superintendent, New Orleans, La., Police Department.

Leon T. Webber, chief, Portland, Maine, Police Department.

Edward V. Williams, chief, Erie, Pa., Police Department.

Elmer A. Briscoe, chief, Reno, Nev., Police Department.

Col. W. E. Bindner, chief, Louisville, Ky., Police Department.

Carlisle Johnstone, chief, Orlando, Fla., Police Department.

Paul S. Borum, chief, Denison, Tex., Police Department.

George Calder, chief, Brownwood, Tex., Police Department.

C. T. Vettel, chief, Oak Ridge, Tenn., Police Department.

V. Allen Adams, chief, Glendale, Ariz., Police Department.

Elmer R. Madson, chief, Green Bay, Wis., Police Department.

Carl R. Cain, chief, Fairmont, W. Va., Police Department.

John H. Putnam, chief, Idaho Falls, Idaho, Police Department.

Erich Bauch, chief, Mathis, Tex., Police Department.

James E. Tippit, chief, Brownfield, Tex., Police Department.

John M. Neely, chief, Andrews, Tex., Police Department.

N. H. Lassiter, chief, Freeport, Tex., Police Department.

Kenneth Gage, chief, Burk Burnett, Tex., Police Department.

Ray Pettit, chief, Hillsboro, Tex., Police Department.

Henry W. Aycock, chief, Hereford, Tex., Police Department.

F. Emmett Fitzpatrick, Jr., second assistant district attorney, county of Philadelphia, Pa.

Roy T. Noonan, superintendent, State of Minnesota Bureau of Criminal Apprehension, St. Paul, Minn.

Tony Marvin, Mutual Broadcasting System, Inc., New York City, N.Y.

W. A. Pence, chief, Kermit, Tex., Police Department.

Marvin Williams, chief, Crockett, Tex., Police Department.

W. J. Cooper, chief, Killeen, Tex., Police Department.

Henry J. Sharp, chief, Lampasas, Tex., Police Department.

J. R. Cowing, chief, Cuero, Tex., Police Department.

Chester W. Simons, chief, Snyder, Tex., Police Department.

H. G. Whitmire, chief, LaMarque, Tex., Police Department.

Robert F. Doffer, chief, Perryton, Tex., Police Department.

Alex B. Stephenson, supervisor, Montana Highway Patrol, Helena, Mont.

Thomas A. Carrere, superintendent, School District No. 20 of Charleston County, S.C., Charleston, S.C.

GOVERNMENT ASSISTANCE TO EDUCATION

Mr. MOSS. Mr. President, last week the Saturday Evening Post published an editorial entitled "The Coming Boom in Ignorance." I ask unanimous consent that it be printed in the RECORD at this point.

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

THE COMING BOOM IN IGNORANCE

The most fearful sound of our continuing population explosion could, within the decade, be a big boom in ignorance. American education, once a legitimate source of national pride because it provided a chance at learning for almost everybody, may wind up offering less and less for anybody. Right now, alongside the old three R's, almost every school system in the United States would have to chalk the four U's: Understaffed, underequipped, underfinanced and under par. With each passing semester the situation gets worse.

Almost 1½ years ago, in a special message to Congress, President Kennedy asked Congress for a $5,600 million aid-to-education bill. Impaled on a side issue concerning whether additional Federal assistance would be extended to parochial and private schools, the legislation died ingloriously in the House of Representatives. This year, Mr. Kennedy, a Roman Catholic, repeated his plea for school legislation and once again omitted Government aid to parochial schools on constitutional grounds. Realizing that he may have to settle for half a loaf, the President has sliced his program into separate sections and has assigned highest priority to the less controversial features: Funds for college construction; expanded training and more scholarships for teachers; adult education to eradicate the nearly 8 million "functional illiterates" in the United States. Already this year the House and Senate committees have spent more than 3 months tinkering with the machinery of the college-aid bill alone.

Behind the heated congressional conferences on aid to education lie these cold statistics:

This year about 4 million Americans are attending college; by 1970, 6 million will be qualified to attend if funds and facilities are available.

To accommodate those 6 million will require almost $15 billion worth of new facilities and repairs to existing facilities. (Kennedy has asked that the Government make available $1,500 million of those construction funds.)

Nearly 100,000 of the country's public-school teachers either have not been certified to teach or have not graduated from college. (We have no minimum national standard for education, let alone for teachers' credentials.)

Today American public schools are awesomely crowded because we have a shortage of 127,000 classrooms; to meet the population demands of 1970, we require 600,000 new rooms.

Every day that legislators continue their debates, 11,000 Americans are born to be fed into the school system.

The argument that Federal aid to education is reprehensible is not impressive. School systems have been—and will continue to be—supported primarily by local community property taxes and controlled by States and communities. These taxes have already ballooned more than 200 percent across the country since the end of World War II. It is cruel truth that many American communities simply cannot afford anything approaching an adequate school system given today's costs and tomorrow's population.

Federal aid in some form is an old fact of American education life. In 1785, parcels of Federal land were set aside in every township for public-school use. In the middle of the 19th century, Government land grants began for agricultural schools; today there are 68 land-grant colleges. World War I prompted the Government to finance vocational training. World War II produced the famous GI bill of rights. After sputnik, we enacted the National Defense Education Act which, this year alone, provides about $200 million for training engineers and scientists. In short, we have always extended some Federal aid to education. But never has education required aid the way it does right now.

Those who would still argue that any Government assistance must at the same time include aid to parochial and private schools should immediately consider some basic arithmetic. Today there are 43 million Americans in elementary and high schools. About one in seven of those students attends a private or church institution. Without prejudice as to how the debate will finally be resolved, it seems not only unfair but unconscionable to keep an entire nation wanting for education while the church-state arguments continue interminably. Eventually the issue appears certain to wind up in the Supreme Court anyway.

Several portions of President Kennedy's educational program now stand a chance of passage during the present Congress: loans for college construction; competitive Federal college scholarships for deserving students, aid to medical and dental schools, expansion of the Defense Education Act. His program for expanded teacher training might pass. But aid to public schools, surely the

primary problem of them all, remains ensnarled and entangled on the same old hook: the question of aid to parochial and private institutions. If we are not smart enough to solve that controversy—and soon—then we cannot expect our children to be smart enough to assert American leadership for the years to come.

THE GOOD LORD INTENDED

Mr. LONG of Hawaii. Mr. President, last week a United Press story appearing in the Honolulu Star-Bulletin told of the action by an Ohio county judge who disapproved adoption of a little girl by a husband of American ancestry and a wife of Japanese ancestry, also a citizen of the United States, on grounds that mixing of races was unwise in adoptions.

The Star-Bulletin of May 13 published an editorial about the case entitled "The Good Lord Intended." Further comment is unnecessary. I concur in what the Star-Bulletin has to say and agree that the couple and the little girl would be welcome in Hawaii.

I ask unanimous consent that the UPI story of May 10 and the Star-Bulletin editorial of May 13 be printed at this point in the RECORD.

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

[From the Honolulu Star-Bulletin, May 10, 1962]

MIXING OF RACES IS RULED UNWISE BY JUDGE IN OHIO ADOPTION CASE

CLEVELAND, OHIO, May 10.—Cuyahoga County Probate Judge Leonard S. Frost has disapproved adoption of a little girl to an American father and Japanese mother on grounds mixing of races was unwise in adoption.

The girl, now 2½ years old, was placed with the couple when she was a year old by children's services, the city's biggest adoption agency.

She was born out of wedlock to a mother of English descent and a Puerto Rican father who surrendered her to the adoption agency.

The couple who want to adopt the girl met in Japan while the man was in the Army. They have been married 12 years and are childless. The wife is now an American citizen.

"The good Lord created five races and if He intended to have only one, He would have done so," Judge Frost said, in explaining his decision. "It was never intended that the races should be mixed."

He said that as the girl grew older, it could be hard on her to have a mother of a different race.

"I don't think our community is ready for this," he said. "Maybe it will be in 50 years but not yet. The incident of the Korean family buying a home in suburban Bay Village is an example of the trouble that may arise."

The couple has appealed the decision. The husband said he did not understand the judge's ruling because the girl already was born of a racial mixture.

"If we had had a child of our own, he might have looked like me, like my wife or have had features of both of us," he said. "Some of our relatives have thought at first that our girl was born to us."

[From the Honolulu Star-Bulletin, May 13, 1962]

THE GOOD LORD INTENDED

A Cleveland probate judge may not have read the U.S. Constitution recently, or civil rights decisions of the U.S. Supreme Court.

How otherwise can we interpret his ruling that it would be unwise to allow a mixed couple to adopt a little girl?

The father is a former American soldier who married a Japanese girl whom he met while serving in Japan. She is now an American citizen, entitled to all the constitutional rights of Americans.

The child, placed with the couple 18 months ago, was born to a mother of English descent and a Puerto Rican father.

The judge offers some interesting reasons for his action. "I don't think our community is ready for this," he said. "Maybe it will be in 50 years but not yet. The incident of a Korean family buying a home in suburban Bay Village is an example of the trouble that may arise."

This is strictly a matter of opinion. It certainly does not reflect either the letter or the spirit of the law, which the judge has sworn to uphold. The U.S. Supreme Court was not concerned with "readiness" when it voted in 1954 that segregation in the public schools was unconstitutional.

The Cleveland judge also made this amazing statement: "The good Lord created five races and if He intended to have only one, He would have done so. It was never intended that the races should be mixed."

Yes, and the good Lord arranged it for men to be born naked. If he had wanted them to be clothed, he would have brought them into the world in that condition. And if he had wanted people to eat cooked foods, he would have provided cooked foods for them. The argument is, of course, ridiculous.

And if the judge had a mind to do it, he could find countless references in the Bible to the brotherhood of man and the fatherhood of God. No mention there of segregating God's children.

From the practical point of view, the child already is of "mixed" parentage and, in the words of the husband, has been mistaken by relatives for the natural child of the couple.

And what would the judge do in unready Cleveland if the childless couple should now have children of their own?

Fortunately the decision is being appealed. A higher court may yet reverse the decision.

If not, we are sure that Hawaii would welcome the Cleveland couple and their little girl and, if they can measure up to the reasonable qualifications of responsibility required of all parents seeking to adopt children, they will encounter no difficulty here in legalizing the adoption of the little girl.

COLOSSAL DEBT MUST NOT BE PENALTY PAID BY FAMILIES FOR PROLONGED ILLNESSES AFFLICTING ELDERLY RELATIVES

Mr. YOUNG of Ohio. Mr. President, the American Medical Association is again firing its heavy propaganda guns. This barrage of falsehoods that was successful in blocking adequate action on medical care for the elderly during the last session of Congress is again being fired on Congress as the target. The American Medical Association is spending hundreds of thousands of dollars in this determined effort of distortion and misrepresentation.

Years ago, the American Medical Association denounced social security as "state socialism." Now they claim the King-Anderson bill will lead to "socialized medicine." Both claims are utterly false.

The American Medical Association has budgeted more than half a million dollars to persuade, or coerce, Congressmen to reject this program. American Medical Association officials admit to having spent over $163,000 during 1961 alone. In reality the amount spent for this purpose was in all probability much, much more. The reported lobbying expenses of the American Medical Association for the year 1961 were larger than those of any other organization or association in the country. To use a colloquialism, the American Medical Association is the "spendingest" lobby in Washington and the most aggressive lobby in the entire United States.

Highly paid American Medical Association publicity and public relations men are working tirelessly in an effort to make us believe that the medical profession is faced with ruthless and oppressive regimentation.

American Medical Association ballyhoo artists have distributed thousands of copies of a 12-inch record featuring the silken voice of Actor Ronald Reagan encouraging listeners to embark in a letter-writing campaign against what they call an invasion of private freedom.

Mr. President, for years the ruling clique of the American Medical Association and its powerful lobby in Washington have been using the timeworn tag of "state socialism" or "socialized medicine" on all legislation which they oppose.

A generation ago, political doctors of the American Medical Association opposed reporting tuberculosis cases to a public authority, although this has since become the basis of all TB control. It opposed the National Tuberculosis Act which Congress passed unanimously, claiming this was "state socialism" and "socialized medicine."

It stubbornly resisted the Social Security Act. To this day it continues to oppose the inclusion of physicians and surgeons within its coverage. This despite the fact that poll after poll proves that the great majority of self-employed doctors would welcome social security participation and do desire social security coverage. Referendum votes in Ohio, Pennsylvania, New York, and New Jersey taken by State medical associations resulted in two-thirds of physicians and surgeons favoring inclusion within social security coverage now received by self-employed lawyers and dentists. The medical profession is the only group of professional men and women not participating in our beneficent and actuarially sound social security program.

Mr. President, the list of progressive legislation which was unsuccessfully resisted by the American Medical Association seems endless. It includes free diagnostic centers for tuberculosis and cancer; the Red Cross blood banks; Federal aid to medical education, voluntary health insurance, Blue Cross; school health services, and Federal aid to public health. The small group controlling the American Medical Association has opposed all the forward steps the American people, through the Congress, have taken.

American Medical Association ruling officials even had the temerity to assert that Government medical care for dependents of men in the Armed Forces might be harmful to national defense.

Of the 192 members of the house of delegates of the American Medical As-

sociation, approximately 40 have been family physicians. The remaining members of this group, about 150 of them, are political doctors.

What is progress to all other Americans is "state socialism" to the managing dictators of the American Medical Association. Of course, American Medical Association officials favor special legislation to defer payment of taxes on income which physicians and surgeons set aside for their retirement.

The house of delegates of the American Medical Association—those political doctors who rule that roost—take the position that it is good legislation for the Federal Government through action of the Congress to appropriate money to build hospitals in which they practice. At the same time, they denounce an insurance plan that would enable their elderly patients to undergo needed surgery and relieve them of pain and suffering, and at the same time enable them to pay their hospital bills. They are so inconsistent as to contend that in the first instance it is a fine and proper action on the part of the Federal Government, and in the second instance it is socialized medicine, or leading to socialized medicine.

Mr. President, I am not duped by the insidious American Medical Association propaganda which stems from shortsighted self-interest and arrogant indifference, which I am happy to say is not shared by a majority of the 180,000 American physicians and surgeons whom the 192 members of the house of delegates of the American Medical Association claim to represent. This small band of willful men do not speak for the great majority of the members of the medical profession. This is evidenced by a recent meeting with President Kennedy by a delegation of eminent and nationally known physicians and surgeons who risked reprisals from the American Medical Association to announce their wholehearted support of the President's program. After their meeting with the President these distinguished doctors stated:

> We believe the social security system is the most practical and sound method of financing health benefits for the great majority of the aged.

These doctors have given voice to the feelings of the American people who are not deceived by American Medical Association propaganda. Americans realize that medical aid under the social security system is the only realistic and equitable way of insuring adequate care for our 17 million citizens who are 65 years of age or older and who live in constant fear that their savings, if any, will be wiped away by a prolonged illness or serious accident. Colossal debt should not be the penalty if the tragedy of prolonged illness or terrible disability occurs to an elderly member of the family.

The American Nurses Association has also taken issue with the American Medical Association on this subject and has strongly endorsed medical care for the aged legislation under our social security system. The American Nurses Association is the national organization of over 171,000 registered professional nurses in 54 States and territories. This forward-looking organization has strongly supported the principle of health insurance benefits under social security.

Certainly our American nurses are every bit as patriotic and as interested in the health and welfare of the American people as are physicians and surgeons. Yet, we do not hear them screeching "socialized medicine" as do the political doctors in charge of the American Medical Association every time progressive health legislation comes before the Congress.

Because of the position they have taken on this legislation, these courageous women have to undergo severe personal and professional pressure from American Medical Association officials.

In a letter dated July 27, 1961, to Representative WILBUR MILLS, chairman of the Committee on Ways and Means of the House of Representatives, Mathilda Scheuer, president of the American Nurses Association, stated:

> As president of the American Nurses Association, I would like to be on record as assuring the members of your committee that the house of delegates of our association voted both in 1958 and 1960 to support legislation that would include health insurance under the social security program.
>
> At the present time, our State associations are being subjected to rather unethical pressures by members of the American Medical Association. I am sure that you are aware of the position of the American Medical Association. However, many of the ANA members of our State associations feel it is very unfair to bring any pressure to bear as the members have some fear that if they continue to support the King-Anderson bill they may lose their jobs within the hospitals.
>
> No one knows better than the professional nurse how important it is for our citizens to have continued medical and nursing care when needed, and their inability to pay for a prolonged illness. We understand that members of the American Medical Association are asking their personal physicians to bring pressure upon the Congressmen * * * to defeat the King-Anderson bill.

In a subsequent letter to Representative MILLS, dated August 15, 1961, Mrs. Judith Whitaker, executive secretary of the American Nurses Association, stated:

> The American Nurses Association has ample evidence in written reports to substantiate the assertion that undue pressure was exerted upon nurses, individually and through their district and State associations, by the American Medical Association and its constituencies. American Nurses Association has not released the names of individuals in order to protect them from the possibility of reprisals. We had brought these pressures to the attention of the committee and the public in the belief that this information was pertinent to the issues under consideration.
>
> In several instances, representatives of medical societies appeared, uninvited, at meetings of State nurses associations and demanded to address the group.
>
> We believe such tactics go far beyond those normally employed in disseminating information. We view as unethical the attempt of any physician to exploit his working relationship with his nursing colleagues for political purposes.

Mr. President, the full texts of these letters appear on pages 703 and 704 of volume 2 of the hearings before the Ways and Means Committee last year on H.R. 4222. I cite them only to show the extent to which AMA leaders will go in their efforts to kill this bill.

I shall never advocate any change in the freedom we Americans enjoy to be attended by doctors of our choice, or in the doctor's freedom to select his patients, and determine for himself all the details of his treatment.

I have been a professional man for many years. I was a trial lawyer in my State of Ohio. In the past, I have been president of two bar associations. I have always been and am now unalterably opposed to socialized medicine. We who support the administration proposal for medical care for the elderly shall make it possible for men and women during their working years to provide for surgical, hospital, and medical care in their old age.

Our social security system is in fact an actuarially sound insurance system. It is my happy recollection that as a member of the Committee on Ways and Means of the other body, I helped to write the present liberalized social security law. We propose to maintain this old-age and survivors disability insurance system actuarially sound as we extend its insurance coverage.

Mr. President, our social security program is an actuarially sound insurance system for the benefit of all Americans. It was recently reported that last year the income of the social security system exceeded disbursements by $409 million. The surplus in the social security and disability fund is now at an alltime high of $23,400 million. More than 9 out of 10 Americans are now covered by its beneficent provisions; 16¾ million American men, women, and children now receive monthly benefit payments under the program. This is not charity. These payments were earned by these people or their parents, in the case of minor recipients, by payroll deductions during their productive working years, or by assessment of those who are self-employed.

Robert J. Myers, Chief Actuary of the Department of Health, Education, and Welfare, who served throughout the administration of President Eisenhower and before, reported that not only is our Social Security system actuarially sound, but that it will continue to be sound following the enactment of the King-Anderson bill.

In addition to all other benefits that will accrue to Americans from this legislation, there is another benefit which has received scant attention. At present, many American families are putting aside money for the day when they may have to spend it for hospital bills for themselves or aged dependents. Were this bill to pass, this money—and there is no telling how much of it there is—would in all probability be put into circulation for the purchase of new automobiles, television sets, clothing, and various luxuries. This would greatly stimulate our economy and indirectly provide jobs for thousands of Americans. Indirectly, it would also result in providing more revenue by way of income taxes.

We must not be deceived by the fraudulent high-priced propaganda of

the medical politicians of the AMA. The Secretary of Health, Education, and Welfare, Hon. Abraham Ribicoff, hit the nail on the head in a recent speech when he stated:

We stand for health and human dignity. Abraham Lincoln said, "you can't fool the American people. They know a chestnut horse from a horse chestnut."

I hope that this session of Congress will not adjourn before the House and Senate have passed the King-Anderson bill.

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. COOPER. Mr. President, following the vote on cloture earlier today, I sent to the desk an amendment in the nature of a substitute to the amendment proposed by the distinguished majority leader and the distinguished minority leader to the bill H.R. 1361. I desired to submit the amendment before the vote on cloture, but because the 1 hour for debate was controlled and other Senators desired to speak, I could not do so. I now ask that it be printed at this point in the RECORD.

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

In lieu of the matter proposed to be inserted, insert the following:

"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 the Federal Government to secure and protect this right against all discriminatory restrictions.

"(b) The Congress further finds that the right to vote of many persons has been subjected to discriminatory restrictions on account of race or color; that tests of literacy have been used extensively as a device for 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, 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 discriminatory restrictions on the franchise which occur through the denial of the right to vote to persons through the use of certain literacy tests 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, as amended (42 U.S.C. 1971), is amended by inserting '(1)' after '(a)' and by adding at the end thereof the following new paragraphs:

"'(2) No individual seeking to vote, or to qualify to vote, in any general, special, or primary election in any State or subdivision of a State shall be subjected to any literacy test as a qualification for voting by an official, or person acting under color of law or otherwise, to whom application is required to be made to vote at the place of voting, or to be enrolled or registered as a voter. For the purposes of this paragraph and paragraph (3), the term "literacy test" includes any test of the ability of an individual to read, write, comprehend, understand, or interpret any matter.

"'(3) No person, whether acting under color of law or otherwise, shall, in administering any literacy test which is imposed as a qualification for voting in any general, special, or primary election in any State or subdivision of a State, apply to any individual any standard, practice, or procedure which is different from the standards, practices, or procedures applied to any other individual.'

"SEC. 3. If any part or provision of this Act is held invalid, all other parts or provisions shall remain in effect. If a part or provision of this Act is held invalid in one or more of its applications, the part or provision shall remain in effect in all other applications."

Amend the title so as to read: "An Act to protect the right to vote from discrimination through the use of literacy tests."

Mr. COOPER. Mr. President, on May 8 and again on May 9, I spoke in the Senate explaining the reasons for my opposition to the amendment proposed by the Senator from Montana [Mr. MANSFIELD] and the Senator from Illinois [Mr. DIRKSEN]. My remarks appear in the CONGRESSIONAL RECORD of May 8 at page 7941, and in the RECORD of May 9 at page 8055.

I oppose the Mansfield-Dirksen amendment because I believe it to be unconstitutional. Article I, section 2, of the Constitution confers upon the States the power to prescribe qualifications for electors who vote in State and in Federal elections. This authority of the States was affirmed by the 17th amendment to the Constitution, and it has been upheld by the Supreme Court.

To my mind, the Mansfield-Dirksen amendment would be determined to be unconstitutional because it attempts to authorize the Congress to prescribe a specific qualification as adequate to satisfy State literacy tests—namely, the completion of the sixth grade in a school. The decisions of the Supreme Court make it clear that the Congress does not have the power to substitute a qualification for voting for the qualifications prescribed by the States.

I do not believe this point is very clearly understood by the public. That is, that the amendment which has been proposed by the majority leader and the minority leader, whatever it may be called, attempts to confer upon Congress the power to fix a qualification for voting. Whatever it may be called, it prescribes the qualifications for a voter as satisfactory, if the voter has completed six grades in a school.

However, I hold that the 14th and 15th amendments give to Congress the power to strike down a literacy test prescribed by a State if such literacy test is discriminatory on its face. It has not been argued by the proponents and supporters of the Mansfield-Dirksen amendment that literacy tests, against which their amendment is directed, are discriminatory on their face. This is shown by the fact that the amendment does not propose to invalidate the State literacy tests which have been applied discriminately against voters because of their race or color. To the contrary, the amendment attempts to confer upon Congress the power to prescribe a specific qualification. I do not believe that anyone can show that this power resides in the Congress.

While the Congress has no constitutional authority to prescribe a voting qualification, such as the Mansfield-Dirksen amendment proposes to do, it does have the power under the 14th and 15th amendments to the Constitution to enact legislation to prevent and to strike down the discriminatory application of State imposed qualifications.

At this point I should like to read the part of the amendment I have offered which would operate to prevent discrimination in the application of literacy tests. Section 2 of my amendment adds a new paragraph to subsection (a) of section 2004 of the revised statutes, as amended (42 U.S.C. 1971), and reads as follows:

(2) No individual seeking to vote, or to qualify to vote, in any general, special, or primary election in any State or subdivision of a State shall be subjected to any literacy test as a qualification for voting by an official, or person acting under color of law or otherwise, to whom application is required to be made to vote at the place of voting, or to be enrolled or registered as a voter. For the purposes of this paragraph and paragraph (3), the term "literacy test" includes any test of the ability of an individual to read, write, comprehend, understand, or interpret any matter.

My amendment goes directly to the power of the Congress, under the 14th and 15th amendments, to strike down the discriminatory application of State-imposed qualifications. It would prohibit an election officer at the voting place, or an official to whom application must be made to be registered or enrolled as a voter, from subjecting an applicant to tests of reading, writing, comprehension, understanding, or interpretation of any matter. Discriminatory application of such tests by registrars and election officers is a chief source of discrimination against voting rights.

I believe my amendment is constitutional, because the 14th and 15th amendments authorize the Congress to enact legislation to prevent the discriminatory application of State law, even though the State law is not discriminatory on its face.

I point out the following facts about my amendment:

First. The amendment I offer does not attempt to prescribe qualifications for voting as does the Mansfield-Dirksen amendment, which I believe is its constitutional defect.

Second. It does not attempt to interfere with the States power to prescribe literacy qualifications, even literacy tests requiring a voter to demonstrate ability to read, write, comprehend, understand, or interpret any matter, if the State establishes procedures which are not susceptible of discrimination because of race or color. These procedures, under my amendment, would not permit a registrar or an election officer at the polls to make determinations regarding the ability of an applicant to pass such tests. My amendment specifically prohibits such determinations by registrars and election officers, because the record shows that it has been their arbitarary decisions which have discriminated against voters because of race or color.

My amendment would not interfere in any way with the authority provided to

the Federal court under title 6 of the Civil Rights Act to relieve all citizens of an area from discriminatory denials of the right to vote, when the court finds that a "person has been deprived on account of race or color" of the right to vote and that "such deprivation was or is pursuant to a pattern or practice." The report of the Civil Rights Commission on voting, page 136, found that "the voting-referee provision of title 6 of the 1960 Civil Rights Act has not yet been used as a remedy." As I have stated before on the floor of the Senate, the use of this section of the 1960 Civil Rights Act would go far to prevent discrimination and to guarantee the voting rights of all individuals.

Last, my amendment extends to State elections as well as Federal elections, in contrast to the Mansfield-Dirksen amendment, which is limited to Federal elections. The Congress has the authority to enact legislation to prohibit discrimination against voters because of race or color in State elections, as well as in Federal elections. The source of this power is found in the 14th and 15th amendments. They apply to the States as well as to the Federal Government. Any legislation that the Congress enacts should prohibit discrimination in all elections; and this my amendment would do.

My amendment finds support in the testimony of several distinguished constitutional authorities, notably that of Mr. Paul G. Kauper, of the Michigan University Law School, which can be found on pages 635 to 639 of the Senate committee hearing. Also, the report of the Civil Rights Commission on voting, page 139, submitted as its first recommendation that the Congress enact legislation extending to both Federal and State elections, and strike down all State-imposed qualifications, except those of reasonable age, length of residence requirements, and conviction of a felony.

Mr. President, I recognize that the constitutionality of any bill will be determined ultimately by the Supreme Court of the United States. Naturally, different opinions are held by the Members of the Senate regarding the constitutionality of the Mansfield-Dirksen amendment; and I respect wholly the sincerity of those who believe it constitutional. However, each of us must make a decision. For myself, inasmuch as I do not believe the amendment is constitutional, and because I believe that in enacting legislation we should seek compliance with the Constitution, I cannot vote for the Mansfield-Dirksen amendment. My amendment may not be technically perfect, inasmuch as I have drawn it in great part myself; but its purpose is clear, and I think it is constitutional. It would prevent the discriminatory application of State literacy tests in both Federal and State elections.

I recognize that my proposal may never be considered or come to a vote under the pending parliamentary situation. Nevertheless, I offer the amendment as an indication of my position, and with the hope that it may be considered by the Department of Justice, by the appropriate committees of the Congress, and by the Congress itself in their joint efforts to prevent discrimination against voting, and to effectively guarantee the exercise of this fundamental right under our free system of government.

I said on last Tuesday, when I first spoke on this subject, that I would vote against the Mansfield-Dirksen amendment because I believed it unconstitutional. I said I would vote against cloture at this time because, believing the amendment unconstitutional, the subject should have fuller consideration.

I may say here that it was only after more than a week of debate, and after I had had an opportunity to hear part of the debate and to read all of it and to study the cases, that I reached my own decision. But I also said last Tuesday that appropriate legislation could be enacted by the Congress, under the 14th and 15th amendments to the Constitution, to strike down the discriminatory application of literacy tests.

My amendment would do this. Again I make a distinction between the amendment I offer and the one before the Senate. The latter attempts to prescribe the qualifications for voting—a prerogative of the States, under article I, section 2, of the Constitution and the 17th amendment.

There are other amendments before us. One has been offered by the junior Senator from South Dakota [Mr. CASE]. I have proposed an amendment which I believe to be constitutional, and which goes directly to the application of literacy tests and their use as discriminatory vehicles. Senator CASE of New Jersey, has suggested the possibility of other amendments.

In 1957, and in 1960, we were able to secure the passage of civil rights legislation after full debate. I supported the civil rights bills of 1957 and 1960. We can enact constitutional and effective legislation this year if we are willing to continue debate. Therefore, I shall vote against laying aside the pending business.

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

Mr. COOPER. I yield.

Mr. JAVITS. I have heretofore proclaimed my respect for the Senator as a lawyer and a legislator. It is because of that respect that I would like to juxtapose one or two observations with the Senator's presentation.

In the first place, the Senator has said we are prescribing qualifications for voting. May it not be argued that we are not doing that, but that we are, rather, proscribing the utilization of a performance test which has been found to deprive people of the right to vote, by saying that if a performance test is given under those circumstances, the right to register and vote may not be prevented, by the production of a sixth grade literacy certificate?

The courts would then have to determine whether this was a reasonable regulation in terms of the implementation of the 15th amendment.

Mr. COOPER. I recognize that the argument of the Senator is the argument of the proponents of the amendment and its supporters as justification for constitutionality. Of course, the argument can be made. It is my judgment that, as the Constitution clearly states, the prescribing of qualifications for voting rests with the States, and that the Congress cannot fix voter qualifications—such as the sixth-grade qualification. Supreme Court decisions with which the distinguished Senator is familiar, have held that the power to fix the qualifications of voters resides in the States and that State qualifications cannot be overturned if they are not discriminatory on their face. Therefore, it seems to me a more reasonable interpretation would be that, as the pending bill provides that the completion of the sixth grade is an adequate test of literacy, it in effect is fixing a qualification for voting. I know we disagree on this point, but I state my position.

Mr. JAVITS. The other question I should like to ask the Senator is, How would the Senator's amendment change the situation, when there are now laws on the books which give the Attorney General the power to sue if discrimination is used in applying a performance test for registration to vote? What would the Senator be adding by way of greater power than the power which now exists, and also the so-called criminal civil rights statutes, but certainly the specific 1957 and 1960 acts, which go directly to redressing a situation in which the right to register or vote is denied in a discriminatory way?

Mr. COOPER. It would add quite a bit. I think the Senator will agree with me on the following point. If the States should enact laws prescribing qualifications for voters, and the laws were discriminatory on their face, I believe the Senator will agree that the Congress could enact a statute to strike down the State laws.

Mr. JAVITS. It would be unusual to do that instead of leaving it to the Supreme Court, but let us assume that, if the Supreme Court struck it down as being inimical to the Federal authority, Congress could do it.

Mr. COOPER. I think Congress could do so under the 14th and 15th amendments. I think the Senator will agree that the problem that the pending legislation is trying to meet—discrimination—does not arise from the wording of the State laws. The source of discrimination arises from the application of State laws by officers who are charged with the duty of registering or enrolling voters, and officers at the polls who deny applicants the right to vote, using discrimination because of race or color. Application of State laws by these officials is the source of the discrimination, and the records and findings show it.

The Senator from New York, who has been in political life many years, and who has been around polls many times, as I have, and who has been in offices where voters are registered, knows that officials pass upon the qualifications of voters, making subjective determinations, determinations from which there is no practical appeal, where there is no proof of discrimination other than that which can be furnished by the applicant himself. It is at the hands of these officers that discrimination takes place, and

particularly so when the registrar or election officer administers tests of understanding, of interpretation, or of ability to read and write. There is great opportunity in their administration of such tests to discriminate.

My amendment, using the findings of the Civil Rights Commission, provides that election officers at the voting polls, and registrars who are charged with the duty of registering and enrolling voters, would not have the authority to subject applicants to literacy tests. It prohibits literacy tests given by registrars and election officials, because that is where the discrimination has been found to take place. If the power of such officers to require performance of a literacy test has been used to discriminate against voters, that power should be taken away from them. My amendment would do so.

My amendment would not prescribe a qualification for voters, as the Mansfield-Dirksen amendment proposes to do. It would not deny to the States the right to fix qualifications for voters; and the Mansfield-Dirksen amendment does not deny that right. It would not deny the States the right to fix literacy tests based upon understanding, interpretation, or the ability to read and write. But it would deny to the States the authority to give election officers and registration officers the power to give those tests. That is where the discrimination occurs.

If the State wanted to pass a law which would establish a board before which there would be open hearings, and stated times when the applicant could appear in open hearing, where there would be opportunity for others to hear the proof, where the decision would not lie solely in the hands of registrars and election officers, who are the officers who have denied the right to vote, I think such procedures would be proper.

The amendment which I have offered goes to the place where the discrimination has been occurring—to discrimination in the application of the election laws and literacy tests by registrars and election officers. The Senator knows that is where people are denied the right to vote.

Mr. JAVITS. If my colleague will permit—and I do not wish to protract the discussion too much—it seems to me that if we shift the burden to other officials, we have the problem of dealing, in a dynamic way, with the question of who shall qualify voters to vote, in such a way as to run afoul of the Senator's own feeling—that is, that it is unconstitutional—because we are then designating officials other than those that the State says it wants to designate, namely, registrars. We will be designating them by force of statute. In addition, from what we have seen and heard about the social order of even whole States in the South, with the laws passed by their legislatures on the subject, I think it is a rather long jump to assume that discrimination will be stopped because the authority to pass upon certain performance tests is shifted from the registrar to another group.

Mr. COOPER. No; my amendment would not shift the authority to approve a registration or the right to vote at the polls. The amendment would strike down the known discriminatory application of State literacy qualifications because it would deny to the election officers and registrars the authority to make determinations upon the basis of literacy tests.

I believe the Senator will agree that that is the point at which discrimination occurs.

Mr. JAVITS. Yes; that is the point at which discrimination occurs. I do not agree that the Senator's amendment would cure it. Someone will have to pass upon the question, so long as there remains a test. That is our problem.

What we seek to do is to prevent someone with the color of authority passing on the question in such a way as to be discriminatory, by making a conclusive test under those circumstances.

I think the Senator is up against the hard rock of a State keeping its performance test and yet having somewhere, somehow, someone with the authority of the State saying someone has or has not met the qualifications, without the process becoming so cumbersome, in terms of the number of people involved in a location, that it will break down of its own weight, resulting in the denial of the franchise, if for that reason alone.

Mr. COOPER. I do not think that would occur, and I will tell the Senator why. My amendment would not require the States to adopt any other procedure. It follows the findings of the Congress, and would enact legislation by the Congress to meet the known source of discrimination. I believe that under the 14th and 15th amendments we have such power. I know the Senator has argued that point many times.

The argument which can be made for this amendment is much more valid than that which can be made for the Mansfield-Dirksen amendment, which would attempt to fix a qualification that the completion of a sixth grade in a school is sufficient. The Mansfield-Dirksen amendment would strike down the literacy test for all those who have completed the sixth grade.

The Mansfield-Dirksen provision would not prevent discrimination with respect to all those who have not completed the sixth grade. I have not been able to understand this defect in the amendment. There are qualified voters, literate voters, self-educated voters who, by chance, have not had the opportunity to complete the sixth grade. The amendment would say to the States: "Continue your discrimination, so far as those people are concerned." My guess is that there are in the Southern States many more people not voting who have not completed the sixth grade than those who have completed the sixth grade.

Mr. JAVITS. We cannot draft perfect legislation.

Mr. COOPER. I agree with the Senator.

Mr. JAVITS. It is my judgment that the proposed legislation before us would be more effective for the purpose of dealing with discrimination than is the Senator's proposal, which I think would add nothing or very little, in any case, to the legislation now on the statute books, as represented by the act of 1957 and of 1960. However, I say to the Senator that I welcome his support of the position we have taken in opposition to displacing the pending business. If we are successful we shall certainly have plenty of opportunity to discuss the Senator's alternative.

Mr. COOPER. I disagree with the Senator's statement that the proposal would not add anything to existing law. As the Senator knows better than I—for I know the Senator's great knowledge of this subject—existing laws apply to the individual. If there is a violation of a statute or of the Constitution, existing law applies to the individual. Existing statutes authorize criminal action against election officers or registrars who violate the law. The individual whose rights have been denied can go into court and attempt to assert his rights.

My amendment would prevent discrimination through the use of literacy tests by registrars and election officers. The same arguments which the proponents of the Mansfield-Dirksen amendment use to support their amendment form the base which supports my amendment. What is the base for proclaiming constitutionality of the Mansfield-Dirksen amendment? It is that the Civil Rights Commission and the Congress, make certain findings that the discrimination has occurred and that it has occurred in those areas where literacy tests are applied by registrars and voting officers.

The Mansfield-Dirksen proposal attempts to reach the problem indirectly, and halfway. My amendment goes fully to the subject. It would strike down the type of test which is the source of discrimination. The courts have stricken such procedures. I think the Congress can do it, and that the courts would hold it valid.

Mr. JAVITS. If the Senator will yield further, I doubt that the Senator will wish to invoke the argument which we have used to support constitutionality of the Dirksen-Mansfield substitute amendment, in view of the fact that he feels it is unconstitutional.

In any case, I welcome the Senator's effort in producing what he considers to be a constructive alternative. I have only voiced my questions about it in a preliminary way, because really I have not had an opportunity to study it in great detail. I assure the Senator that I shall do so. If we have the opportunity, I shall certainly go into it thoroughly and with a bias in favor of agreeing with the Senator, not disagreeing with him.

Mr. COOPER. I know the Senator's deep concern for civil rights. The Senator knows, until the pending proposal we have been together on practically every civil rights bill which has come before the Congress. I defer to the Senator for his great knowledge of this subject, and also for the great fight which he has made in the entire field of civil rights, a fight as great as any other Senator has made. The Senator knows my feelings.

I should like to discuss one point with the Senator. Is it not the opinion of the Senator from New York that if the Congress has the power to enact legislation to prevent discrimination against voting rights in Federal elections, that

power would extend also to State elections?

Mr. JAVITS. I think there is no question about it. Any statute the Congress can pass which relates to an election for Federal office can relate to an election for State office, because the basis upon which it is essentially positioned is the 15th amendment, which deals with State action as well as Federal action. I think there is no question about it. Perhaps for practical reasons the effort was made to restrict the Mansfield-Dirksen amendment to Federal elections, but I do not believe there is any constitutional validity in the distinction.

Mr. COOPER. I agree with the Senator.

Mr. JAVITS. I thank my colleague.

ORDER FOR RECESS TO TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its deliberations today it stand in recess until 12 o'clock noon tomorrow.

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

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. HART. Mr. President, it becomes evident that we are approaching the close of business of the Senate today. We do so in anticipation that tomorrow we shall be faced with a decision as to whether to set aside the pending question, the Mansfield-Dirksen amendment.

I hope, by the time we are faced with the choice tomorrow, that there will be a decision by the majority of the Senate that we be given an opportunity which will not be available to us, in all likelihood again—an opportunity to attempt, even in a modest fashion, to increase the opportunities to Americans to participate at least in Federal elections.

Constantly we are told by some Senators—including many who voted against cloture—that they want to help to insure this right.

I am sure in good conscience they, too, regret that there is any instance in this country in which an American is denied an opportunity to vote because of color. I hope that tomorrow, or whenever the question is put to the Senate, Senators who have expressed that wish will join with us who have been urging the adoption by the Senate of the Mansfield-Dirksen amendment and vote against laying aside the pending business. From the several amendments that have already been offered, I think we begin to see indications that there are Senators who, given the basic opportunity now available to us, have ideas which in their judgment would increase the opportunity of Americans to participate in Federal, if not State, elections. If we vote to lay aside the pending business, inevitably those opportunities would be lost. I think the effort is one which should appeal to the majority of the membership of this body. Certainly, thus far a very substantial majority of Senators have voted not to table the Mansfield-Dirksen amendment.

I am sympathetic with the problems of the leadership. As we approach the vote, we should ask ourselves, "What are we setting aside the pending business to do? What is there of such urgency facing the Senate as to require us now to move away from the Mansfield-Dirksen amendment to some other subject? Lay it aside for what? Is there crowding in on us any question that is really more basic or essential to the maintenance of this society about which we boast so loudly than the means whereby fuller voting opportunities would be made available to all American citizens?"

I have heard of no such urgent business around the corner that is crowding us. As we are faced with voting on a motion to lay aside the pending business, I think that is the kind of question we should ask ourselves.

It might be well, in anticipation, to have the RECORD show a voice of caution lest we leap again, as we did in relation to the question with respect to the poll tax requirement, toward the constitutional amendment route as we seek to broaden voting opportunities. The proposal that is pending in the Mansfield-Dirksen amendment is one which, in my judgment, and in the judgment of the Attorney General and many others, is clearly within the constitutional power of Congress to enact.

Therefore I think that to undertake to achieve our objective by constitutional amendment would be a misuse of the constitutional process. The great danger is that, having already followed that route in the matter of the poll tax amendment, we might begin to develop in the Senate a psychology that nothing can be done and nothing ought to be done on civil rights questions except by constitutional amendment. Such a trend would certainly turn those of us who wish to see civil rights extended and protected down a blind alley.

Of course, we ought to anticipate the argument that a constitutional amendment is easy enough. The argument is made that, "We were able to accomplish much with respect to voting in the District of Columbia. That was done very rapidly by constitutional amendment."

That is a horse of a very different color, to use a somewhat sensitive analogy, from the proposal to expand voting opportunities elsewhere than in the District of Columbia. Giving an opportunity to the citizens of the District of Columbia to vote for the offices of President and Vice President only threatens the political empire of no one. But to give the vote across the country would indeed have a very direct and immediate effect on the political organizations in the several States.

We can count as a certainty intense opposition and resistance from political machines to the adoption of a Mansfield-Dirksen proposal in the form of a constitutional amendment that would be a blind alley. We ought not to be unmindful of that fact.

But aside from the prospects that attach to any constitutional amendment of a Mansfield-Dirksen type being adopted, the more basic concern—the concern which I think is very real and would threaten civil rights progress in this country—is the developing tendency to divert down the constitutional amendment road any and all proposals which are related to civil rights.

Basic, of course, to the entire discussion that has taken place in the past 2 weeks, even present in the Senate Chamber, if not in the minds of the people across the country, has been the role so successfully played by "king filibuster." Surely our Nation, which is strong enough to reach into space, is—I think not without reason—appealing to the free peoples of the world to follow its leadership. Surely our Nation, in the middle of the present century, must have the wisdom to enable the will of the majority in this Chamber to be exercised directly on the question of civil rights, not through a weird and sometimes tortuous parliamentary labyrinth. Rule XXII will increasingly become a symbol of the effectiveness of this Chamber in responding to developing public concerns.

I have heard criticism that the pending proposal, the sixth-grade literacy test, is really nothing to become excited about. We are condemned either because we ask too much, or not enough. But to the person who feels that we who fight the civil rights fight are not asking enough, I suggest that he always remember that, in the hands of more and more Americans, the ballot has a very direct effect on all the other areas of concern in that field—areas in which the more dramatic, the more significant, and the more direct civil rights proposals are waiting. If one can vote, that vote has its effect on schools and school boards. If one is given a vote, that vote very likely will affect the attitude of those in authority with respect to housing practices in a community. If one has a vote, the existence of that power will reflect itself in the attitude of police authorities.

It goes to the whole range of these areas of civil rights concern. The Mansfield-Dirksen proposal is not a "Part III" bill. It is not a bill which would assist schools that seek to desegregate. It is not a fair employment practice bill. It is not a Federal elections commission bill, in all of which I have a direct interest. It is not so significant and symbolic as any of these subjects. However, it is important. It goes to the roots and the structure of our institutions.

We have the word of the President's Civil Rights Commission that there are approximately 120 counties in half a dozen States where American citizens are denied the opportunity to vote because of their color.

What business is more important than correction of this situation? What question crowds in on us which is so important that this basic and important problem ought to be set aside? Is there anything more important than our taking the time to guarantee that when the next report of the President's Civil Rights Commission is issued, there will

not be a repetition of the figure of approximately 120 counties in a half dozen States in which the right to vote is denied to persons because of their color.

What business crowds in on us so urgently that we cannot stay here to resolve this problem? A very good case would be made that there cannot be any more important business for the Senate to consider in the months ahead than the elimination of this very sad aspect of America's picture. It is an aspect of America's picture at which peoples around the world are looking, and which disturbs and dismays and disappoints them.

Let us take up this issue. I doubt that there is anything more important on the calendar of the Senate at this moment.

For this reason I hope that we will vote against laying aside the pending business and stay here determined to correct an aspect of America's performance which certainly is not consistent with what we preach.

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

Mr. HART. I yield.

Mr. JAVITS. I wonder if the Senator would give us his evaluation of the consequences and the weight of the issue which is before us, as he sees it, as compared with other issues—taxes, trade, and many others—on which proposed legislation has not yet been reported to the Senate.

I heard the Senator ask, "Why can we not stay here with this issue?" What is the Senator's valued judgment as to the importance of this issue in terms of the United States and its internal tranquillity and standing in the world?

Mr. HART. My answer will advertise what those who know me charge me with—that I am not an economist. I always have the greatest difficulty in wrapping myself around a tax proposal. Perhaps this in part explains why it is my feeling that tax legislation is not as significant and is not as important as the proposed legislation that we are discussing; and that time runs faster in the civil rights field than in the revenue field, for example.

We could very well insist on seeking to eliminate by action now this indictment of America's denial of the right to vote, and then take up the question of how much those same Americans, among others, will be charged in a tax bill. We accept their money. So far as I know, there is no discrimination at the revenue window; it is only at the ballot box. Which comes first?

I am grateful to the Senator from New York for asking me the direct question, because it enables me to make my point, that in our own judgment and in the world's judgment it is more important that we seek to eliminate our failure, our refusal to extend the full opportunity to vote to all people in certain regions of this country than it is to improve the level of efficiency of the Internal Revenue Service in order to eliminate some of the inequities in our tax system. As between eliminating inequities in the tax field and eliminating inequities among Americans in the exercise of this basic element of citizenship, which is more important? It seems to me the question answers itself.

Mr. JAVITS. I am very grateful to the Senator from Michigan. As I said in similar vein to the Senator from Illinois [Mr. DOUGLAS], I appreciate the fact that I have been able to work so closely with the Senator from Michigan on so critical an issue as this.

Whatever may be our evaluation of the importance of other issues, in my view the moral questions involved, the constitutional vindication, and the relationship which the issue bears to our ability to win the cold war amply justify having taken almost 2½ weeks and now taking whatever additional time is required in order to see it through, because of the tremendous forces at home and abroad which it has engendered. I am very grateful to the Senator from Michigan.

Mr. HART. I thank the Senator from New York for giving me an opportunity to participate with him and the Senator from Illinois in this effort. It is an effort of which I shall always be proud.

THE ALBERT EINSTEIN SCHOOL OF MEDICINE

Mrs. NEUBERGER. Mr. President, education and more education is the little-heeded call of the young people of our country. Our Congress is struggling to do something about meeting the demand but the road is filled with ruts and obstacles. In addition to colleges for the sciences and the arts, we should be aware by now of the shortage of space in medical schools as we try to provide doctors and technicians for Americans.

Therefore, it was of special pleasure to me to learn more about the rapid progress and growth of one of the youngest medical schools in our Nation, the Albert Einstein College of Medicine, which is connected with Yeshiva University in New York.

This is a top-level medical school with a farsighted expansion program in keeping with the rapid development of electronic equipment and scientific developments. In addition to training doctors and researchers, each new medical school prepares some of its graduates to go out and teach in other medical schools and thus to keep the cycle going.

An active and most important unit of the medical school is the women's group which is working diligently and tirelessly to continue fundraising for the school. I recently attended such a successful event at the Waldorf-Astoria ballroom in New York where a luncheon sponsored by this women's organization honored other women who have made some special contribution to society.

It was a pleasure to see our distinguished colleague, the senior Senator from New York [Mr. JAVITS] in the audience, while his energetic wife, Marion, took her position at the head table as chairman of the event. Marion Javits, has a busy life as mother and Senate wife, but I heard her praised from all sides for her masterful handling of this big and productive luncheon and for her devotion to the cause of medical education as it is being carried on at the Albert Einstein School of Medicine.

But in spite of the efforts of these wonderful medical schools, they need the help that only the Federal Government can give. Who knows in what laboratory or in what medical school today there may be now a test tube which contains a cure or a culture to help save human lives. Despite the forward strides which we have made in medical research the causes and cures of many major diseases still elude us. The machinery of our Federal Government provides a means by which we may press to the optimum extent our fight against disease.

How many people are dying today because they are living 5 years earlier than the discovery that will be made at the National Institute of Cancer or the Albert Einstein School of Medicine?

I am glad to pay tribute to the women's division of this fine school who are doing so much as laymen to relieve human suffering.

WITHHOLDING TAX ON DIVIDEND AND INTEREST INCOME

Mrs. NEUBERGER. Mr. President, in the flood of mail which many Senators are receiving as a result of the campaign organized by savings and loan associations and others in opposition to the tax bill now being considered by the Committee on Finance, it was refreshing to receive one letter, the opening sentence of which I thought would be of interest to the Senate. It begins:

> As you are the first Senator that I have danced with, I thought it nice to write and wish you well. In addition, I desire to make some remarks concerning the proposed 20-percent withholding tax on dividends.

Then the writer went on to discuss a particular difficulty that he sees as the trustee of an estate.

We are also receiving glaring, blacktype advertisements which have been published in the newspapers, advertisements using words like "insidious," "unfair," and "dangerous." The advertisements suggest that the tax will be withheld from nonprofit, charitable corporations. This is untrue.

One advertisement which I thought was particularly vicious appeared in the Altoona, Pa., Mirror. It was signed by many banks, trust companies, and savings and loan associations in that area. It reads:

> Who gains when funds rightly belonging to United Appeals, local hospital building funds, or Red Cross, are delayed by the tax collector?

This is a deliberate untruth. It is an unfair statement. It is really foisting an idea upon the public, causing them to become alarmed.

Then there was a Federal savings and loan association in my own State which sent out a letter to its depositors. In the first sentence of the letter is this phrase:

> This is a new tax proposal.

We know this to be equally untrue.

Mr. President, this mail opposing the plan reflects a widespread misunderstanding of the proposal. In fact one mailing by a savings and loan company

in my State has misrepresented the objective of the law deliberately in order to persuade the public that this is a proposal which will work a hardship on the average taxpayer, and strike particularly hard at low-income taxpayers.

Nothing could be further from the truth. The withholding provision is clearly in the public interest, and has been carefully designed to minimize any inconvenience and eliminate all real hardship.

Does this campaign present really legitimate objections or are they exaggerations foisted on the public by overzealous representatives of private interests dedicated to defeating this proposal?

First, much of the mail reflects a belief that withholding on dividend and interest income is a new tax, designed to tax money which is now tax free. This is absolutely false. Interest and dividend income is already taxable, and every taxpayer who is now receiving income from interest or dividends and fails to enter such income on his Federal tax return is guilty of tax evasion. Six million taxpayers who receive such income do not report a single penny of it on their tax forms. Those 6 million taxpayers are guilty of evading taxes on whatever amount they fail to report, and that is the tax evasion that the withholding provision is designed to put a stop to.

The propaganda would have the depositor believe that withholding will place a heavy burden on the average taxpayer, and that widows, orphans, the elderly, and low-income people generally will suffer hardship as a result. That is simply not true. More than half of the taxpayers with incomes over $10,000 report no interest income at all. Now, is it reasonable to assume that more than half the people with incomes over $10,000 do not have a single dollar to put away in savings accounts? Furthermore, it is estimated that taxpayers who failed to report dividend or income last year evaded taxes on a total of $2.8 billion.

This is not an additional tax, but a tax that is now payable under the law, and which would have to be paid at the end of the year in any case. To be sure, a large part of the unreported dividend and interest income comes from small savings accounts and small securities holdings—where the tax evasion is usually just an oversight—but the tax on such holdings is so small that it hardly inconveniences the individual holder to have it withheld. The taxpayers who will really be hit by withholding are the ones with really large savings and securities holdings, who are now evading taxes on them. It is these taxpayers who really have something to lose, not the average or low-income taxpayer.

Third, much of the mail reflects the belief that the withholding proposal was the creation of a cruel and thoughtless government, which has made no provision for those special cases of elderly people or others whose entire income depends on the small interest or dividend returns from a lifetime of savings. The writers of these letters simply don't understand the facts, and when one looks at the samples from the vast campaign of advertising and editorial opposition to withholding, it is no wonder. I have cited a number of assorted editorials, advertisements and other samples of printed opposition, and not one of these explains the procedures included in withholding for relief of such cases. I refer to the filing of simple exemption slips and the prompt mailing of quarterly refunds on request. Both of these provisions were specifically included in the withholding proposal to prevent hardship to people living on low incomes. Letter writers are being deliberately duped by the failure of their faithful banker to tell them the provisions of the bill. They do not use their ads to tell that people with incomes so low they do not owe any tax can easily prevent withholding by signing a form, and that all those under 18 can be exempted from withholding regardless of whether they will owe any taxes: Elderly couples, widows, and others who will owe less than the amount withheld can get quarterly refunds by filling out a simple slip, which can be obtainetd at any post office. The Internal Revenue Service will mail out quarterly reminders to refund claimants, and refunds will in most cases be received in less than a month.

The mail also indicates that many citizens believe—and this is encouraged by the advertising campaign in opposition to withholding—that there are better, cheaper, easier ways to collect this money than by the use of withholding. Opponents claim that withholding will cost more than it will bring in, and that the Internal Revenue Service can easily collect the money with the help of the new electronic brains that will soon be in general operation to analyze and process tax returns. Both of these notions are quite mistaken. First, the cost of withholding has been estimated at a mere 3 cents for every dollar of revenue brought in—$19 million in administrative cost versus $650 million in revenue. I think, therefore, you will agree that those who say that withholding will cost more than it will bring in simply do not know what they are talking about. While the automatic data processing program of the Internal Revenue Service will not even be fully in operation until 1966, let us take a look at the claim found in so much of this advertising against withholding—that ADP can do the job better and cheaper. Here again, the special interests who oppose withholding are misleading the public. There are, as I mentioned, 6 million taxpayers who have interest and dividend income and do not report any of it, and roughly half of the remaining 12 million who do report such income report only part of it. Automatic data processing will not collect a nickel in taxes, it will merely indicate the identities of the millions who are evading. Just following up the biggest evaders, where the amount of the tax recovered justifies the expense of collection, would cost $29 million—more than half again as much as the estimated $19 million that withholding would cost. Furthermore, using ADP to end this lawless tax evasion would require an increase of almost 3,000 auditors and tax agents to the Government payroll. And what do you get after hiring thousands of new people to enforce this program, at a cost of $29 million? All you will collect is an estimated $200 million, less than one-quarter of the total amount being evaded each year, and less than a third of the $650 million that withholding will collect. Using ADP instead of withholding involves paying $10 million more to get $450 million less, but the advertisements do not tell you that.

Those are the major objections to withholding, as reflected in the huge advertising campaign designed to arouse public opposition, and as reflected in the mail which is in good part a result of that campaign.

Our job, as Senators, is simple. We must act in the public interest. It is not, however, acting in the public interest merely to examine the mail stirred up by special interest groups. There is nothing wrong with private interest groups such as financial institutions who feel that withholding would cost them money attempting to defeat the proposal. There is nothing wrong with their efforts to enlist the public on their side in this endeavor. We must all remember, however, in evaluating our mail on withholding, that much of the opposition is based on public misunderstanding. I wish I could say that the so-called public service advertisements by financial institutions and others seeking defeat of the withholding proposal serve to remove that misunderstanding, but much of it, I am afraid, does just the reverse.

The people who paid for these advertisements believe that withholding will harm them, and so they say that it will harm the public. They are wrong on both counts. The one banker who appeared to support withholding, at the hearings before the Senate Finance Committee, presented facts and figures to show what it would mean to his institution. It would cost, in the first year, a total of one-quarter of 1 percent of his bank's profits, and scarcely more than one-tenth of 1 percent thereafter. His testimony was refreshing, because he supported the proposal, not because he thought it would benefit him, or because he thought it would benefit his institution, but because he thought it would benefit the country. This was a viewpoint that was singularly lacking in the opposition testimony before the committee.

The advertisements say that withholding is bad for the public; but they do not put much emphasis on the more than $800 million in tax revenue that is being evaded every year by those who do not fully report interest and dividend income. They say that it is the little taxpayer, the low-income citizen, who will suffer most from withholding; but they do not say that more than seven out of every ten dollars of the $3.7 billion that goes unreported goes to people with incomes over $5,000 a year, nor do they emphasize the measures written into the proposal to prevent hardship to people affected by withholding. The advertisements do not say that more than 8 percent of all dividend income in the United States is never reported, and they do not say that the

same is true for 35 percent of the income from interest. They do not say that if there were no withholding on wages and salaries, and that if the same degree of noncompliance were tolerated as is now tolerated on interest and dividend income, the honest taxpayers of the United States would be shortchanged to the tune of 8 or 9 billion dollars a year by such evasion, just as they are now shortchanged $800 million by evaders of interest and dividend taxes—a loss that must be made up by all the taxpayers.

Withholding is in the public interest, because tax equity is in the public interest. None of us wants to pay taxes, knowing that others are evading part of theirs. Withholding is the only practical means to collect this money. Failure to pass it into law is tantamount to closing our eyes to the flagrant, lawless tax evasion by those who do it because they can get away with it. We can stop this evasion by approving withholding, and so close an enforcement loophole through which increasing billions of tax dollars have already drained into the pockets of tax chiselers. It is only honest to admit that withholding will involve some slight inconvenience to some taxpayers, and that it will involve some paperwork for payors of interest and dividends. The alternative is to condone the present evasion, which increases yearly.

To those who criticize this measure, to those who sponsored the advertisements opposing it, to those who wrote to the Congress as a result of those advertisements, and to all those who oppose withholding for whatever reason, I should like to point out one simple fact—that withholding of interest and dividend income would not be necessary at all if everyone who had dividend and interest income were honest about it; but so long as a minority continues to chisel, to fail to declare almost $4 billion a year in taxable income, then the Senate cannot stand idle. Honest taxpayers expect their government to find and punish tax evaders; and they expect that loopholes in enforcement, such as that involving interest and dividend income, will be closed. The tax bill now under consideration will close that loophole, and will put a stop to this form of tax evasion before it spreads further. I therefore support it wholeheartedly as a measure in the public interest.

THE ESTES CASE

Mr. ALLOTT. Mr. President, during the past few weeks, literally volumes have been written about the Billie Sol Estes case in Texas. On the floor of this Chamber, many thousands more words concerning this case have been recorded. Requests that an investigation be initiated have been voiced. These demands have now been partially met, as evidenced by a statement, by Senator MCCLELLAN, that the Senate Subcommittee on Investigations would hold hearings in the near future. However, Mr. President, I am not convinced that this accomplishes all the necessary objectives.

While following the day-to-day developments in this case, I have deliberately refrained from comment until the mounting evidence made it clear that there had been widespread misconduct and that the allegations had a substantial basis in fact. Now, recent developments, culminating in the announcements of last Friday and Saturday, oblige me to speak. Frankly, I can no longer accept or stomach without grave protest these reported activities of highly placed appointed officials which have resulted in a mind-sickening plundering of the pocketbook of the American taxpayer. The stench surrounding this sordid affair has now become more than any conscientious individual could be expected to bear. The Estes affair has grown to proportions that evidently exceed those surrounding the Teapot Dome scandal of the 1920's.

Incidents of the past weeks have brought into sharp focus the fact that this administration feels a responsibility to exercise actions, frequently and forcefully referred to as being in the "national interest." This was exemplified by the recent decision in the national interest to intervene in the affairs of the business community. Such intervention caused a major private industry to withdraw from an announced intention to raise the price of the commodity it produces. To protect the national interest and to accomplish this result, the following tactics were employed:

First. The Federal Trade Commission publicly suggested the possibility of collusion, and announced an immediate investigation, with the possibility of penalties of up to $5,000 per day.

Second. The Justice Department spoke threateningly of antitrust violations, and ordered an immediate investigation.

Third. Treasury Department officials indicated that they were, at once, reconsidering the planned increase in depreciation rates for industry.

Fourth. The Internal Revenue Service was reported to be making a menacing move toward United States Steel's incentive benefit plan for its executives.

Fifth. The Senate Antitrust and Monopoly Committee began subpenaing records from 12 steel companies.

Sixth. The House Antitrust Subcommittee announced plans for an immediate investigation.

Seventh. The Justice Department announced it was ordering a grand jury investigation.

Eighth. The Department of Defense, seemingly ignoring laws requiring competitive bidding, publicly announced it was shifting steel purchases to companies which had not increased prices; and other Government agencies were directed to do likewise.

Ninth. "Night riders" from the FBI—under direct order from the Attorney General—routed newspapermen out of bed at 3 a.m.

If the steel case, in the "national interest," made such actions as these seem necessary, surely then the Estes case demands drastic action. Should not energies and some direct action now be directed toward swift and total correction of the evils that have been thrust upon us by some highly placed unscrupulous Government officials and a Texas charlatan?

Let me suggest, Mr. President, that after last Monday we now have a new verb to add to our dictionaries: "Freemanize," which means to whitewash, or gloss over.

On Monday, Mr. Secretary Freeman, during a press conference that received nationwide coverage, made it clear that, in his opinion, the Estes case had been blown up entirely out of all proportion. Mr. Freeman further said that Estes' association with his Department was not nearly as intimate as had been implied.

In his statement on Monday, Secretary Freeman stated that there was nothing to indicate that his Department, as such, had been guilty of any "wrongdoing." He did acknowledge that a few individuals in the Department might "possibly" have been overly involved. He stated that these parties—three, at the latest count—had either been dismissed, had resigned, or were under investigation.

Bear in mind, Mr. President, the fact that these statements were made by the Secretary of Agriculture, at his press conference on Monday. On the very next day, Tuesday, Mr. Freeman announced that Mr. Estes had been fined over half a million dollars for violation of the cotton acreage allotments, and that the half million dollars were simply to be deducted from the $3.5 million the Government expected to pay Mr. Estes in 1962 for grain-storage facilities—to be deducted, mind you, Mr. President, from the same grain-storage payments on a storage contract that Mr. Estes had been directly accused of "buying" with influence which experts indicate was purchased with $100 Stetsons, $235 suits, $17 shirts, $35 shoes, and over $235,000 which he withdrew from banks in January, in cash, and entered on his books as expenses of the "Washington project."

Still another example of the "Freemanizing" or whitewashing job that Secretary Freeman attempted in connection with the Estes case was the published report, on Tuesday of last week, bringing to light that either he or his office had "overridden" an unfavorable report from his own personnel investigators when, last fall, he appointed Billie Sol Estes to the National Cotton Advisory Committee. Billie Sol Estes, according to this report, as long as 6 months ago failed to pass the Department's own routine name check investigations. This investigation had revealed that this Texas financial manipulator was in a serious jam over schemes he had used to acquire cotton allotments with a net worth to his empire of over $500,000 per year.

This is very well documented in an article by Vance Trimble, which appeared in the Rocky Mountain News of May 8, 1962.

I ask unanimous consent that the article be included in the RECORD at this point in my remarks.

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

BILLIE SOL RECORD IGNORED BY AGRICULTURE DEPARTMENT

(By Vance Trimble)

WASHINGTON, May 7.—Agriculture Secretary Orville Freeman's office overrode an unfavorable report from his own personnel investigators in appointing Bille Sol Estes last fall to the National Cotton Advisory Committee.

Estes, as long as 6 months ago, didn't pass the Department's own routine "name-check" investigation.

This investigation revealed the Texas "boy wonder" financier already was in a serious jam over the scheme he used to acquire cotton allotments worth $500,000 a year.

INFORMATION IGNORED

But the derogatory information was ignored, Freeman himself disclosed Monday, when Estes officially was named November 17, 1961, to the Cotton Committee. He had been serving informally since July.

Estes resigned from the Committee after his arrest March 30 on a multimillion-dollar fertilizer fraud indictment in Texas.

Questioned on propriety of the appointment, Freeman conceded it gave the 37-year-old Estes a certain status and Washington "entree" and possibly made him influential in the Agriculture Department.

But, Freeman candidly observed, "we still do not have any evidence [of] Estes, for example, paying anybody off—inasmuch as it was a lawyer's quarrel (over the cotton allotments), there seemed to be no reason to remove him from the Committee."

FLUNKED CHECK

Estes was the only Committee appointee who flunked the "name-check" test, officials said.

* * * * *

There was some significance to the fact that this was the trial staff Chief of the Justice Department's Criminal Division, Rufus D. McLean.

"I don't recall meeting Estes, except once," Freeman said, "but I assure you I'll never forget the name."

The Agriculture Secretary disclosed he conferred with White House aids about the Estes scandal. Also he discussed it "in passing" with President Kennedy. But he said the White House gave him no instructions what to do about it.

Meanwhile, Senator JOHN J. WILLIAMS, Republican, of Delaware, again urged an investigation by the Senate Rackets Committee. WILLIAMS told the Senate that Texas Attorney General Wilson has informed Freeman that Estes maintained a close relationship with unidentified officials in the Department.

WILLIAMS said Wilson would make these names available on Freeman's request. So far only three Agriculture officials have been directly involved. One resigned, another was fired and the case of the third—Dr. James T. Ralph—still is under FBI investigation.

Mr. ALLOTT. Other facets of this case which have been breaking almost daily since Tuesday, appear to have all the earmarks and intrigue of a bad TV script or a grade B "whodunit."

Might I suggest that here are some questions that desperately need answers in order to get at the truth of this affair? Because it seems to me the U.S. Department of Agriculture—caught up in clear cases of both malfeasance and nonfeasance—now is trying, by innuendo, to point the finger of suspicion at longtime career employees.

Are the politically inspired policymakers of the Department trying to shuck off responsibility upon career employees who are helpless to defend themselves?

Why will not Secretary Freeman and other top Department officials allow these career employees to speak? Is not the Secretary interested in the truth—all the truth?

At least four cases involving civil servants come to mind.

The first was a man of more than 27 years' service in the Department of Agriculture. His "crime" apparently was that he talked with the FBI. Within hours after he had talked with the FBI he found himself locked out of his office and summarily transferred. It was just a happenstance, I suppose, that this man was the custodian of records involved in the Estes case.

When high Department officials found that the career employee would not be fully silenced—despite his harsh treatment—they arranged a "press conference"—a better description would be "kangaroo court"—at which the longtime civil servant was confronted by three policymakers. Of course, the three policymakers all agreed with one another, while unanimously disagreeing with the civil servant. Could anyone truly expect anything else in such a staged setting? Why did the Secretary permit this to happen? Why did the Secretary not, instead, protect the civil servant against this harsh harassment? Is the Secretary seeking the truth, or is he so interested in "Freemanizing" everything connected with this case that he is willing to discard the life's work of a civil servant whose only purpose appears to be that he wanted to tell the truth?

Now, then, let us consider the bizarre case of the secretary of this civil servant. She too has had many years of service in the Government, and from all reports, they have been good years.

Not long after her boss is barred from his office, this 51-year-old woman is dragged screaming from her office by the physician of the Department of Agriculture. Her only fault, it is reported, is that she protested the rifling of her boss' files on the Estes case.

A further question occurs to me.

Why has this departmental physician not been available to answer questions about this strange and tragic case? Where is he now?

This same physician, according to reliable reports, is the man who had the woman committed to the psychiatric ward of District General Hospital.

Twelve days later, but only after the woman's lawyer had intervened, this secretary was released from the hospital after having been pronounced sane by a 3-man board at the hospital.

Have Department officials become so involved in the Estes case—or are they so cruel—that they are now willing to sacrifice the very health and future of a hardworking secretary? This is a case that cries for investigation.

Let us look at still another case of the third civil servant.

This particular Government employee has worked for the U.S. Department of Agriculture for 25 years and is represented as being highly respected by fellow employees.

His crime appears to have been that last October 18 the infamous Billie Sol Estes went to him to demand that the Department stop its investigation of the questionable Estes cotton allotments.

When newsmen tried to learn the identity of the man to whom Estes had delivered his demand, they were stopped cold by Mr. Freeman's press secretary, who said he could not permit reporters to talk to the civil servant? Why not?

Was it because the civil servant might tell the whole truth of the Estes visit that day? Why has not Secretary Freeman insisted that the civil servant be allowed to talk to newsmen? Why has he built a fence around the civil servant? Is he afraid of the true story the civil servant will tell?

There is still another case.

This one involves the transfer of a civil servant who supposedly allowed Billie Sol Estes to post a bond of only 2 cents a bushel on stored grain while all other storage operators were posting a bond of 12 cents a bushel. Is this civil servant guilty? If he is, a transfer is hardly the punishment.

But, I repeat, is he guilty? Or did he, really, detect the deficient bond, and is he the man who warned high officials that such a low bond was not in order? And, if he really did protest the low bond, to whom did he protest?

All we know is that he is transferred. Why?

Mr. President, I submit that within these four cases involving civil servants of the Government we have shabby, possibly even criminal treatment. For all of this Secretary Freeman must accept the responsibility.

If he did not know of these actions, he is guilty of nonfeasance. If he did know, he must accept the full responsibility for his actions.

I ask that civil servants receive fair and just treatment. If it be found that policymakers are "railroading" civil servants to protect those in high office, then those policymakers must be dealt with to the full extent of the law.

Now, Mr. President, another high official of still another Department is admittedly involved in this increasingly more complicated and incriminating case. I am referring, of course, to Assistant Secretary of Labor, Mr. Jerry Holleman. Mr. Holleman, as announced on Saturday, has resigned his post as Assistant Secretary of Labor because of a "gift" of $1,000 from Mr. Estes. We are asked to believe, according to the statement Mr. Holleman issued, that there was nothing "wrong" with his acceptance of this $1,000 gift from this man who has been indicted for fraud, and who has been accused of "buying" influence in Government departments. Mr. Holleman would further have us believe that such a gift in no way even remotely influenced any decisions made by the Department of Labor regarding the Estes empire.

An interesting sidelight on the Estes case as it involves Mr. Holleman is the fact that it was his responsibility to

study, arrange for, and compile an analysis of hearings, and announce a decision on the minimum wage law for Mexican nationals doing agricultural work in this country. It was proposed, by the Department of Labor, it will be recalled, that the minimum wage scale for these Mexican nationals be set at $1 per hour. Hearings were held in each of the nine Western States where this type of labor is most generally used. These hearings resulted in the establishing of a 70 cents per hour minimum wage scale for braceros doing agricultural work in Texas. Yet, the minimum wage scale established for Colorado was 90 cents per hour. All of this in spite of the fact that Colorado and Texas must compete in the same produce market.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD letter No. 1281, dated March 29, 1962, which shows the scale for some of the States around Texas. Included are Colorado, at 90 cents, Kansas at $1, New Mexico at 75 cents. The whole list is given, and I ask that it be included in the RECORD at this point.

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

[Letter No. 1281]

U.S. DEPARTMENT OF LABOR,
BUREAU OF EMPLOYMENT SECURITY,
Washington, D.C., March 29, 1962.

To: All State employment security agencies.
Subject: Secretary of Labor's determination pursuant to title V of the Agricultural Act of 1949, as amended, and the Migrant Labor Agreement of 1951, as amended.

The Secretary of Labor has issued the following determination involving the Mexican labor program:

"Pursuant to the authority conferred upon me as the Secretary of Labor and after complete and careful consideration of the testimony and evidence adduced in the course of public hearings held with respect to each wage rate proposed, it is my determination, effective immediately, that I cannot certify under the terms of section 503 of title V of the Agricultural Act of 1949, as amended, and article 15 of the Migrant Labor Agreement of 1951, as amended, that the employment of Mexican agricultural workers thereunder in the States identified below, at wage rates lower than those set forth, will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed.

"Accordingly, no authorization for the employment of Mexican agricultural workers can be issued at hourly wage rates lower than the following:

"Arizona	$0.95
Arkansas	.50
California	1.00
Colorado	.90
Illinois	1.00
Indiana	1.00
Iowa	1.00
Kansas	1.00
Kentucky	.80
Michigan	1.00
Minnesota	1.00
Montana	1.00
Nebraska	----
Nevada	1.00
New Mexico	.75
North Dakota	1.00
Oregon	1.00
South Dakota	1.00
Texas	.70
Utah	1.00
Wisconsin	1.00
Wyoming	1.00

"Furthermore, no authorization for the employment of Mexican agricultural workers can be issued at piece rate wages unless the piece rate is designed to produce hourly earnings at least equivalent to the prescribed hourly rates and in addition provides that in no event shall such workers be paid less than the prescribed hourly rate.

"ARTHUR J. GOLDBERG.

"MARCH 29, 1962."

A determination concerning the rates for Georgia and Tennessee will be made by the Secretary of Labor in the near future.

Sincerely yours,

ROBERT C. GOODWIN,
Administrator.

Mr. ALLOTT. Mr. President, after I was informed of these new minimum wage scales, and because of the apparent inequities to be paid in Texas as compared with Colorado, I requested a conference with the Department of Labor.

I interpolate to say that I talked with the Secretary, for whom I have a very high personal regard, despite our somewhat different political philosophies. I finally ended up with the Assistant Secretary of Labor, Mr. Holleman. With a bipartisan contingent of Colorado farmers, who came to Washington, D.C., specifically to lodge a protest on these inequities, I met with Assistant Secretary Holleman, in his office, on Tuesday, April 3. It will be called to mind that this was only 3 days after the order was issued by the Department.

Both my Colorado constituents and I repeatedly asked the question why such a minimum wage differential should exist between two States competing in the same market. Repeatedly this question went unanswered, until a concession was made, when it was stated that the situation would be reevaluated after further investigation and experience during the current crop year.

As a result, I received a very ambiguous, "say nothing" letter; a typical boondoggling type of thing one gets from Government bureaus.

Mr. TOWER. Gobbledygook.

Mr. ALLOTT. My good friend the Senator from Texas has corrected my description, to say "gobbledygook."

I ask unanimous consent that the letter may be printed in the RECORD.

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

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, D.C.

Hon. GORDON LLEWELLYN ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLOTT: I am enclosing a copy of Secretary Goldberg's determination of March 29, 1962, concerning wage rates for Mexican agricultural workers.

From the information available to the Department of Labor, it is apparent that any offer of wages for employment of Mexican national agricultural workers in the State of Colorado lower than the rate specified for Colorado in the Secretary's determination will not permit certification under title V of the Agricultural Act of 1949, as amended. There have, however, been certain factors introduced and questions raised which require further study to determine whether a higher rate than that specified would be necessary to avoid adverse effect in the State of Colorado. The specified rate will, therefore, be reexamined by the Department of Labor in the light of this pertinent data as well as on the basis of the results of further investigation and experience during the current crop year.

Thank you for your interest in this matter.

Sincerely yours,

JERRY R. HOLLEMAN,
Assistant Secretary of Labor.

Mr. ALLOTT. Mr. President, the net result is that they are doing nothing and have no intention of doing anything.

After we left this meeting, the question still persisted in our minds, What was the justification for such an inequity? That adamancy of the Department of Labor's stand on this wage differential was extremely difficult for me to understand then. Now, however, I am beginning to see the light. The possible reasons behind this adamancy of the Department of Labor have suddenly become more clear.

After his resignation, Mr. Holleman acknowledged that many of his contacts with Mr. Estes and many of his discussions with him were with reference to this minimum wage scale as it pertains to the Mexican national labor market.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point an excerpt from an article, from the Associated Press, written by Mr. W. B. Ragsdale, Jr., published in the Washington Post and Times Herald on May 12.

The PRESIDING OFFICER (Mr. HART in the chair). Is there objection to the request of the Senator from Colorado?

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

Under Secretary of Labor W. Willard Wirtz prepared a report on Holleman's relations with Estes, and Holleman issued it last night, saying it is "complete and correct."

In the account prepared by Wirtz, Holleman said he and his wife were flown from Fort Worth, Tex., to Hollis, Okla., in Estes' private plane last November. The Holleman-Wirtz statement also said Estes saw Holleman several times during January, and that some of their meetings were in connection with rules on employment of Mexican farm laborers in this country.

Mr. ALLOTT. Mr. President, it must be admitted that the statements Mr. Holleman made pertaining to this situation raise some puzzling questions. Just how much influence did Mr. Holleman exert with the Department, in bringing about this wage differential? Just how much influence did Mr. Holleman's "friendship" with Mr. Estes have on this decision? More importantly, how much influence did the fact that Mr. Holleman accepted monetary "gifts" from Mr. Estes have on this decision?

Was "influence" that Mr. Estes might have bought used to place Texas in an advantageous position in the common farm produce market which is shared completely, or to a great extent, with Colorado?

I repeat that I do not think the Secretary of Labor is the type of man who would condone such a thing, nor do I think he would participate in it. I make the point that it was the Secretary of Labor who had to issue the order I have placed in the RECORD, as found in the letter fixing wage scales. I make the

further point that the Secretary had to depend upon the man I have named for advice, and as a result the advice which came out, with respect to two States which are almost adjoining, which share a great many common agricultural markets, which raise the same goods, was that there should be a 20-cent-per-hour wage differential, which Colorado was unable to upset or even to get adjusted.

I am interested in another point about this man Holleman.

I have a clipping in my hand, from the Christian Science Monitor of May 12, in which he is quoted as having said:

> I have not been able to meet the demands I think my office places on me with my salary, which is my only significant source of income.

I feel sorry for this man who has an income of $20,000 a year, only $2,500 less than the income of a Representative in Congress or of a Senator, who does not have to maintain two homes, who is not subjected to all the added expenses to which Members of Congress are subjected, who still feels it incumbent upon himself to entertain, I know not whom, at such a grand scale in this city that he cannot find a way to live on $20,000 a year.

I am sure that all his friends in Texas—and I hope they remember it a long time—will remember this poor barefoot boy who has nothing to do but live on his salary, and cannot make it on $20,000 a year.

Mr. President, farmers of the Nation are the backbone of our economy. Agriculture is as basic to our economy as any industry. As the Government of the United States makes itself available, through the Department of Agriculture, to lend a hand, to restore a fair return for the farmers' toil and financial investment, it must do so in a climate untainted and unsullied. The preservation of agriculture, the enhancement and advancement of agriculture, are in the national interest. Correspondingly, these results must be accomplished through the leadership of those who have demonstrated that they can keep their own house in order. Developments to date leave some doubt whether the present Secretary of Agriculture is capable of doing so. In my judgment, the leadership required within the Department of Agriculture has not been met and Mr. Freeman, in a spirit of "duty above self," should step down, in order that we may get on with the job.

If the Secretary of Agriculture does not, or has not resigned, and the White House continues its strange silence on this subject, then I must ask the reason for this deep silence. It is a silence so profound that it is deafening in its portent. Truly it is a silence so deathly still that it screams at us all.

Mr. TOWER. Mr. President, I thank the distinguished Senator from Colorado for the general purport of his remarks. While I might disagree with the Senator about the cost of bracero labor in the States of Colorado and Texas, I think the Senator has performed a great service in making some very pertinent comments and observations on the Estes scandal.

Relative to the Senator's reference to the Teapot Dome scandal of the Harding administration, I think it would be appropriate to point out that the administration of that day took steps to see to it that the scandals were investigated, to see that justice was done, and that all the facts were brought to light. High officials, including the Attorney General, were removed from office for throwing obstacles in the way of investigations.

It is my hope that the present administration will follow that example, and will do all it can to get the facts.

Mr. ALLOTT. I thank the Senator for his very kind remarks. I think the matter of the wage differential has been adequately documented, and the situation surrounding the setting of the wage scale by Mr. Holleman and the subsequent events can hardly avoid raising questions in the mind of any reasonable man.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 14, 1962, he presented to the President of the United States the enrolled bill (S. 1595) to amend the Natural Gas Act to give the Federal Power Commissioners authority to suspend changes in rate schedules covering sales for resale for industrial use only.

RECESS

Mr. ALLOTT. Mr. President, if no other Senator wishes to address the Senate, I move that the Senate, in accord with the previous order, take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 29 minutes p.m.) the Senate took a recess, under the order previously entered, until tomorrow, Tuesday, May 15, 1962, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 14, 1962:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Seymour M. Peyser, of New York, to be Assistant Administrator for Development Financing, Agency for International Development.

U.S. ATTORNEY

Ben Hardeman, of Alabama, to be U.S. attorney for the middle district of Alabama for the term of 4 years, vice Hartwell Davis.

U.S. MARSHALS

Roland S. Mosher, of Arizona, to be U.S. marshal for the district of Arizona for the term of 4 years, vice Archie M. Meyer, term expired.

Edward Hussey, Jr., of Delaware, to be U.S. marshal for the district of Delaware for the term of 4 years, vice Herbert Barnes, term expired.

PUBLIC HEALTH SERVICE

The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

FOR APPOINTMENT

To be surgeons

Charles H. Lithgow
R. Gerald Suskind

To be senior assistant scientist

Herbert S. Posner

FOR PERMANENT PROMOTION

To be senior assistant sanitary engineers

Jay S. Silhanek
Lyle D. Thomas
John A. Cofrancesco

To be sanitarians

Arthur E. Kaye
Leo J. Dymerski

To be senior assistant sanitarians

William B. Horning II
Gail D. Schmidt

To be senior assistant therapists

Joel H. Broida
Kenneth L. Bowmaker

To be senior assistant health services officer

Edward A. Diephaus

EXTENSIONS OF REMARKS

Quality Stabilization Bill Will Benefit Smalltown Merchants and Consumers

EXTENSION OF REMARKS

OF

HON. PETER F. MACK, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 14, 1962

Mr. MACK. Mr. Speaker, I testified before a special subcommittee of the Senate Commerce Committee on Thursday, April 19, in support of quality and price stabilization legislation which aims to protect retailers and consumers of nationally advertised goods against cutthroat pricing and merchandising methods. I have introduced similar legislation in the House.

The following is my statement before the Senate committee:

> Mr. Chairman, it is my privilege to appear before your committee to express my support of Senate Joint Resolution 159. I know of no pending legislation that can make a more constructive contribution to the enhancement of competitive opportunity for small business than this proposal.
>
> Legislation to curb price cutting on nationally advertised products is necessary for the economic survival of smalltown merchants. This bill permits manufacturers to determine prices and merchandising methods used in selling their trademarked products in retail stores.
>
> Cutthroat competition hurts independent retailers everywhere. This bill is needed most, however, by smalltown merchants who cannot long survive the unfair merchandising methods now prevalent in the big cities.
>
> In most of the small towns of my district, the local retailers comprise the community's biggest employer. They benefit consumers as well because they service and stand back of the products they sell. But the cutrate prices and merchandising gimmicks of nearby metropolitan areas have proved an effective, through illusory, lure to bargain